

# HON'BLE SUPREME COURT'S ORDER DT. 28.05.2021 PASSED IN SMW(C) NO 4 OF 2020

PIL Writ Supreme Court of India <pil.writ@sci.nic.in>

Sat 29/05/2021 10:22

To: CS AP <cs@ap.gov.in>; Naresh Kumar <cs-arunachal@nic.in>; Jishnu Barua IAS <cs-assam@nic.in>; Chief Secretary Bihar <cs-bihar@nic.in>; Chief Secretary Office <cs@office.cg@gov.in>; Chief Secretary <cs-goa@nic.in>; chiefsecretary@gujarat.gov.in <chiefsecretary@gujarat.gov.in>; Keshni Anand Arora IAS <arorakeshnianand@hry.nic.in>; Anil Khachi <cs-hp@nic.in>; cs-jandk <cs-jandk@nic.in>; Shri Sukhdev Singh <cs-jharkhand@nic.in>; Dr.V.P.Joy IAS <chiefsecy@kerala.gov.in>; Iqbal Singh Bains <cs@mp.nic.in>; cs@maharashtra.gov.in <cs@maharashtra.gov.in>; cs-manipur <cs-manipur@nic.in>; MS Rao <raoms@gov.in>; cs miz <cs\_miz@rediffmail.com>; J Alam IAS <csngl@nic.in>; Chief Secretary Punjab <cs@punjab.gov.in>; csraj@rajasthan.gov.in <csraj@rajasthan.gov.in>; Prakash <cs-skm@hub.nic.in>; cs@tn.gov.in <cs@tn.gov.in>; CS Telangana <cs@telangana.gov.in>; cs-tripura <cs-tripura@nic.in>; CHIEF SECRETARY GoUP <csup@nic.in>; chiefsecyuk@gmail.com <chiefsecyuk@gmail.com>; cs-westbengal <cs-westbengal@nic.in>; Chief Secretary Andamans <cs-andaman@nic.in>; Praful Patel <administrator-dd@gov.in>; Praful Patel <lk-admin@nic.in>; Shri Vijay Kumar Dev <csdelhi@nic.in>; Chief Secretary CS, Puducherry <cs.pon@nic.in>; Chief Secretary <cs@karnataka.gov.in>; Suresh Chandra Mahapatra <csori@nic.in>; ladakhdivcom@gmail.com <ladakhdivcom@gmail.com>; Mr Rajesh Bhushan <secyhw@nic.in>; Ms. Saheli Ghosh Roy <jscpg-mha@nic.in>; Priyank Kanoongo <cp.ncpcr@nic.in>;

Cc: abhimanyu@tewariandassociates.com <abhimanyu@tewariandassociates.com>; anil shrivastav2 <anil.shrivastav2@gmail.com>; shuvodeep roy <shuvodeep\_roy@rediffmail.com>; manishkumar advocate <manishkumar.advocate@gmail.com>; pranavsachdeva@gmail.com <pranavsachdeva@gmail.com>; Patilsachin286@gmail.com <Patilsachin286@gmail.com>; APMAYEE@HOTMAIL.COM <APMAYEE@HOTMAIL.COM>; deepanwitapriyanka@gmail.com <deepanwitapriyanka@gmail.com>; visen22@gmail.com <visen22@gmail.com>; abhinavmukerji@gmail.com <abhinavmukerji@gmail.com>; office@tapeshsingh.com <office@tapeshsingh.com>; shubhranshu padhi <shubhranshu.padhi@gmail.com>; raghupathyn@gmail.com <raghupathyn@gmail.com>; g prakash delhi <g.prakash.delhi@gmail.com>; avijitmani@gmail.com <avijitmani@gmail.com>; ramesh1pukhrbamb@gmail.com <ramesh1pukhrbamb@gmail.com>; arjun garg <arjun.garg@agalaw.in>; astha aor <astha.aor@gmail.com>; enatoli@gmail.com <enatoli@gmail.com>; sibo mishra <sibo.mishra@gmail.com>; uttara babbar <uttara.babbar@gmail.com>; sandeep@manulawassociates.com <sandeep@manulawassociates.com>; krnarendra24@gmail.com <krnarendra24@gmail.com>; myogeshkanna@gmail.com <myogeshkanna@gmail.com>; udayk@lawyer.com <udayk@lawyer.com>; prashad garima <prashad.garima@gmail.com>; abhishekatreya@gmail.com <abhishekatreya@gmail.com>; litigation@plrchambers.com <litigation@plrchambers.com>; jagdishkv@gmail.com <jagdishkv@gmail.com>; Mr. RAJ BAHADUR <bahadur.raj@gov.in>; archer-p@hotmail.com <archer-p@hotmail.com>; vgpragasam@yahoo.co.in <vgpragasam@yahoo.co.in>; shoebalam@gmail.com <shoebalam@gmail.com>; reaehnikhilgoel@gmail.com <reaehnikhilgoel@gmail.com>; cmshroff associates <cmshroff.associates@gmail.com>; B.V.BALRAM DAS <bvbaram.das@gov.in>; GurmeetSingh Makkar <gs.makkar@gov.in>;

1 attachments (43 KB)

10820\_2020\_37\_37\_28035\_Order\_28-May-2021.pdf;

Dep Dir Writ Cell  
SIR/MADAM,

ಶ್ರೀ ಕೆ. ಪಿ. ಮೊದಲನೆಯ / ಎಸ್. ಸುಬ್ರಹ್ಮಣ್ಯ  
ನಿರ್ದೇಶಿಸಿದಂತೆ / ಶ್ರೀಮತಿ ಜಯಲಲಿತಾ ದೇವಿ : ರಿ. ಎಸ್.  
ವಿ. "ಇಂಟಿ" ವಕೀಲರನ್ನು ಆಪೇಕ್ಷಿಸಲು ದಾಖಲೆಯಾಗಿದೆ.  
"MOST URGENT" ನಿರ್ದೇಶಿಸಿದಂತೆ.

I am directed to forward herewith Record of Proceedings dated 28.05.2021 passed in SMW(C) NO. 4 of 2020 for your information, compliance and necessary action.

It is further directed to the chief secretaries of the States to communicate the said Order to all the District Authorities of their concerned State, for information and compliance.

Sd/-  
Assistant Registrar  
PIL (Writ)  
Supreme Court of India

ಶ್ರೀ  
29.05.21  
(ವಿಶೇಷ ಕಾರ್ಯದರ್ಶಿ)  
ಸರ್ಕಾರದ ಮುಖ್ಯಕಾರ್ಯದರ್ಶಿಯವರ  
ಆಪೇಕ್ಷೆಯಂತೆ



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

Ms. Aishwarya Bhati, ASG  
 Mr. Akshay Amritanshu, Adv  
 Mr. B.V. Balram Das, AOR  
 Mr. S.S. Rebello, Adv.  
 Ms. Swati Ghildiyal, Adv.  
 Mr. G.S. Makker, Adv.  
 Mr. Raj Bahadur, AOR

Ms. Anitha Shenoy, Sr. Adv.  
 Ms. Srishti Agnihotri, AOR  
 Mr. Abhishek Jebaraj, Adv.  
 Ms. Sanjana Grace Thomas, Adv.  
 Ms. Anmol Gupta, Adv.  
 Mr. Chandratanay Chaube, Adv.

Signature of  
 Jayant Singh  
 Date: 2021-05-28  
 20:04:01 IST  
 Reason:

Mr. S. C. Verma, Adv. (Adv. Genl.)  
 Mr. Manoj Kumar Singh, AAG  
 Mr. Sumeer Sodhi AOR  
 Mr. Arjun Nanda, Adv.  
 Ms. Shreya Nair, Adv.

State of Chhatis	Mr. Nishant Patil, AOR Mr. Vidit Monga, Adv. Ms. Shubhika Saluja, Adv.
State of W.B.	Mr. Suhaan Mukerji, Adv. Ms. Liz Mathew, Adv. Mr. Vishaal Prasad, Adv. Mr. Nikhil Parikshith, Adv. Mr. Abhishek Manchanda, Adv. Mr. Sayandeep Pahari, Adv. PLR Chambers & Co.
State of Mizoram	Mr. Siddhesh Kotwal, Adv. Mr. Divyansh Tiwari, Adv. Ms. Ana Upadhyay, Adv. Ms. Manya Hasija, Adv. Mr. Nirnimesh Dube, AOR
State of Haryana	Ms. Bansuri Swaraj, Adv. Dr. Monika Gusain, AOR  Mr. Shekhar Raj Sharma, Adv. Mr. Sanjay Kumar Visen, AOR Mr. Sanjeev Prakash Upadhyaya Adv
U.T. of J&K	Ms. Shashi Juneja, Adv. Ms. Pinky Behera, Adv.  Mr. G. M. Kawoosa, Adv. Ms. Taruna Ardhendhumauli Prasad, Adv. Mr. Parth Awasthi, Adv.
State of Karnataka	Mr. V. N. Raghupathy, AOR
State of Assam	Mr. Nalin Kohli, AAG Ms. Diksha Rai, Adv. Ms. Palak Mahajan, Adv.
State of Assam	Mr. Raghvendra Kumar, Adv. Mr. Narendra Kumar, AOR
State of A.P.	Mr. Mahfooz A. Nazki, Adv. Mr. Polanki Gowtham, Adv. Mr. Shaik Mohamad Haneef, Adv. Mr. T. Vijaya Bhaskar Reddy, Adv. Mr. Amitabh Sinha, Adv. Mr. Shrey Sharma, Adv.
U.T. of Andaman & Nicobar	Mr. K.V. Jagdishvaran, Adv.



	Ms. G. Indira, Adv.
State of Bihar	Mr. Gopal Singh, AOR. Mr. Manish Kumar, AOR
State of H.P.	Mr. Himanshu Tyagi, AOR
State of Arunachal Pradesh	Mr. Abhimanyu Tewari, AOR Ms. Eliza Bar, Adv.
State of Arunachal Pradesh	Ms. Eliza Bar, Adv. Mr. Pai Amit, AOR
State of Manipur	Mr. Pukhrambam Ramesh Kumar, AOR Ms. Anupama Ngangom, Adv. Mr. Karun Sharma, Adv.
State of Manipur	Mr. Sharan Thakur, Adv. Mr. Mahesh Thakur, AOR Mr. Siddhartha Thakur, Adv.
U.T. of Puducherry	Mr. V.G. Pragasam, AOR Mr. S. Prabhu Ramasubramanian, Adv.
State of Goa	Mr. Ravindra A. Lokhande, Adv. Dr. Vidyottma Jha, Adv. Ms. Ambika Atrey, Adv. Dr. Abhishek Atrey, AOR
State of Goa	Mr. Arun R. Pedneker, Adv. Ms. Mukti Chowdhary, AOR
State of Kerala	Mr. Jishnu M.L., Adv. Ms. Priyanka Prakash, Adv. Ms. Beena Prakash, Adv. Mr. G. Prakash, AOR
State of Odisha	Mr. Sibho Sankar Mishra AOR Mr. Umakant Misra Adv Mr. Rajiv Sinha Adv Mr. Ashok Kumar Singh Adv Mr. Nranjan Sahu, Adv
State of Odisha	Dr. Anindita Pujari, AOR Mr. Deval Singh, Adv. Mr. Om Narayan, Adv.
State of Tripura	Mr. Shuvodeep Roy, Adv. Mr. Kabir Shankar Bose, Adv.

Mr. Rahul Raj Mishra, Adv.

State of Gujarat	Ms. Deepanwita Priyanka, Adv. Ms. Vishakha, Adv. Mr. A. P. Mayee, Adv.
State of Meghalaya	Mr. Amit Kumar, Sr. Adv. Mr. Avijit Mani Tripathi, AOR Ms. Rekha Bakshi, Adv. Mr. P. S. Negi, Adv. Ms. Tarini K. Nayak, Adv. Mr. Shaurya Sahay, Adv. Mr. K.V. Kharlyngdoh, Adv.
State of Punjab	Ms. Jaspreet Gogia, AOR Ms. Mandakini Singh, Adv. Mr. Karanvir Gogia, Adv. Ms. Shivangi Singhal, Adv. Ms. Ashima Mandla, Adv
State of Rajasthan	Dr. Manish Singhvi, Sr. Adv. Mr. Sandeep Kumar Jha, Adv.
State of U.P.	Ms. Garima Prashad, Adv Mr. Rohit K. Singh, Adv.
State of Telengana	Mr. S. Udaya Kumar Sagar, AOR Ms. Sweena Nair, Adv.
State of T.N.	Mr. Balaji Srinivasan, AAG Mr. M.Yogesh Kanna, AOR Mr. RajaRajeswaran.S, Adv. Mr. Aditya Chada, Adv. Ms. Uma Prasuna Bachu, Adv
State of Nagaland	Mr. K N Balgopal Sr. Adv-AG Of Nagaland, Ms. K. Enatoli Sema, AOR Mr. Amit Kumar Singh, Adv Mr. Apratim Animesh Thakur, Adv. Ms. Prachi Hasiya, Adv. Mr. Nitya Nambair, Adv, Mr. Vitso Rio, Adv
NCT Delhi	Mr. Chirag M. Shroff, AOR Ms. Abhilasha Bharti, Adv Mr. Sushant Dogra, Adv.
State of Mah.	Mr. Sachin Patil AOR. Mr. Rahul Chitnis, Adv. Mr. Aaditya A. Pande, Adv Mr. Geo Joseph, Adv.



State of Jharkhand Ms. Pragya Baghel, Adv  
Ms. Pallavi Langar, AOR

State of Uttarakhand Ms. Rachana Srivastava, AOR  
Mr. Ashutosh Sharma, Adv.

State of Sikkim Mr. Raghvendra Kumar, Adv.  
Mr. Anand Kumar Dubey, Adv.  
Mr. Narendra Kumar, AOR

State of M.P. Mr. Pulkit Agarwal, Adv.  
Mr. Pashupati Nath Razdan, Adv.  
Mr. Palav Agarwal, Adv.  
Mr. Ashutosh Kumar, Adv.  
Mr. Sudhanshu Kaushesh, Adv.  
Mr. K.P. Jayaram, Adv.  
Mr. Astik Gupta, Adv.  
Ms. Maitreyee Jagat Joshi, Adv.

State of Guahati Mr. Abhimanyu Tewari, AOR

U.T. of Chandigarh Mr. Ankit Goel, AOR  
Mr. R. K. Gupta, Adv.  
Ms. Sneha Kalita, AOR  
Ms. Astha Sharma, AOR  
Ms. Uttara Babbar, AOR  
M/S. Knc, AOR  
Mr. Ajay Pal, AOR

\*\*\*\*\*

By Courts Motion, AOR  
Mr. Gaurav Agrawal, AOR

Mr. G. Prakash, AOR  
M/S. Knc, AOR  
Ms. G. Indira, AOR  
Ms. Mukti Chowdhary, AOR  
Mr. Sumeer Sodhi, AOR  
Mr. Pashupathi Nath Razdan, AOR  
Ms. K. Enatoli Sema, AOR  
Mr. Pukhrambam Ramesh Kumar, AOR  
Mr. Sandeep Kumar Jha, AOR  
Ms. Pallavi Langar, AOR  
Mr. Pai Amit, AOR  
Mr. Raj Bahadur Yadav, AOR  
Mr. M. Yogesh Kanna, AOR  
Mr. Gurmeet Singh Makker, AOR  
Ms. Deepanwita Priyanka, AOR  
Mr. Ankit Goel, AOR  
Ms. Pinky Behera, AOR



Ms. Anindita Pujari, AOR  
 Ms. Astha Sharma, AOR  
 Mr. Ajay Pal, AOR  
 Ms. Jaspreet Gogia, AOR  
 Dr. Monika Gusain, AOR  
 Mr. Narendra Kumar, AOR  
 M/S. Plr Chambers And Co., AOR  
 Mr. Mahfooz Ahsan Nazki, AOR  
 Mr. Himanshu Tyagi, AOR  
 Ms. Diksha Rai, AOR  
 Mr. Nirnimesh Dube, AOR  
 Mr. Chirag M. Shroff, AOR  
 Mr. Sachin Patil, AOR  
 Mr. Abhimanyu Tewari, AOR  
 Mr. Manish Kumar, AOR  
 Mr. V. G. Pragasam, AOR  
 Ms. Rachana Srivastava, AOR  
 Mr. Shuvodeep Roy, AOR  
 Mrs. Swarupama Chaturvedi, AOR  
 Mr. Avijit Mani Tripathi, AOR  
 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 NCPDR, 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, NCPDR 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