

ITEM NO.30

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
R E C O R D O F P R O C E E D I N G S

S M W (C) N O . 4 O F 2 0 2 0

IN RE

CONTAGION OF COVID 19 VIRUS IN CHILDREN PROTECTION HOMES

(MR GAURAV AGRAWAL, ADVOCATE (A.C)

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

Date : 01-06-2021 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

FOR NCPDR

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

Union of India

Mr. 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. Chandratany Chaurhe, Adv.

State of
Chhattisgarh

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

	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. Mr. Pai Amit, AOR
State of Manipur	Mr. Pukhrambam Ramesh Kumar, AOR Ms. Anupama Ngangom, Adv. Mr. Karun Sharma, Adv. 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. Niranjana 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, Sr. Adv./AAG Mr. Rohit K. Singh, Adv.
State of Telangana	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 Hasija, 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 Guwahati 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

Ms. Mukti Chowdhary, AOR
Mr. Sumeer Sodhi, AOR
Ms. K. Enatoli Sema, AOR
Mr. Pashupathi Nath Razdan, AOR
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Sandeep Kumar Jha, AOR
Ms. Taruna Ardhendumauli Prasad, AOR
Ms. Pallavi Langar, AOR
Mr. Pai Amit, AOR
Mr. M. Yogesh Kanna, AOR
Mr. Raj Bahadur Yadav, AOR
Mr. Gurmeet Singh Makker, AOR
Ms. Deepanwita Priyanka, AOR
Ms. Pinky Behera, AOR
Mr. Ankit Goel, AOR
Ms. Anindita Pujari, AOR
Ms. Astha Sharma, AOR
Ms. Jaspreet Gogia, AOR
Mr. Ajay Pal, AOR
Dr. Monika Gusain, AOR
Mr. Narendra Kumar, AOR

Mr. Mahfooz Ahsan Nazki, AOR
M/S. Plr Chambers And Co., AOR
Mr. Himanshu Tyagi, AOR
Ms. Diksha Rai, AOR
Mr. Chirag M. Shroff, AOR

Mr. Nirnimesh Dube, AOR
Mr. Sachin Patil, AOR
Mr. Abhimanyu Tewari, AOR
Mr. V. G. Pragasam, AOR
Mr. Manish Kumar, AOR
Ms. Rachana Srivastava, AOR
Mr. Shuvodeep Roy, AOR
Mr. Avijit Mani Tripathi, AOR
Mrs. Swarupama Chaturvedi, AOR
Mr. Gopal Singh, AOR
Ms. Garima Prashad, AOR
Mr. S.. Udaya Kumar Sagar, AOR
Mahesh Thakur, AOR
Mr. V. N. Raghupathy, AOR
Mr. G. Prakash, AOR
Ms. G. Indira, AOR
M/S. Knc, AOR

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

On 28.05.2021, we directed all the district authorities to upload the information of children who have become orphans after March, 2020 on the portal of National Commission for Protection of Child Rights 'Bal Swaraj' before the evening of 29.05.2021. The district authorities were directed to take immediate steps to attend to the basic needs of the children who have become orphans after 1.04.2020. The NCPCR which is a statutory body constituted under Section 3 of the Commission for protection of Child Rights Act, 2005 has filed an affidavit in which the available data of children who have lost either of the parents or lost both the parents including those children who have been abandoned has been provided. As per Table (A) which is annexed to the affidavit, there are 9346 such children who have either been abandoned, lost both parents or lost one parent.

Ms.Swarupama Chaturvedi, learned counsel appearing for the NCPDR submits that the District authorities have not been able to provide the complete information relating to the children who have been affected by the loss of either of the parents or one parent during the pandemic. The time given to the District authorities to upload the information before 29.05.2021 is extended till 05.06.2021 evening. NCPDR is directed to collate the information and file an affidavit by 06.06.2021 evening.

Mr. Sachin Patil, learned counsel appearing for the State of Maharashtra, learned counsel appearing for the State of Rajasthan submits that the District authorities are finding it difficult to comply with the requirement of providing information for the six stages. Ms. Swarupama Chaturvedi, learned counsel submits that the basic information required according to stage I and II is sufficient. The other information required is not necessary to be provided at this stage.

The learned Amicus in his note referred to a scheme 'PM Cares for Children' which was announced by the Prime Minister on 29.05.2021. According to the available information pertaining the scheme, children who have lost both the parents or surviving parent or legal guardian/ adopted parents during Covid-19 shall be the beneficiaries of aid from the Central Government. As the particulars of the scheme are not available, the learned Amicus Curiae submitted that the Union of India be directed to furnish

the necessary details about the scheme announced by the Prime Minister on 29.05.2021.

Ms.Aishwarya Bhati, learned Additional Solicitor General undertakes to provide the details of the scheme including the identification of the beneficiaries of the said scheme. The Union of India shall also furnish information relating to the mechanism that would be adopted for distribution of the benefits. The learned amicus submitted that a large number of States/Union Territories have filed their notes and reports in response to the notice that were issued on 28.05.2021. The learned Amicus Curiae requested the court to direct the State governments/ Union Territories to appoint a Nodal Officer at the level of Secretaries, Joint Secretaries of the concerned District who would interact with him and provide all the necessary information relating to identification of orphans/CNCP's (Children in Need of Care and Protection) the steps taken for alleviating the pain and sufferings of the children. The learned Amicus Curiae identified 10 States which are the States of Telangana, Tamil Nadu, Kerala, Karnataka, Gujarat, Rajasthan, Uttar Pradesh, Maharashtra, Bihar and Jharkhand to start with, for such an exercise to be completed before next Monday i.e. 07.06.2021. The above State Governments are directed to nominate a Nodal Officer at the level of Secretary/Joint Secretary of the concerned department to interact with the learned Amicus Curiae. They shall provide all necessary information relating to

the identification of the orphans/CNCP'S and the action taken by the District authorities for the welfare of such children. The learned Amicus Curiae shall submit a detailed report thereafter to this Court along with his suggestions about the measures to be adopted further in the interest of orphans/CNCP's.

List this matter for further consideration on
07.06.2021.

(B.PARVATHI)
COURT MASTER

(ANAND PRAKASH)
COURT MASTER