

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(s). 6/2021

IN RE CHILDREN IN STREET SITUATIONS

(IA No. 6393/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 165478/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 6462/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 2125/2022 - EXEMPTION FROM FILING O.T.)

WITH

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

(IA No. 86654/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 64373/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 106490/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 74294/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 66078/2021 - CLARIFICATION/DIRECTION
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. 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. 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)

Date : 21-02-2022 These matters were 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

Mr. Gaurav Agrawal, AOR (A.C.)

Ms. Anitha Shenoy, Sr Adv.
 Ms. Shristi Agnihotri, Adv.

FOR NCPCR

Mr. K. M. Nataraj, Ld. ASG
 Ms. Swarupama Chaturvedi, AOR
 Ms. Indira Bhakar, Adv.
 Ms. Soumya Kapoor, Adv.
 Mr. Siddhant Yadav, Adv.
 Ms. Himanshi Goel, Adv.

Union of India

Mr. Aishwarya Bhati, ASG
 Mr. Akshay Amritanshu, Adv
 Ms. Swati Ghildiyal, Adv.
 Mr. S.S. Rebello, Adv.
 Ms. Chinmayee Chandra, Adv.
 Mr. Prashant Singh, Adv.
 Mr. A K Sharma, AOR
 Mr. B.V. Balram Das, AOR
 Mr. Raj Bahadur Yadav, Adv.
 Mr. G.S. Makker, AOR

Mr. Aishwarya Bhati, ASG
 Mr. Apoorv Kurup, Adv.
 Mr. Rajesh Singh Chauhan, Adv.
 Ms. Sanskriti Pathak, Adv.

Mr. Harish Pandey, Adv.
 Mr. Anil Hooda, Adv.
 Mr. Jitender Hooda Adv.
 Mr. Shafik Ahmed Adv.
 Mr. Anuraag Tripathi Adv.
 Mr. Sundeep Pandhi Adv.
 Mr. Harvinder Singh Adv.
 Mr. Traun Mohan Adv.
 Mr. Manoj Kumar Adv.
 Mr. Amrish Kumar, AOR

State of
 Chhattisgarh

Mr. S.C. Verma, Sr. Adv/Adv. General
 Mr. Sumeer Sodhi AOR
 Mr. Arjun Nanda, Adv.
 Mr. Gaurav, Adv.

H.C.of Chhattisgarh Mr. Apoorv Kurup, AOR

State of W.B.

Mr. Suhaan Mukerji, Adv.
 Mr. Raghenth Basant, 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
 Ms. Ana Upadhyay, Adv
 Ms. Manya Hasija, Adv
 Mr. Akash Singh, Adv
 Mr. Nirnimesh Dube, AOR

State of Haryana

Ms. Bansuri Swaraj, AAG
 Dr. Monika Gusain, AOR

 Mr. G.M.Kawoosa, Adv.
 Ms. Taruna Ardhendumauli Prasad, AOR.

State of Karnataka

Mr. V. N. Raghupathy, AOR
 Mr. Md Apzal Ansari, Adv.

State of Assam

Ms. Diksha Rai, AOR
 Mr. Ankit Agarwal, Adv.
 Ms. Ragini Pandey, Adv.

State of A.P.

Mr. Mahfooz A. Nazki, AOR
 Mr. Polanki Gowtham, Adv.
 Mr. Shaik Mohamad Haneef, Adv.
 Mr. T. Vijaya Bhaskar Reddy, Adv.

	Mr. K.V. Girish Chowdary, Adv. Ms. Rajeswari Mukherjee, Adv
UT of Andaman & Nicobar	Mr. Samir Ali Khan, Adv Ms. G. Indira, AOR
State of Bihar	Mr. Manish Kumar, AOR
State of H.P.	Mr. Himanshu Tyagi, AOR
State of Manipur	Mr. Pukhrambam Ramesh Kumar, AOR Ms. Anupama Ngangom, Adv. Mr. Karun Sharma, Adv.
HC of Manipur	Mr. Sharan Thakur, Adv. Mr. Mahesh Thakur, AOR Mr. Siddhartha Thakur, Adv.
UT of Puducherry	Mr. Aravindh S., AOR Ms.C.Rubavathi., adv
State of Goa	Mr. Arun R. Pedneker, Adv. Ms. Mukti Chowdhary, AOR
State of Kerala	Mr. Nishe Rajen Shonker, AOR Ms. Anu K Joy, Adv Mr. Alim Anvar, Adv
State of Odisha	Mr. Sibosankar Mishra Adv R.M.Patnaik AOR Dr. Anindita Pujari, AOR Mr. Siddhartha Srivastava, Adv Mr. Azad Bansala, Adv Ms. Prakriti Rastogi, Adv Ms. Kavita Bharadwaj, Adv
State of Tripura	Mr. Shuvodeep Roy, AOR Mr. Kabir Shankar Bose, Adv. Mr. Ishaan Borthakur, Adv.
H.C. of Tripura	Mr. Naresh K. Sharma AOR
State of Gujarat	Ms. Deepanwita Priyanka, AOR
State of Meghalaya	Mr. Avijit Mani Tripathi, AOR Mr. Daniel Lyngdoh, Adv. Mr. Kynpham V. Kharlyngdoh, Adv. Mr. T.K. Nayak, Adv. Mr. P.S. Negi, 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. Arpit Parkash, Adv.
 Mr. Sandeep Kumar Jha, AOR

State of U.P. Ms. Garima Prashad, Sr. Adv./AAG
 Mr. Rohit K. Singh, AOR.
 Mr. Parth Yadav, Adv
 Mr. Akshay Chowdhary, Adv.
 Mr. Shashi Shekhar Kumar Prasad, Adv

Impleader Mr. S. Udaya Kumar Sagar, AOR
 Ms. Sweena Nair, Adv.
 Mr. P. Mohith Rao, Adv.

H.C. of Calcutta Mr. Kunal Chatterji, AOR
 Ms. Maitrayee Banerjee, Adv.
 Mr. Rohit Bansal, Adv

State of T.N. Dr. Joseph Aristotle S., AOR
 Ms. Preeti Singh, Adv.
 Ms. Nupur Sharma, Adv.
 Mr. Sanjeev Kumar Mahara, Adv.

State of Nagaland Ms. K. Enatoli Sema, AOR
 Mr. Amit Kumar Singh, Adv
 Ms. Chubalemla Chang, Adv.

NCT Delhi Mr. Chirag M. Shroff, AOR
 Amandeep Mehta, Adv.

State of Mah. Mr. Sachin Patil AOR.
 Mr. Rahul Chitnis, Adv.
 Mr. Aaditya A. Pande, Adv
 Mr. Geo Joseph, Adv.
 Ms. Shwetal Shepal, Adv.

State of Jharkhand Ms. Pragya Baghel, Adv
 Ms. Pallavi Langar, AOR
 Ms Shelley Singh, Adv

State of Uttarakhand Mr. Saurabh Trivedi, AOR
 Mr. Tanmay Agarwal, Adv
 Ms. Rachana Srivastava, AOR

Jharkhand H.C. Mr. Krishnanand Pandey, AOR

State of Sikkim Mr. Raghvendra Kumar, Adv.
Mr. Anand Kumar Dubey, Adv.
Mr. Nishant Verma, Adv.
Mr. Rajiv Kumar Sinha, Adv.
Mr. Simanta Kumar, Adv.
Mr. Sunil Saraogi, Adv.
Mr. Narendra Kumar, AOR

State of M.P. Mr. Bharat Singh, AAG
Mr. Pashupati Nath Razdan, AOR.
Mr. Prakhar Srivastava, Adv.
Mr. Astik Gupta, Adv.
Ms. Sneh Bairwa, Adv.

H.C. of M.P. Mr. Arjun Garg, AOR
Mr. Aakash Nandolia, Adv.
Ms Sagun Srivastava Adv

Guwahati, P&H H.C., Mr. Abhimanyu Tewari, AOR
Arunachal P. Ms. Eliza Bar, Adv.

U.T. of Chandigarh Mr. Ankit Goel, AOR

U.T. Dadra & Nagar Haveli, Daman & Diu Mr Harish Pandey, AOR
Ms. Sansriti Pathak, AOR
Mr. Anil Hooda, Adv

UT A & N Islands Mr. Ankur S. Kulkarni, AOR
Mr. Susheel Joseph Cyriac, Adv
Ms. Uditha Chakravarthy, Adv

INT Ms. Shobha Gupta, AOR
Mr. Nishant Bahuguna, Adv
Jessy kurien, Adv
Mr. Vidit Agarwal, Adv.

Ryan Intl. School Mr. Romy Chacko, AOR

Society for Socio Legislative Reforms Mr. Abhishek Swarup, Adv.
Mr. Vikrant Nehra, Adv.
M/S. Manoj Swarup And Co., AOR

Mr. Shekhar Raj Sharma, Dy. AG Haryana
Mr. Sanjay Kumar Visen, AOR

Mr. Paras Dutta, Adv.
 Mr. Bhanwar Jadon, Adv
 Mrs. Babita Mishra, Adv
 Ms. Adira A Nair, Adv

Ms. Srishti Agnihotri, AOR
 Mr. Nishanth Patil, AOR

H.C. of Delhi

Mr. Annam D. N. Rao, AOR

Ms. Eliza Bar, Adv.
 Mr. Pai Amit, AOR

Ms. Astha Sharma, AOR
 Ms. Uttara Babbar, AOR
 M/S. Knc, AOR
 Mr. Ajay Pal, AOR
 Mr. Gopal Singh, AOR
 Mr. B. V. Balaram Das, AOR
 Mr. Malak Manish Bhatt, AOR
 Ms. Radhika Gautam, AOR
 Ms. Pinky Behera, AOR
 Mr. G. Prakash, AOR
 Mr. Annam D. N. Rao, AOR
 Mr. M. Yogesh Kanna, AOR
 Ms. Rachana Srivastava, AOR
 Mr. Gautam Narayan, AOR
 Mr. Mukesh Kumar Maroria, AOR

UPON hearing the counsel the Court made the following

O R D E R

During the course of hearing of this matter on 17.01.2022, Mr. Gaurav Agarwal, learned Amicus Curiae, submitted that there is no policy for rehabilitation of Children in Street Situations ("CiSS") framed either by the Central Government or the State Governments. In the absence of such policy, the measures taken by the State Governments/Union Territories for rescue and rehabilitation of CiSS are haphazard. This Court directed the State Governments to formulate a policy for rehabilitation of CiSS with the guidance of

NCPCR. After holding discussions with the State Governments/Union Territories, NCPCR has made suggestions for formulation of rehabilitation policy for CiSS.

We have carefully examined the suggestions which are comprehensive in nature, dealing with all conceivable situations. Subject to certain modifications that may be made by the State Governments, the suggestions made by the NCPCR shall be implemented by the State Governments/Union Territories. The NCPCR is directed to conduct periodical reviews, preferably once a month, to monitor the implementation of the suggestions that are made in addition to SOP 2.0 for Care and Protection of Children in Street Situations.

Learned Amicus Curiae also commended the implementation of the suggestions made by the NCPCR. At present, there is no objection raised by any State Government/Union Territory to the suggestions made by the NCPCR, presumably, because the suggestions are made after discussions with the State Governments/Union Territories. In case, any State Government/Union Territory needs a deviation from the said suggestions, they may approach the NCPCR for suitable modifications to the suggestions.

Mr. K.M. Natraj, learned Additional Solicitor General appearing for the NCPCR, submitted that the

information that was directed to be given by the State Governments/Union Territories relating to the rescue and rehabilitation of CiSS is not being provided by the State Governments/Union Territories. Till date, information relating to only 17,914 CiSS has been provided when the rough estimate of CiSS in the country is to the tune of 15 to 20 lakh.

We reiterate the direction that was given earlier that the concerned authorities in the States have to update the information required on the web portal of the NCPCR without fail. The NCPCR has also brought to our notice that the officers of certain State Governments/Union Territories have not been cooperating, during meetings and inspections conducted by the NCPCR. Collection of information is for implementation of schemes in favour of destitute children on the street. We have no doubt in our mind that the State Governments/Union Territories will extend full cooperation to the NCPCR in their activities.

The NCPCR is directed to file a status report regarding the implementation of the suggestions that have been made in respect of CiSS within four weeks.

List on 28.03.2022 at the end of the Board.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master