

**WP (PIL) No. 01/2017**

IN RE - MISSING CHILDREN

For Petitioner : Mr. Tashi Raptan Barfungpa, Amicus Curiae.  
Mr. Hem Lall Manger, Advocate.For Respondents no. 1 to 7 : Mr. Sudesh Joshi, Addl. Advocate General.  
Mr. Thinlay Dorjee Bhutia, Govt. Advocate.  
Mr. Yadev Sharma, Govt. Advocate.  
Mr. Sujan Sunwar, Asst. Govt. Advocate.Mr. Tenzing Loden Lepcha, Superintendent of Police, Gangtok.  
Ms. Dhan Maya Subba, Superintendent of Police, ATHU.  
Mr. Nordent Thapa, Superintendent of Police, CID, PHQ.  
Ms. Geeta Gazmer (Law Officer), Sikkim Police.For Respondent no. 8 : Mr. N. Rai, Sr. Advocate.  
Ms. Tara Devi Chettri, Advocate.**Date: 07/04/2022****CORAM:****HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE  
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

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**JUDGMENT : (the Hon'ble, the Chief Justice)**

On 22<sup>nd</sup> February, 2022, after hearing the learned advocates for the parties, we passed an order *inter alia* directing the concerned State authorities, through the learned Additional Advocate General, to complete the process of installation of CCTV cameras in the remaining seven (7) Police Stations and report compliance on the next date.

Today, when this matter is taken up for consideration, we have before us a compliance report dated 4<sup>th</sup> April, 2022. For convenience, the relevant paragraph, being paragraph 3 of the compliance report, is being set out hereinbelow:-

*"3. That in compliance to the aforesaid order it is submitted that the Closed Circuit Television (CCTV) Cameras have been installed in the remaining seven (7) Police Stations and with this completion, it is submitted that all the Police Stations and Check Post in Sikkim have been*

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*installed with Closed Circuit Television (CCTV) Cameras and are functional at present."*

It, therefore, appears that the concerned State authorities have complied with the directions of this Court insofar as installation of Closed Circuit Television (CCTV) cameras in the Police Stations and also in the Check-Posts within the State of Sikkim. However, the main issue with regard to tracing out the missing children is yet to be accomplished. We are informed by the learned Additional Advocate General that there are at present thirteen (13) missing children and the concerned State authorities are taking steps to trace them out. He submits that this is an ongoing process and it may take some time.

The learned Amicus – on the other hand – submits that the concerned authority of the State is required to furnish quarterly reports to the State Legal Services Authority of Sikkim in compliance with the directions of the Hon'ble Supreme Court.

Considering the facts and circumstances of the instant case, we are of the view that the instant Public Interest Litigation (PIL) can be disposed of with the following directions:-

- (i) The concerned authority/authorities of the State shall trace out the thirteen (13) missing children as expeditiously as possible and positively within a reasonable timeframe;
- (ii) The concerned authority/authorities of the State shall file quarterly reports with the office of the State Legal Services Authority of Sikkim with regard to the status of investigation regarding the thirteen (13) missing children and the steps being taken in order to trace them out. Apart from this, the quarterly reports shall also give full details of any incident of any child going missing in the days to come for which immediate action shall be initiated by the concerned State authority/authorities in accordance with law. We make it clear that even if the missing children are traced, that should not be the

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culmination of investigation. The process of finding out as to why they actually went missing shall continue till the concerned authority of the State is clearly able to establish the actual reason thereof.

- (iii) At any time, in future, if the learned Amicus Curiae is of the opinion that this Court's jurisdiction in respect of missing children is required to be invoked again, he is at liberty to do so.

The writ petition stands disposed of accordingly.

**(Meenakshi Madan Rai)**  
**Judge**

**(Biswanath Somadder)**  
**Chief Justice**

jk/ds/ami