

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
RECORD OF PROCEEDINGS

SMW (C) NO. 4 OF 2020

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

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Union of India

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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