

Annexure - I 2

GOVERNMENT OF NCT OF DELHI
(CHILD PROTECTION UNIT)
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
SEWA KUTIR COMPLEX, KINGSWAY CAMP, NEW DELHI - 110009

F. 61(1389)/W.P(CrL.) 2551/2019/DD(CPU)/DWCD/2019-20/22918-23

Dated:

10 JAN 2020

ORDER

The Hon'ble High Court of Delhi in the case W.P (CrL.) 2551/2019 titled Tara Home for Boys-Onvya Trust Vs. State & Ors has considered the submissions of the petitioner and directed Secretary WCD, GNCTD to pass a speaking order in the matter.

The present matter relates to issue of directions to facilitate recovery of missing children whose custody is not returned to the Child Care Institutions in pursuance to the orders passed by the Child Welfare Committees.

Section 98 of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides for Leave of Absence to a child placed in an institution. Section 98 provides as follows:


"98. Leave of absence to a child placed in an institution. – (1) The committee or the Board, as the case may be, may permit leave of absence to any child, to allow him, on special occasions like examination, marriage of relatives, death of kith or kin or accident or serious illness of parent or any emergency of like nature, under supervision, for a period generally not exceeding seven days in one instance, excluding the time taken in journey.

(2) The time during which a child is absent from an institution where he is placed, in pursuance of such permission granted under this section, shall be deemed to be part of the time for which he is liable to be kept in the Children's Home or Special Home.

(3) If a child refuses, or has failed to return to the Children's Home or Special Home, as the case may be, on the leave period being exhausted or permission being revoked or forfeited, the Board or Committee may, if necessary, cause him to be taken charge of and to be taken back to the concerned home.


Provided that when a child in conflict with law has failed to return to the special home on the leave period being exhausted or on permission being revoked or forfeited, the time for which he is still liable to be kept in the institution shall be extended by the Board for a period equivalent to the time which lapses due to such failure".

It has been observed that, in some cases the child on being granted leave of absence do not return back to the Child Care Institution within the stipulated time period granted by the concerned Child Welfare Committees.


10.1.2020

Thus, in view of the above legal position and as per the observations & directions of Hon'ble High Court in the matter W.P (Crl.) 2551/2019 titled Tara Home for Boys-Onvya Trust Vs. State & Ors vide dated 01.11.209, all the Child Care Institutions (CCIs) coming under the purview of Department of Women and Child Development, GNCT of Delhi are hereby directed to report in the concerned Police Station all cases of those children whose charge is not handed back to the concerned Child Care Institutions for registration of FIR and investigation into the matter.

All District Child Protection Officers will coordinate with the concerned Child Care Institutions to ensure that the children who are granted leave of absence, report back in time to the concerned Child Care Institutions as per the orders of the concerned Child Welfare Committee, and reconcile the figures on monthly basis.


10.1.2020
(Madhup Vyas)
Secretary WCD


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Copy for compliance to:

Dated: 10 JAN 2020

All the Child Care Institutions through District Child Protection Units.

Copy for information to:

1. All the Chairpersons, Child Welfare Committees.
2. All the District Women and Child Development Officers.
3. All the District Child Protection Officers.
4. S.O to Director, DWCD, GNCTD, Sewa Kutir Complex, Delhi - 110009.
- ✓ 5. Programmer I.T for uploading the order on the website of department.
6. Guard file.


10.1.2020
(Madhup Vyas)
Secretary WCD