

ITEM NO.6 Court 5 (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

SMW (C) No. 6/2021

IN RE CHILDREN IN STREET SITUATIONS

WITH

SMW (C) No. 4/2020 (PIL-W)

IN RE CHILDREN IN NEED OF CARE AND PROTECTION DUE TO LOSS
OF PARENTS DURING COVID 19

(IA No. 64373/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 106490/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 74294/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 86654/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 66078/2021 - CLARIFICATION/DIRECTION
IA No. 75234/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 13962/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 155677/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 74593/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 9708/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 56612/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 66729/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 105604/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 148051/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 9678/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 66079/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 105407/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 139251/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 8020/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 29795/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 103990/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 139238/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 74139/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 79258/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 29743/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 66077/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 103479/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 137902/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 76604/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 14581/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 103339/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 137767/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 61484/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 76104/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 14448/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 65469/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 87334/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 134784/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 164115/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 59084/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 75739/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 14077/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 65158/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 106492/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 155722/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 30270/2021 - EXEMPTION FROM FILING O.T.
 IA No. 74135/2020 - EXEMPTION FROM PAYING COURT FEE
 IA No. 86651/2021 - INTERVENTION APPLICATION
 IA No. 74292/2020 - INTERVENTION APPLICATION
 IA No. 66075/2021 - INTERVENTION APPLICATION
 IA No. 58712/2020 - INTERVENTION/IMPLEADMENT)

W.P.(Cr1.) No. 274/2020 (PIL-w)
 (IA No. 139277/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 10286/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 8311/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 97311/2020 - GRANT OF INTERIM RELIEF)

Date : 17-01-2022 These matters were called on for hearing today.

CORAM :

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 HON'BLE MRS. JUSTICE B.V. NAGARATHNA

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

SMW (C) No.6/2021

By an Order dated 13.12.2021, the NCPCR was directed to file a status report about the information uploaded by the State Governments/Union Territories on the Bal Swaraj - CiSS portal of the NCPCR. The State Governments/Union Territories were

also directed to file status reports about the steps taken for rescuing and rehabilitating the children in street situations within a period of three weeks from the date of the order.

In the status report filed, the NCPCR has brought to the notice of this Court that meetings were held with the authorities of the State Governments/Union Territories on 5th, 6th and 7th January, 2022 to discuss the steps to be taken for implementation of the SOP 2.0 in relation to Children in Street Situations ("CiSS"). Barring a few States, all the State Governments/Union Territories have participated in the meetings. The data of CiSS uploaded on the Bal Swaraj - CiSS portal till 11.01.2022 shows that only 9945 CiSS have been identified. Whereas, a rough estimate of CiSS, according to the NCPCR, would be around 15 lakhs. Identification of CiSS is the first step for the purpose of rescuing them from the streets and rehabilitating them. The information that is provided with respect to the other stages on the Bal Swaraj - CiSS portal by the State Governments/Union Territories is also not satisfactory. Learned counsel appearing for the State Governments/Union Territories submitted that instructions will be given to all the District Magistrates and the

concerned authorities that the identification and rehabilitation of the CiSS shall be taken up without any further delay.

Section 32 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (the "JJ Act") provides for mandatory reporting of children separated from their guardians and the production of such children before a Child Welfare Committee or the District Child Protection Unit or a child care institution registered under the JJ Act. Not providing the information in relation to such children as required under Section 32 of the JJ Act shall be regarded as an offence under Section 33 of the Act, for which a person shall be liable for imprisonment up to six months or fine or both under Section 34 of the Act. Section 107 of the JJ Act provides for constitution of Special Juvenile Police Units. According to Section 107 (2), Special Juvenile Police Units ("SJPU") shall be constituted by the State Governments in each district and city, headed by a police officer not below the rank of a Deputy Superintendent of Police and consisting of all police officers designated under sub-section (1) as child welfare police officers and two social workers having experience of working in the field of child welfare, of whom one shall be a woman.

The slow pace of the identification of CiSS is due to COVID-19, according to the learned counsel appearing for the State Governments/Union Territories. We have indicated in the orders passed earlier that the District Magistrates can take the assistance of the District Legal Services Authorities and voluntary organisations to carry out the statutory duties according to the JJ Act. As the implementation of the directions issued by this Court on earlier occasions relating to the identification and rehabilitation of CiSS does not brook any more delay, we direct all the District Magistrates to involve the SJPUs, District Legal Services Authorities and voluntary organisations in identification and rehabilitation of CiSS. The District Magistrates are also directed to upload the information pertaining to all stages on the Bal Swaraj - CiSS portal of the NCPCR.

The learned Amicus Curiae submitted that there is no information provided in any of the affidavits filed by the State Governments regarding the steps taken for rehabilitation of those children who have been found to be in street situations. He asserted that it is imminent that the State Governments take policy decisions regarding the procedure to be followed by the authorities for rehabilitation of

the CiSS. In the next meeting to be conducted by the NCPCR, the issue relating to rehabilitation of CiSS should be discussed, without waiting for all the stages on the Bal Swaraj - CiSS portal to be completed. Without prolonging the process any further, the State Governments, with the guidance of the NCPCR, shall formulate policy for the rehabilitation of CiSS after they have been identified as such in the streets. In the status reports which shall be filed by the State Governments/Union Territories within a period of three weeks from today, steps taken in this regard shall also be mentioned.

Ms. Shobha Gupta, learned counsel, submitted that it is high time that the authorities who have not been acting in accordance with the provisions of the JJ Act should be taken to task as the statute itself provides for penalties. We do not want to exercise such power at this stage.

We appreciate the stand taken by the learned counsel appearing for the State Governments/Union Territories to ensure that those CiSS who are living in inhumane conditions are rescued at the earliest. Though the progress of identification of these children to provide them with the basic amenities has been slow, the State Governments/Union

Territories have started discharging their constitutional duties to ameliorate the living conditions of the distressed children fighting for survival on the streets.

We direct the State Governments/Union Territories to instruct all the concerned authorities to take prompt action in the identification and rehabilitation of children in street situations.

List this matter, along with SMW (C) No. 4/2020, on 21.02.2022 at the end of the Board.

W.P.(Cr1.) No. 274/2020

List on 24.01.2022 at the end of the Board.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master