

Minutes of the Meeting of Juvenile Justice Committee High Court of Madhya Pradesh held on 5th September 2018 at 4.40 PM through Video Conferencing

PRESENT:-

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| 1. | Hon'ble Shri Justice J.K. Maheshwari | Chairperson, JJC High Court of M.P. Jabalpur |
| 2. | Hon'ble Shri Justice Rohit Arya | Member, JJC High Court of M.P. Bench Indore |
| 3. | Hon'ble Smt. Justice Anjuli Palo | Member, JJC High Court of M.P. Jabalpur. |
| 4. | Hon'ble Shri Justice G.S. Ahluwalia | Member, JJC High Court of M.P. Bench Gwalior |
| 5. | Shri Zakir Hussain | Secretary, JJC High Court of M.P. Jabalpur |
| 6. | Shri Vijay Chandra | Member Secretary, MP SLSA, Jabalpur |
| 7. | Shri Chhote Singh | IAS, Director DWCD, Bhopal |
| 8. | Smt. Usha Solanki | Joint Director, DWCD Bhopal |
| 9. | Shri Lolichen PJ | Child Protection Specialist, UNICEF Bhopal |
| 10. | Shri Ashutosh Mishra, | Secretary, DLSA Bhopal |
| 11. | Shri Baban Prakash | Sr. Technical Consultant, Secretariat, JJC, High Court of M.P. Jabalpur. |

SERIAL NO. 1: FOLLOW UP OF PREVIOUS MEETING

ITEM NO.1

District Judges were requested to:

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| Point No. 1. | Continue holding the meeting of functionaries on quarterly basis and submit report. |
| Point No. 4. | Ascertain whether nominated SJPU is actually working in the field. |

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Minutes of the Meeting of Juvenile Justice Committee High Court of Madhya Pradesh held on 5th September 2018 at 4.40 PM through Video Conferencing

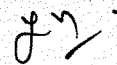
Point No. 5. Apprise the condition of building housing JJBs, CWCs and CCIs.

Point No. 7. Submit report in chart form about activities in the CCIs with respect to implementation of Pilot Project.

Coordination Meeting reports received from District Bhopal, Chhindwara, Datia, Harda, Khandwa, Neemuch, Shajapur, Singrauli, Dhar Panna, Dewas and Anuppur. Anuppur District has sent report regarding construction of boundary wall for separating Observation Home from Jail premises. District Bhopal has sent report regarding enhancement of boundary wall of observation home.

Hon'ble Committee after perusal and discussion resolved as follow:

- i. Secretary JJC to write letter to all Districts and Sessions Judge to hold coordination meeting on implementation of Juvenile Justice (Care and Protection of Children) Act 2015 once in a month on such date as per their convenient and submit report to JJC HC of M.P. accordingly.
- ii. District Judges to submit reports of coordination meeting on regular basis and should specifically mention on which issues/points are remain unresolved and requires intervention from JJC – HC of M.P
- iii. Reports of coordination meeting shall be analysed and key issues should be identified and be placed before the Juvenile Justice Committee.
- iv. With respect to request received from District Anuppur regarding construction of a boundary wall which is required for separating Observation Home from the Jail premises in Anuppur, after perusal and consideration, approval of the construction of boundary wall for Observation Home is accorded.
- v. With respect to report from Principal Magistrate, Bhopal regarding necessity to raise the height of boundary wall of the Observation Home, Bhopal, after consideration, it is decided that the information regarding existing height of



Minutes of the Meeting of Juvenile Justice Committee High Court of Madhya Pradesh held on 5th September 2018 at 4.40 PM through Video Conferencing

boundary wall and the height proposed to be increase and status of approval of budget require for this purpose be obtained from Bhopal. After receiving these information, matter be placed before JJC in next meeting

ITEM NO. 2

Publicity of Child Line and Child Help Line No

Child Protection Policy and Publicity and Awareness generation on Child Protection:

Matter deferred for discussion by the JJC in next meeting

ITEM NO.3

Reports: Visitors report, Form JJB-I and JJB-2

The implementation of Juvenile Justice Act is supervised mainly through monitoring reports i.e. visitors report, JJB-I Form and JJB-2 reports. Visitor's Reports and Report in Form JJB- II are normally received from most of the districts but some reports are not in proper format and not received on time.

The Secretariat has developed a format for inspection of functioning of CWC, CCI and SAA

After perusal and discussion, Hon'ble Committee resolved as follows:

- i. Above referred formats developed for inspection of functioning of CWC, CCI and SAA is approved.
- ii. In addition to format for visitor report, and formats in Form JJB- I and JJB- II as circulated earlier, these formats as approved by JJC be used by Visitors judge for inspection of functioning of Child Welfare Committee (CWC), Child Care Institutions (CCI) including Specialized Adoption Agency (SAA). Juvenile Justice Board may use format applicable to CCI for inspection of CCI housing children in conflict with

Minutes of the Meeting of Juvenile Justice Committee High Court of Madhya Pradesh held on 5th September 2018 at 4.40 PM through Video Conferencing

law such as Observation Home, Special Home and Place of Safety

ITEM NO. 4:

- i. **Development of proper software to cater the needs of all the stakeholders (JJB, Police)**
- ii. **De-addiction schemes and programs in the state**

Matter deferred for discussion by the JJC in next meeting

ITEM NO. 5:

16 points recommendations of the Regional conferences released at State Conference on 29.07.2017 (NJA Bhopal).

Matter deferred for discussion by the JJC in next meeting

ITEM NO. 6

Establishment of Secretariat for Juvenile Justice Committee

Matter deferred for discussion by the JJC in next meeting

SERIAL NO. 2 OF PREVIOUS MEETING:

1. **Matter related to a complaint made by Shri Lolichen from UNICEF regarding beating up of four Pardhi teens in police custody at Bhopal.**

Matter deferred for discussion by the JJC in next meeting

2. FOLLOW UP OF THE JJC MEETING HELD ON 13.03.2018

Directions by Hon'ble High Court of Madhya Pradesh in Civil Revision No.258/2017 and 260/2017 in order dated 12.02.2018

Item No. 1: Jurisdiction and Smooth Functioning of the Court.

Item No. 2: Role and Responsibility of Central Adoption Resource Agency

Item No. 3 & 4 : Roles and Responsibility of SAA and CWC

Minutes of the Meeting of Juvenile Justice Committee High Court of Madhya Pradesh held on 5th September 2018 at 4.40 PM through Video Conferencing

Matter kept for further discussion by the JJC in next meeting

Serial No. 3. Injuries to adopted Child, Bhopal

Matter pertains to newspaper report in Dainik Bhaskar, Patrika and Times of India regarding cruelty on a child by adopted parents.

Matter deferred for discussion by the JJC in next meeting

SERIAL NO. 4

Fourth Regional Conference (Western) with Supreme Court JJC & HC JJs

Matter pertains to 4th Western Regional Consultation of Western Region on Effective Implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015: Focus on Integrated Child Protection Scheme Status was held on 21st July at Brilliant Convention Centre, Indore

Report of the Consultation received from UNICEF by an email dated 21.08.2018 and same has been circulated to Hon'ble Chairperson and Hon'ble Members of JJC

Matter deferred for discussion by the JJC in next meeting

SERIAL NO. 5

Order dated 09.02.2017 of Department of WCD directing three days working of CWC in contravention of Section 28 (1) of JJ Act 2015 and Rule 16(7) of Model JJ Rules 2016

Matter deferred for discussion by the JJC in next meeting

SERIAL NO. 6

Timely appointment of CWC Chairperson and Members of CWC and Members of JJB in case of Vacancy

Minutes of the Meeting of Juvenile Justice Committee High Court of Madhya Pradesh held on 5th September 2018 at 4.40 PM through Video Conferencing

Matter deferred for discussion by the JJC in next meeting

SERIAL No. 7

Chairperson of CWC, Shahdol working in dual capacity as Chairperson of CWC as well as Member of District Consumer Forum

Matter deferred for discussion by the JJC in next meeting

SERIAL No. 8

Violation of principle of equality and non-discrimination in distributing the children among CCIs by CWC

It has come to notice of JJC that some CWC are sending children to CCIs in violation of principle of best interest and principle of equality and non-discrimination. In some CCIs, there are more number of children are sent for protective care and rehabilitation whereas in some other CCIs there are less number of children are sent without assigning any reason.

Matter deferred for discussion by the JJC in next meeting

SERIAL No. 9

Imposition of Fine or Cost to be utilized on Juvenile Justice Issues

It has been observed that Courts while imposing fine on the convicts or order payment of cost in any case, direct that fine to be deposited in funds of District Legal Services Authority, however, sometime it does not specify where the funds of DLSA to be utilized.

Matter deferred for discussion by the JJC in next meeting

SERIAL No. 10

73

Minutes of the Meeting of Juvenile Justice Committee High Court of Madhya Pradesh held on 5th September 2018 at 4.40 PM through Video Conferencing

Compliance of section 74 of JJ Act by Media person during investigation/inspection/inquiry into matters relating to CNCP and CCL

It has been observed by the Juvenile Justice Committee that information regarding the official inspection/inquiry relating to children of CCI are being released/passed on to Media person.

Section 74 of Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) whereby disclosure of identity of children such as name, address or school or any other particular which may lead to identification of a child in need of care and protection and child in conflict with law more so it would affect the adoption in future and best interest of child, therefore, publication of news in any form is prohibited.

Matter deferred for discussion by the JJC in next meeting

SERIAL No. 11

Addressing Representation/Complaints/grievances received in JJC

Matter deferred for discussion by the JJC in next meeting

SERIAL No. 12

Establishing Child Friendly Courts and vulnerable witness courts

Matter pertains to Establishment of Child Friendly Court in State of MP as per direction of Hon'ble Supreme Court in its judgment dated 09.02.2018 in *Smapura Behrua Vs Union of India and Others*

Letter received on 18.07.2018 from Department of Law and Legislative Affairs, Govt. of Madhya Pradesh

A draft proposal regarding establishing Child Friendly Court has been drafted by the Secretariat. A Guidelines for recording of evidence of

Minutes of the Meeting of Juvenile Justice Committee High Court of Madhya Pradesh held on 5th September 2018 at 4.40 PM through Video Conferencing

vulnerable in criminal matters issued by Hon'ble High Court of Delhi may be considered.

Matter deferred for discussion by the JJC in next meeting

SERIAL No. 13

**Guiding Framework for Juvenile Justice Committee of High Courts
And**

**Guidelines for Secretariat of Juvenile Justice Committee of High
Courts**

Matter deferred for discussion by the JJC in next meeting

ADDITIONAL AGENDA

ITEM NO. 1

**Adopted Child from SAA Bhopal who was abandoned by her adoptive
parents in Spain**

Matter pertains to news reports published in Times of India Bhopal dated 25.08.2018 and 28.08.2018 regarding a girl child who was adopted from Bhopal and abandoned by her adopted parents in Spain

The girl was as adopted by Spanish couple from Kilkari, a Specialized Adopted Agency run by Udaan Social Welfare Development Organization, Bhopal

A complaint was received from Ms. Apoorva Sharma, Director SAA, Udaan Social Welfare Development Organization alleging violation of section 74 of JJ Act by the media publishing this news.

As per instruction from Hon'ble Chairperson, since the matter is being probed and monitored by JJC, therefore, letters were sent to



Minutes of the Meeting of Juvenile Justice Committee High Court of Madhya Pradesh held on 5th September 2018 at 4.40 PM through Video Conferencing

concerned authorities seeking information regarding process adopted in adoption of the girl child and her current status, restraining media from publication of news in this regard. Letters were sent to:

- Chairperson, Steering Committee, Central Adoption Resource Authority (CARA) New Delhi regarding restraining media for publishing news item relating to said child.
- Chief Executive Officer, CARA, New Delhi seeking copy of complete file regarding adoption of girl child sent on inter-country adoption (Spain) from Kilkari, Specialised Adoption Agency, Udaan Social Welfare Development Organisation, Bhopal, report from Authorised Foreign Adoption Agency (AFAA) with respect to inter-country adoption and report regarding abandonment of said girl child through CARA.
- Member Secretary, State Adopted Resource Agency (SARA), Bhopal seeking communication made by SARA to DWCD regarding violation of JJ Act and social audit.
- Commissioner, DWCD, Bhopal seeking copy of certain communication between SARA and DWCD with respect to violations of JJ Act by SAA Udaan and social audit of SAA Udaan and communication from MPSCPCR from CARA and regarding members of SARA and list of its staff. Also to ensure no news report relating to this matter be published in news paper, print and electronic media.
- Chairperson Madhya Pradesh State Commission for Protection of Child Rights (MPSCPCR) regarding letters communicated to DWCD in this matter and ensuring compliance of section 74 of JJ Act and media person not to accompany during inspection/inquiry relating to children in CCI nor information be released to Media before completion of inquiry/inspection

Minutes of the Meeting of Juvenile Justice Committee High Court of Madhya Pradesh held on 5th September 2018 at 4.40 PM through Video Conferencing

- SAA, Udaan Bhopal seeking explanation in this matter.
- Member Secretary, MP SLSA to ensure no news item be published in any news paper, print media or electronic nor information be released to media.
- Chairperson Press Trust of India regarding restraining media from publication of any news item in this regard.
- DGP Madhya Pradesh regarding not to initiate action against SAA Udaan, Bhopal till further order of JJC.
- DIG Bhopal regarding not to initiate action against SAA Udaan, Bhopal till further order of JJC.
- Collector, Bhopal not to initiate action against SAA Udaan, Bhopal till further order of JJC.
- Ministry of External Affairs, Government of India for kind information

Matter was discussed and after perusal and consideration, Hon'ble Committee has resolved as follows:

- i. Secretary, JJC is directed to hold enquiry into the matter of adoption process, who determined the age, reason/factors/documents for determination of age, status of child etc. related to said girl child who was adopted from SAA Bhopal and allegedly abandoned in Spain by her adoptive parents and submit report before the JJC within a month.
- ii. Secretary JJC is directed to sought facts and explanation relating to adoption of girl child from SAA Bhopal and abandonment by her adopted parents in Spain from all concerned authorities/institutions like SARA, CARA, CWC Bhopal, DWCD, SAA Bhopal etc.

Minutes of the Meeting of Juvenile Justice Committee High Court of Madhya Pradesh held on 5th September 2018 at 4.40 PM through Video Conferencing

- iii. Secretary JJC is further directed to communicate to concerned authorities that an advisory be issued that no news item relating to adoption of girl child from SAA Bhopal and her abandonment by adopted parents in Spain be published by any news paper, print media and electronic media in India and in Spain
- iv. Secretary JJC to communicate to Department of Women and Child Development, Government of Madhya Pradesh to ensure compliance of section 74 of Juvenile Justice (Care and Protection of Children) Act, 2015 and advisory be issued that no person from Media should accompany with officials conducting inspection/inquiry with respect to children in Child Care Institutions (CCIs).

Zakir Hussian
19/9/2018
[Zakir Hussian]

Registrar J-1 and Secretary
Juvenile Justice Committee
High Court of M.P

HON'BLE SHRI JUSTICE G.S. AHLUWALIA

Member, JJC High Court of Madhya Pradesh Bench at Gwalior

HON'BLE SMT. JUSTICE ANJULI PALO s/d

Member, JJC High Court of Madhya Pradesh Principal Seat at Jabalpur

HON'BLE SHRI JUSTICE ROHIT ARYA s/d

Member, JJC High Court of Madhya Pradesh Bench at Indore

HON'BLE SHRI JUSTICE J. K. MAHESHWARI s/d

Chairperson, JJC High Court of Madhya Pradesh Principal Seat at Jabalpur