



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 108 OF 2021

Bachpan Bachao Andolan & Anr. ... Petitioners.

V/s.

The State of Maharashtra & Ors. ... Respondents.

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- Mr.Tejesh Dande a/w. Miss Mansi Dande a/w. Mr.Trushna Shah a/w.Ms.Seema Patil i/b. Tejesh Dande and Associates for the Petitioners.
- Mr.P.P.Kakade Government Pleader a/w. Smt.R.A.Salunkhe AGP for the Respondent Nos.1,2,4,5 & 6.
- Mr.S.L.Ahire – Joint Secretary, Shri Khumane-Deputy Secretary, Shri.Kulkarni-Under Secretary, Shri Rahul More-Joint Commissioner Women and Child Development.

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**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 27 September 2023.

P.C. :

Heard learned counsel for the parties.

2 Pursuant to the earlier direction, the Petitioners have submitted the recommendation in the form of a Chart. The Petitioners have culled down the observations/directions given by the Hon'ble Supreme Court in the case of *Sampurna Behura vs.*

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*Union of India*¹. The Petitioners have thereafter reproduced the response of the Respondents and have highlighted certain issues. The Hon'ble Supreme Court has issued extensive guidelines and it is important to ensure that each one of them is complied with.

3 For the present, we take up two areas of concern which have been highlighted by the Petitioners. So far as pendency of cases before the Juvenile Justice Board and the Child Welfare Committees is concerned the Hon'ble Supreme Court in this regard has issued the following direction in para 95.5:

“The JJBs and CWCs must appreciate that it is necessary to have sittings on a regular basis so that a minimal number of inquiries are pending at any given point of time and justice is given to all juveniles in conflict with law and social justice to children in need of care and protection. This is a constitutional obligation.”

The Petitioners have highlighted the position which emerges from the reply filed by the Respondents that the cases pending before the Child Welfare Committees, the State of Maharashtra as on 3 May 2023 are 10008 and cases pending before the Juvenile Justice Board as on 3 May 2023 are 30043. The division-wise break up is also given by the Petitioners.

4 Section 14(2) of the Juvenile Justice Act, 2015 postulates that the inquiry to be made by the Juvenile Justice Board under Section 14 of Act of 2015 shall be completed within a period of four months from the date of the first production of child before the

1 (2018) 4 SCC 433

Board with an extension of maximum period of two months after recording reasons for such extension. The Petitioners have also drawn our attention to Section 36(2) of the Act of 2015. With this legislative mandate, the figures of 10008 cases pending before the Juvenile Justice Board and 30043 cases pending before the Child Welfare Committee would amount to nullifying of spirit of the Act.

5 Therefore, it is necessary to take note of this pendency and issue necessary directions in that regard. The Secretary, Department of Women and Children, Government of Maharashtra will issue necessary instructions to collect the up-to-date data regarding pendency of cases before the Juvenile Justice Boards and the Child Welfare Committees in the State of Maharashtra. Such data should provide the date of institution and disposal of the cases in the last three years and it should also provide the details of the pending cases. While submitting the data pursuant to the instructions issued by the Secretary, the Juvenile Justice Boards/the Child Welfare Committees would give a note of explanation as regards reasons for pendency and difficulties, if any, faced by the Boards/Committees for early disposal of the cases. Once such data is collected, the Secretary, would analyse the responses received from the Boards/Committees and take review of the reasons/ suggestions given by the Boards/Committees regarding the pendency and thereafter, place the same before the Court by way of an affidavit.

6 The Petitioner has also drawn our attention to the

direction No. 95.8 of the Hon'ble Supreme Court which reads thus:-

8. The MWCD must continue to make creative use of information and communication technology not only for the purpose of collecting data and information but also for other issues connected with the JJ Act such as having a database of missing children, trafficked children and for follow up of adoption cases etc. With the utilization of technology to the fullest extent, administrative efficiency will improve considerably, which in turn will have a positive impact on the lives of children.

The response of the Respondents is that the Software has been developed and training has been conducted, however, the information as to the extent of database whether it is complete, whether it is in process of being completion, has not been provided. The Respondent-State will place on record the status of the data so collected and as to how the same is being utilized for achieving the object of the JJ Act. The affidavits to be filed will contain the said information.

7 The learned counsel for the Petitioners has also drawn our attention to direction 95.12, wherein the Hon'ble Supreme Court has recorded an expectation that the State Legal Services Authority and the District Legal Services Authority will extend their assistance and co-operation to the Government Authorities. The Petitioners have joined the State Legal Services Authority as party Respondent. The Petitioners shall serve a copy of this Petition on the State Legal Services Authority, who shall consider engaging an advocate to represent them in this Petition so as to inform the Court

as to in what manner the State Legal Services Authority can get the issue at hand resolved.

8 As regards the direction in 95.6 is concerned, the learned Government Pleader states that the report of the Non-Government Organization, Tata Institute of Social Studies, has been called for to carry out studies on various issues as referred to in clause 95.6. These agencies have submitted their report. The said report be placed on record on the next date. Also the State Government will inform the Court before the next date as to what action the State Government proposes to take based on these reports. The Affidavit to be filed, shall cover this aspect as well.

9 Stand over to **26 October 2023** under the caption “For Direction”

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)