

# BachpanBachaoAndolan v. State of Jharkhand andOrs.

Judgementdelivered on 16.08.2011

## Background

This public interest litigation was filed in the High Court of Jharkhand by BachpanBachaoAndolan, seeking directions to be passed tothe State of Jharkhand to:

- Adopt the scheme/action plan framed by the National Commission for Protection of Child Rights with necessary and appropriate modifications as applicable to the State of Jharkhand
- Constitute a State Commission for Protection of Child Rights as per the provisions contained in The Commission for Protection of Child Rights Act 2005 and
- Constitute child welfare committees, children's homes andshelter homes, and to implement the provisions contained in the Juvenile Justice (Care and Protection of Children) Act, 2000
- Rehabilitate children and other victims of trafficking who have been rescued from other states and repatriated back to the State of Jharkhand.

## Reply given by the Government of Jharkhand

The State of Jharkhand informed the court that:

- Child welfare committees have been constituted in 24 districts in Jharkhand. However, only 17 committees are presently functional.
- Two children's homes are operational in the State of Jharkhand, one in East Singhbhum at Jamshedpur (for boys) and the otherin the district of Deoghar (for girls). Under Integrated Child Contribution Scheme, the Government of India has approved one children's home to be operated in the district of Bokaro, while two more children's homes and two shelter homes have been approved by the Government of India to be started in the financial year 2012-13.
- The provisions contained in Juvenile Justice Act, 2005, have been incorporated in Integrated Child Protection Scheme (ICPS) for implementation.

- Many programmes to prevent, restore and rehabilitate adolescent girls and women (victims of trafficking for prostitution) have been initiated. Two homes have been established in Delhi and Ranchi for rehabilitation of rescued girls. In these homes, the rescued girls and women can be provided temporary shelter before sending them to their parental homes. A toll-free helpline has also been established in Ranchi and Delhi.

### **Order given by the court**

The court emphasised concrete action for the protection of children rather than mere rhetoric. It, therefore, asked the state to inform the court as to what steps have been taken by the state to find out whether it is the right time for the state to establish and constitute the State Commission for Protection of Child Rights. The High Court granted the state sufficient time up to 10 October 2011.