

ITEM NO.33

COURT NO.1

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

Writ Petition(s)(Civil) No(s).483/2020

BACHPAN BACHAO ANDOLAN

Petitioner(s)

VERSUS

NATIONAL DISASTER MANAGEMENT AUTHORITY &amp; ORS.

Respondent(s)

(WITH IA No. 58456/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 58460/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 63748/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 49052/2020 - EXEMPTION FROM FILING O.T., IA No. 58463/2020 - EXEMPTION FROM FILING O.T.)

WITH

W.P.(C) No. 493/2020 (PIL-W)

(WITH IA No. 49624/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 58453/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 58454/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 52905/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 49625/2020 - EXEMPTION FROM FILING O.T., IA No. 52906/2020 - EXEMPTION FROM FILING O.T., IA No. 52904/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 09-01-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. H.S. Phoolka, Sr. Adv.  
Mr. Jagjit Singh Chhabra, AOR  
Ms. Prabhsahay Kaur, Adv.  
Ms. Rachana Tyagi, Adv.  
Mr. Saksham Maheshwari, Adv.  
Ms. Shashi, Adv.  
Ms. Bindita Chaturvedi, Adv.

For Respondent(s) Mr. Rajat Nair, Adv.  
  
Ms. Neela Gokhale, Adv.  
Mr. Gurmeet Singh Makker, AOR

Dr. Manish Singhvi, Sr. Adv.  
Mr. Ashok Basoya, Adv.  
Mr. Sandeep Kumar Jha, AOR  
Mr. Arpit Prakash, Adv.

Ms. Jyoti Mendiratta, AOR

**Ms. Neharika Modgil, Adv.**

**Ms. Diksha Rai, AOR**  
**Ms. Ragini Pandey, Adv.**

**Mr. Rahul Chitnis, Adv.**  
**Mr. Siddharth Dharmadhikari, Adv.**  
**Mr. Aaditya Aniruddha Pande, AOR**  
**Mr. Bharat Bagla, Adv.**  
**Ms. Kirti Dadheech, Adv.**

**Mr. Sachin Patil, AOR**

**Mr. S. Udaya Kumar Sagar, AOR**  
**Mr. Lakshay Saini, Adv.**

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

**Writ Petition(s)(Civil) No(s).483/2020**

- 1 Invoking the jurisdiction under Article 32 of the Constitution, the petitioner seeks a direction to the first respondent to frame guidelines on the prevention of trafficking in children and their rescue and rehabilitation in the wake of the Covid-19 pandemic.
- 2 The petition was instituted in 2020.
- 3 Senior counsel appearing on behalf of the petitioner states that in the meantime the National Disaster Management Authority formulated certain guidelines on 6 July 2020. The grievance of counsel is that these guidelines are not comprehensive and have not been implemented.
- 4 Since the petitioner has any further suggestions on the modalities for strengthening the guidelines and for their proper implementation, it would be at liberty to move the first respondent in a representation, preferably within a period of two months. In the event that the petitioner makes suggestions in that

regard, they may be duly looked into by the first respondent so that suitable remedial measures can be adopted to effectuate the purpose of the guidelines.

5 The petition is accordingly disposed of, at this stage.

6 Pending application, if any, stands disposed of.

**W.P.(C) No. 493/2020**

7 Invoking the jurisdiction under Article 32 of the Constitution, the petitioner has sought the following reliefs:

- “i) Issue an appropriate writ, order or direction in the nature of mandamus directing the Respondent No.1 to share the data of Migrant labour wanting to return to Bihar with the Respondent No.2; and further direct the Respondent No.2 or Bihar Commission for Protection of Child Rights of the Respondent No.2, to analyze the said data, identify child labour and provide the names/details/other information of the suspected child labour to the Child Welfare Committee, Katihar, Bihar and such other Child Welfare Committee's where the children are from, for appropriate action and rehabilitation in accordance with law, along with a copy to the Anti Human Trafficking Unit, Bihar Police for necessary action;
- ii) Issue an appropriate writ, order or direction directing the Respondent No. 3-5 to preserve the data of Migrant Labour received by them from the respective States on the National Migrant Information System (NMIS) portal;
- iii) Issue an appropriate writ, order or direction directing the Respondent No. 3 and 4 to issue a direction to all State Governments to share their data of Migrant Labour with the State Commission for Protection of Child Rights of the Home/Native State; and issue a direction to the State Commission to analyze and identify the suspected child labour from the data set and forward the necessary information and details of children to the respective Child Welfare Committee of the concerned District for rehabilitation and protection, with a copy to Anti Human Trafficking Unit of the State for necessary action;
- iv) Issue an appropriate writ, order or direction directing the Respondents to treat Migrant Labour who are Children

and returning to their homes by the NMIS portal as 'rescued Child Labour' and rehabilitate and protect them in accordance with law, and take necessary action in law against the traffickers;"

- 8 Having regard to the purpose which is sought to be subserved by the institution of these proceedings, we permit the petitioner to move the State Governments concerned with such offer for assistance as the petitioner would be willing to provide in order to ensure that the purpose of the petition is subserved. We accordingly permit the petitioner to move the State Governments with appropriate suggestions in that regard.
- 9 A considered decision shall be taken thereon, in the event that the assistance of the petitioner is required.
- 10 The petition is disposed of.
- 11 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**  
**DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**