

OUT TODAY

ITEM NO.37 Court 7 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SMW (C) NO. 4 OF 2020

IN RE CONTAGION OF COVID 19 VIRUS IN
CHILDREN PROTECTION HOMES

Petitioner(s)

VERSUS

Respondent(s)

(MR GAURAV AGRAWAL, ADVOCATE (A.C)

(IA No. 64373/2021 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 28-05-2021 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

FOR NCPCR

Mr. Tushar Mehta, S.G.
Mrs. Swarupama Chaturvedi, AOR
Mr. Ashutosh Mohan, Adv
Ms. Neha Rai, Adv.

Union of India

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Mr. G.S. Makker, Adv.
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Ms. Anmol Gupta, Adv.
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Mr. Sumeer Sodhi AOR
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Ms. Shreya Nair, Adv.

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By Courts Motion, AOR
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Mr. Gopal Singh, AOR
Ms. Garima Prashad, AOR
Mahesh Thakur, AOR
Mr. S.. Udaya Kumar Sagar, AOR
Mr. V. N. Raghupathy, AOR

UPON hearing the counsel the Court made the following
O R D E R

I.A. No. 64373/2021

Sh. Gaurav Agarwal, learned Amicus Curiae, has filed this interlocutory application seeking directions in respect of children who are adversely affected due to the current Covid pandemic by losing either one or both the parents and the increased instances of child trafficking, especially of the girl child. The cataclysmic Covid-19 pandemic devastated the vulnerable sections of the society. It has been brought to our notice by the learned Amicus Curiae that there are a number of children who have become orphans due to the demise of either the breadwinner of the family or of both their parents. The learned Amicus Curiae expressed his concern about the well being of such children.

The Union of India has already issued instructions to the concerned authorities regarding the steps to be taken for protection of children who have lost their parents due to Covid-19.

The provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 make it clear that there is an obligation on the part of the authorities to take care of children in need.

We are informed by Ms. Aishwarya Bhati, learned Additional Solicitor General and Ms. Swarupama Chaturvedi, learned counsel appearing for NCPCR that a portal "Bal Swaraj" is operational and all the concerned District authorities have been given access along with passwords to the said portal with instructions to upload the information pertaining to identification of children who have become orphans during the pandemic.

The learned Additional Solicitor General and Ms. Swarupama Chaturvedi have submitted that all the concerned District authorities may be directed to upload the information relating to the children who have become orphans during the pandemic latest by Saturday evening i.e. by 29.05.2021.

After hearing the learned Amicus Curiae, we are of the view that the learned Additional Solicitor General appearing for Union of India and the learned counsel appearing for the State Governments should furnish the latest information about the identification of children who have become orphans post March, 2020, whether it be due to the pandemic or otherwise, and steps taken for attending to their basic needs. The learned counsel for the State Governments shall provide the information that they receive from the State Governments to the learned Amicus Curiae,

latest by Sunday evening i.e. by 30.05.2021. We also make it clear that no affidavits need be filed at this stage by anyone. However, as requested by the learned counsel appearing for NCPCR, an affidavit may be filed by 31.05.2021 (Monday). The learned Additional Solicitor General shall also provide additional material to the learned Amicus Curiae by Sunday evening i.e. by 30.05.2021 and file it in the Registry by Monday evening i.e. by 31.05.2021.

The learned Amicus Curiae is requested to prepare a note after receipt of the information from the Union of India, NCPCR and the State Governments and circulate to us by Monday evening i.e. by 31.05.2021.

The District authorities are directed to upload the information of children who have become orphans after March, 2020 on the portal "Bal Swaraj" before tomorrow evening. They are further directed to immediately take charge of such children and attend to their basic needs without waiting for any further orders from this Court.

List this matter on 01.06.2021 (Tuesday) at the end of the Board.

(JAYANT KUMAR ARORA)
COURT MASTER

(ANAND PRAKASH)
COURT MASTER