

ITEM NO.2

COURT NO.1

SECTION PIL

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

Writ Petition(s) (Civil) No(s). 75/2012

BACHPAN BACHAO ANDOLAN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for exemption from filing O.T. and exemption from personal appearance and permission to file addl.documents and office report)

WITH W.P.(Crl.) No. 102/2007

(With appln.(s) for exemption from filing O.T. and appln.(s) for intervention and appln.(s) for directions and Office Report)

W.P.(C) No. 301/2012

(With appln.(s) for exemption from filing O.T. and appln.(s) for directions and appln.(s) for exemption from filing O.T. and Office Report)

W.P.(C) No. 906/2014

(With Office Report)

Date : 13/11/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE A.K. SIKRI

By Post.

Ms.Aparna Bhat, Adv. (A.C.)

Mr.P.Ramesh Kumar, Adv.

Ms.Tanima Kishore, Adv.

For Petitioner(s)

Mr.H.S.Phoolka, Sr.Adv.

Mr.Amarjit Singh Bedi, Adv.

Mr.Bhuwan Ribhu, Adv.

Ms.Prabhshay Kaur, Adv.

Mr. Jagjit Singh Chhabra, Adv.

Min.of Women &
Child Devpmt.

Ms.Asha G.Nair, Adv.
Ms.Gunwant Dara, Adv.
Ms.Sunita Sharma, Adv.
Ms.Kiran Bhardwaj, Adv.
Ms.Anil Katiyar, Adv.
Mr.M.Khairati, Adv.
Mr.S.S.Rawat, Adv.
Mr.Ritesh Kumar, Adv.
Mr.Amarjeet Singh, Adv.
For Mr.D.S.Mahra, Adv.
For Ms.Sushma Suri, Adv.

Mr.V.C.Mahajan, Sr.Adv.
Mr.Sarwa Mitter, Adv.
Mr.Amit S., Adv.
For M/s Mitter & Mitter Co.,Advs.

For Respondent(s)

Mr.Rahul Verma, AAG
Dr.Abhishek Atrey, Adv.

Mr. Anil K. Jha,Adv.

Mr.Rituraj Biswas, Adv.
For Mr. Anil Shrivastav,Adv.

Mr. Anip Sachthey,Adv.
Mr.Mohit Paul, Adv.

Mr.A.H.Isaac Haiding, Adv.
For Mr. Ashok Kumar Singh,Adv.

Mr. Avijit Bhattacharjee,Adv. (NP)

Ms.Asha G.Nair, Adv.
Mr.A.P.Mayee, Adv.

Mr.M.Yogesh Kanna, Adv.
Mr.Santha Kumaran, Adv.
Ms.Vanitha, Adv.

Ms.K.Enatoli Sema, Adv.
Mr.Amit Kumar Singh, Adv.
For Mr. Balaji Srinivasan,Adv.

Mr. B. Balaji,Adv.
Mr.R.Rakesh Sharma, Adv.
Ms.R.Shase, Adv.

Ms.Udita Singh, Adv.
Ms.Chitra Sharma, Adv.
For Mr. Chandra Prakash,Adv.

Mr. Dharmendra Kumar Sinha,Adv.

Mr. D. Mahesh Babu,Adv. (NP)

Mr. G. N. Reddy,Adv. (NP)

Mr.Manish Kumar, Adv.
Mr.Chandan Kumar, Adv.
For Mr. Gopal Singh,Adv.

Mr.Manjit Singh, AAG
Ms.Nupur Choudhary, Adv.
For Mr. Kamal Mohan Gupta,Adv.

Mr.Ajay Bansal, Adv.
Mr. Kuldip Singh,Adv.
Mr.Gaurav Yadava, Adv.

Mr. Ramesh Babu M. R.,Adv. (NP)

Mr. Shibashish Misra,Adv.

Mr. Sibho Sankar Mishra,Adv.

Mr. Sunil Fernandes,Adv. (NP)

Mr.K.N.Madhusoodhanan, Adv.
For Mr. T. G. Narayanan Nair,Adv.

Mr. V. G. Pragasaam,Adv.
Mr.S.J.Aristotle, Adv.
Mr.Prabu Ramasubramanian, Adv.

Mr. V. N. Raghupathy,Adv.

Ms. Anitha Shenoy,Adv.

Ms.Aruna Mathur, Adv.
Mr.Yusuf Khan, Adv.
For M/s Arputham, Aruna & Co.,Advs.

Mr.Jaideep Gupta, Sr.Adv.
Mr.Riku Sarma, Adv.
Mr.Navnit Kumar, Adv.
For M/s Corporate Law Group,Advs.

Mr.Balasubramanian, Adv.
Mr.K.V.Jagdishvaran, Adv.
Ms. G. Indira,Adv.

Mr.Tushar Mehta, ASG
Mr.Kabir Hathi, Adv.
Ms. Hemantika Wahi,Adv.
Ms.Jesal, Adv.
Ms.Swati Vaibhav, Adv.

M/s. K. J. John & Co.,Adv.

Mr.Suryanarayana Singh, AAG
Ms. Pragati Neekhara,Adv.

Ms. Rachana Srivastava,Adv.

Ms. Shalini Chandra,Adv.

Ms. Shobha,Adv.
Ms.Jyoti Rana, Adv.

Mr.G.M.Kawoosa, Adv.
Mr.Ashok Mathur, Adv.
Ms.Shilpa Dutta, Adv.

Mr.Ravindra Shrivastava, Sr.Adv.
Mr.C.D.Singh, Adv.
Mr.A.P.Mayee, Adv.
Mr.Pavanshree Agarwal, Adv.
Mr.Sohrin, Adv.
Ms.Shashi Juneja, Adv.
Ms.Damani Hajela, Adv.
Mr.Vivek Dhanda,Chief Secretary and
Mr.A.N.Upadhaya, D.G.P. of Chhattisgarh

Mr.Mishra Saurabh, Adv.
Ms.Vanshaja Shukla, Adv.
Mr.Ankit Kr.Lal, Adv.

Mr.Krishnand Pandey, Adv.
Mr.Y.Lokesh, Adv.

Mr.P.Venkat Reddy, Adv.
Mr.Sumanth Nookala, Adv.
For M/s.Palwai Venka Law Associates, Adv.

Mr.Gaurav Bhatia, AAG
Ms.Pragati Neekhara, Adv.
Mr.Utkash Sharma, Adv.

Mr.Siddharth Mittal, Adv.
For Mr.S.K.Sabharwal, Adv.

Mr.Guntur Prabhakar, Adv.
Ms.Prerna Singh, Adv.

Mr.Ashutosh Kr.Sharma, Adv.
Mr.Vibhut Tiwari, Adv.
Mr.R.P.Mehrotra, Adv.

Mr.S.U.K.Sagar, Adv.
Mr.Krishna Kumar Singh, Adv.

Ms.Bina Madhavan, Adv.

Mr.Ranjan Mukherjee, Adv.
Mr.S.C.Ghosh, Adv.

Mr.Rituraj Biswas, Adv.
For Mr.Gopal Singh, Adv.

Ms.A.Subhashini, Adv.

Mr.Raghenth Basant, Adv.

Mr.S.S.Shamshery, Adv.
Mr.Amit Sharma, Adv.
Mr.Sandeep Singh, Adv.
For Ms.Ruchi Kohli, Adv.

Mr.Gopal Prasad, Adv.
Mr.Jayesh Gaurav, Adv.

Mr.Anuvrat Sharma, Adv. (NP)

Mr.Ashok K.Srivastava, Adv. (NP)

Mr.Ashok Panigrahi, Adv. (NP)

Mr.Jatinder Kumar Bhatia, Adv. (NP)

Mr.Kh.Nobin Singh, Adv. (NP)

Mr.Naresh K.Sharma, Adv. (NP)

Mr.P.V.Yogeswaran, Adv. (NP)

Mr.Sanjay R.Hegde, Adv. (NP)

Ms.D.Bharathi Reddy, Adv. (NP)

Mr.Shreekant N.Terdal, Adv. (NP)

Mr.S.Thananjayan, Adv. (NP)

Ms.Liz Mathew, Adv.

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

W.P. (C) No.75/2012:

By our order dated 14.07.2014, we had taken notice of the Standing Operating Procedure (for short "S.O.P."). We had directed the learned counsel representing different States/Union Territories to file their objections, if any, to the aforesaid procedure. It appears that none of the States/Union Territories have filed any response/reply or objection.

Now we request Shri Maninder Singh, learned A.S.G., who appears for the Ministry of Women and Children Development (Government of India), to look into the said procedure and if they are satisfied, can direct all the State Governments/Union Territories to adopt the said procedure.

Call the matter on 20th November, 2014.

In re : State of Bihar :

Pursuant to the directions issued by this Court on the last date of hearing, an additional affidavit on behalf of the State of Bihar is filed. The same is taken on record. In para 3 of the said affidavit, they have stated that between 1st of January, 2013 to 30th September, 2014, the missing children were 2,874 and out of them they had traced 2241 children so far. They had also indicated that nerely 633 children remained untraced.

Between the last date of hearing and today, they have stated that they could trace out 169 children out of 633 missing children. That would mean that they could trace out 169 children within a span of 7 days. Taking into consideration the progress so made by the State agencies and also appreciating their efforts, we now direct the State to trace out 464 children still missing within three weeks' time from today and file an appropriate additional affidavit before this Court in this regard.

Call the matter on 4th December, 2014.

In re : State of Chhattisgarh:

The additional affidavit filed by the State of Chhattisgarh is taken on record.

While arguing the matter, Shri Ravindra Shrivastava, learned senior counsel has brought to our notice the statement of missing children (both traced and untraced) from the year 2011 till 31st May, 2014. According to the said chart, even today there are 1327 children missing/untraced. The figures are very high. Therefore, we now direct the Chief Secretary of the State to trace out the 1327 untraced children within four weeks' time from today.

Pursuant to the directions issued by this Court, the Chief Secretary and the D.G.P. are present before us. In our opinion, their presence may not be required in future. Therefore, their presence is dispensed with.

Call the matter on 11th December, 2014.

In re : State of Assam:

The additional affidavit filed by the State of Assam is taken on record. A perusal of the same would demonstrate that more than 2000 children are still missing in the State. Therefore, we now direct the Chief Secretary and the D.G.P. to trace out the untraced children within four weeks' time from today.

Call the matter on 11th December, 2014.

In re : State of Madhya Pradesh:

List the matter on 20th November, 2014.

The Chief Secretary of the State shall be present on that date.

An appropriate affidavit indicating the number of missing children from the year 2011 till 31st May, 2014 and the number of children traced and untraced shall be filed before this Court before the next date of hearing.

W.P. (Crl.) No.102/2007:

De-tag and list on 27th November, 2014.

W.P. (C) No. 301/2012:

We permit Mr. Mahajan, learned senior counsel to withdraw the Writ Petition with liberty to intervene in Writ Petition (C) No. 75 of 2012.

(G.V. Ramana)
Court Master

(Vinod Kulvi)
Asstt. Registrar