

ITEM NO.35

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.4/2020

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

- (IA No. 74294/2020 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 86654/2021 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 64373/2021 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 106490/2021 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 66078/2021 - CLARIFICATION/DIRECTION
- 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. 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. 75234/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 13962/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 30270/2021 - EXEMPTION FROM FILING O.T.
IA No. 74135/2020 - EXEMPTION FROM PAYING COURT FEE
IA No. 74292/2020 - INTERVENTION APPLICATION
IA No. 66075/2021 - INTERVENTION APPLICATION
IA No. 86651/2021 - INTERVENTION APPLICATION
IA No. 58712/2020 - INTERVENTION/IMPLEADMENT)

WITH

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

(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 : 29-11-2021 These matters were called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE B.R. GAVAI

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Mr. Vinayak Sharma Adv
Ms. Swati Ghildiyal Adv
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UPON hearing the counsel the Court made the following
O R D E R

PM Cares for Children Scheme

On 15.11.2021, the District Magistrates /

District Collectors were directed to ascertain the educational status of those children who are eligible for the benefits under the 'PM Cares For Children Scheme' and to consider the applications of such children expeditiously and forward the same to the Government of India. From the information provided by the Union of India, learned Amicus Curiae has submitted in his note that a total of 5335 applications have been received under the Scheme as on 23.11.2021, out of which 2705 applications had been approved by the District Magistrates. 1503 Post Office accounts have been opened for beneficiaries under the Scheme. The remaining applications shall be taken up for consideration and approved at the earliest.

According to the scheme, District Magistrates have to act as guardians for the children who have lost (i) both parents or (ii) surviving parent or (iii) legal guardian/adoptive parents/single adoptive parent due to Covid-19, from 11.03.2020. The District Magistrates are required to interact with the children personally and review their education and health parameters. The District Magistrates have to ensure that the benefits reach the children. We are informed by Ms. Aishwarya Bhati, learned Additional Solicitor General, that a timeline of one month has been fixed in the scheme

for the identification process to be completed and to be sent for approval to the Union of India. This time line has not been followed by the District Magistrates. Any delay caused in the process of identification and approval by the Union of India for grant of benefits under the 'PM Cares for Children Scheme' would be to the detriment of those children who need assistance.

One of the main purposes of the scheme is to ensure that the education of the children covered by the scheme is not disrupted. The District Magistrates are directed to review the present status of each child who is identified for receipt of benefits under the 'PM Cares for Children Scheme' in respect of their education. The District Magistrates are directed to ensure that the education of the children whose cases are sent for approval to the Central Government is not disrupted for any reason whatsoever. In respect of those children who have become orphans or who have lost either of their parents and are not covered by the 'PM Cares for Children Scheme', the authorities from the education department of the State Governments/Union Territories should address the concern of discontinuation of education of such children. If the children are studying in Government schools, they should be permitted to

continue without payment of any fee. In respect of those children who are studying in private schools, the district educational authorities are directed to ensure, in consultation with the private schools, that the children continue in their respective schools without any further financial stress.

Chhattisgarh

By the affidavit filed by the State of Chhattisgarh on 12.11.2021, this Court is informed that the sponsorship scheme guidelines had been prepared by the State and sent to the Central Government for approval and it will be implemented after consent is received. By an Order dated 26.08.2021, State of Chhattisgarh was directed to consider extending the '*Chhattisgarh Mahtari Dular Scheme-2021*' to all children who have become orphans or lost their either parent after March, 2020.

Mr. Gaurav Agarwal, learned Amicus Curiae, submitted that the number of children who have suffered due to the loss of their parents is not very high in the State of Chhattisgarh and there is an imperative need for a direction to be issued to the State for implementation of the '*Chhattisgarh Mahtari Dular Scheme-2021*'.

We are informed by the learned counsel appearing for the State of Chhattisgarh that the

'Chhattisgarh *Mahtari Dular* Scheme-2021' is being implemented for children who have lost either or both parents after March, 2020. The proposed sponsorship scheme, for which approval of the Central Government is awaited, is for payment of additional amounts to such children. The State of Chhattisgarh shall continue to extend the benefit of the 'Chhattisgarh *Mahtari Dular* Scheme-2021' to children who have become orphans or lost either parent after March, 2020. We appreciate the efforts being made by the State of Chhattisgarh to give additional aid to such children, after approval is granted to their sponsorship scheme by the Union of India.

Haryana

The learned Amicus Curiae submitted that the State of Haryana has announced the '*Mukhya Mantri Bal Seva Yojana*' to provide certain benefits to children who have lost both parents/surviving parent/legal guardian/adoptive parent and have become orphans due to Covid-19. According to the said scheme, a child will be entitled to payment of Rs.2,000/- per month under the Central Sponsorship Scheme and an additional amount of Rs.500/- per month. Additional financial assistance of Rs.12,000/- per annum is to be provided to extended

family/guardian for educational purposes of the child. On 26.08.2021, the State of Haryana was directed to consider extending the '*Mukhya Mantri Bal Seva Yojana*' to children who have become orphans or lost either parent during Covid-19. As we are informed that there are only 121 children who have become orphans, we direct the State to extend the benefits under the '*Mukhya Mantri Bal Seva Yojana*' which would meet the immediate needs of the children in distress.

Jharkhand

The State of Jharkhand has proposed a child protection scheme on which a final decision has not been taken till date. The State is directed to file a status report regarding the decision on the child protection scheme and the manner in which the State is taking steps to protect the interests of children who have lost either or both parents after March, 2020, within a period of one week from today.

List on 13.12.2021, along with SMW(C) No.6 of 2021.

Karnataka

List on 13.12.2021, along with SMW(C) No.6 of 2021.

Kerala

The State of Kerala is directed to file a status report on the implementation of this Court's order dated 26.08.2021, within a period of one week from today.

List on 13.12.2021, along with SMW(C) No.6 of 2021.

West Bengal

The State of West Bengal is directed to file a status report regarding the support being given by the State Government to those children who have lost either or both parents in accordance with the schemes floated by the State Government, within a period of one week from today.

List on 13.12.2021, along with SMW(C) No.6 of 2021.

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

Regarding Video Conferencing

Pursuant to the Order dated 26.10.2021, learned Amicus Curiae has received suggestions from 13 High Courts, i.e.,

1. High Court of Meghalaya
2. High Court of Kerala
3. High Court of Madhya Pradesh
4. High Court of Gauhati

5. High Court of Himachal Pradesh
6. High Court of Andhra Pradesh
7. High Court of Manipur
8. High Court of Jharkhand
9. High Court of Madras
10. High Court of Chhattisgarh
11. High Court of Rajasthan
12. High Court of Sikkim
13. High Court of Patna

The other High Courts who have not given their suggestions may communicate their suggestions/comments to the learned Amicus Curiae and file the same in Court.

The issues relating to a revised SOP shall be taken up on January 17.01.2022.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master