

ITEM NO.7

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSSMW(C) No(s).6 OF 2021

IN RE : CHILDREN IN STREET SITUATIONS

WITH

SMW(C) No. 4/2020 (PIL-W)
(with Applns. For Appropriate Orders/Directions,
Clarification/Direction, Exemption From Filing Affidavit, Exemption
From Filing O.T., Exemption From Paying Court Fee, Intervention
Application, Intervention/Impleadment)

Date : 04-04-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For the parties: By Courts Motion

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IA No.42125 & 42135/2022

Mr. Amod K. Kanth, General Secretary, Prayas
Juvenile Aid Centre (Society) (in-person)

Mahesh Thakur, AOR

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

SMW(C) No. 4/2020:

As per the note submitted on 26.03.2022 by Mr. Gaurav Agarwal, learned Amicus Curiae, there are 5 issues which have to be dealt with by this Court, where it has become necessary

to give directions to the State Governments/Union Territories, primarily relating to the compliance of the orders passed by this court earlier.

The NCPCR has filed a status report on 24.03.2022 informing this Court that it has been receiving complaints that children who have lost either one or both parents since April, 2020 are left out in the identification process. The result is that they are not being produced before the Child Welfare Committees and are consequently, unable to avail the benefits of the schemes. The particulars of some of the complaints received by the NCPCR have been given in the status report. The process of identification of children should be continued by the State Governments/Union Territories without leaving any child who has lost either or both his parents during the pandemic. The concerned authorities in the State Government/Union Territory have to upload data on the Bal Swaraj portal after identification of the children has been completed. The State Governments/Union Territories are directed to file an affidavit within a period of three weeks from today, giving particulars of the children identified and the details of the data uploaded of such children who have lost either or both parents, on the Bal Swaraj Portal. In addition, the State Governments/Union Territories shall give information about the efforts that are made by the authorities to reach out to such children.

The updated status report of NCPCR filed on 01.04.2022 shows that as per the data uploaded by the State

Governments/Union Territories on the Bal Swaraj portal up to 30.03.2022, 10,793 children have lost both parents and 1,51,322 have lost at least one parent and 510 children are abandoned. Social investigation reports (SIRs) in respect of the majority of such children have not been finalized. The State Governments/Union Territories shall take steps to complete the process of preparation of SIRs in respect of all the children who have been identified.

19,825 letters have been written by the NCPCR to various district authorities for linking the child and his/her family members to various schemes. Only 920 action taken reports have been received from the authorities. The State Governments/Union Territories are directed to ensure immediate action is taken to link the children and his/her family members to various schemes and submit details of the same in the affidavit to be filed within a period of three weeks.

Several directions have been given to the State Governments by this Court in its earlier orders to ensure that the education of children who have lost either or both parents to be continued. As near normalcy has been restored, the District Education Officers and District Child Protection Units are directed to ensure that there would be no impediment in the education of children who have lost either or both parents. Children who have been permitted to continue in schools pursuant to our earlier orders should be continued in the schools without any hindrance. Such of

those children who have not been given the benefit of continuing in schools, shall be admitted in neighbourhood schools. The State Governments/Union Territories shall submit the particulars of the educational status of all the children who have lost either or both parents.

The NCPCR has stated in its status report dated 24.03.2022 that the details of assets and liabilities, i.e., properties, insurance, loans etc. of children who have lost either or both parents should be uploaded on the Bal Swaraj portal-Covid Care. The District Child Protection Officers and the District Magistrates concerned are directed to take the assistance of the District Legal Service Authorities to ensure that the properties of the deceased parents of the children are protected and that the children are not deprived of their properties. The other authorities concerned are directed to take steps to ascertain whether there is any loan or financial liability on the children and any threat to the properties belonging to the deceased parents of the children and upload the particulars on the Bal Swaraj portal.

List on 02.05.2022 at the end of the Board.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master