

ITEM NO.8

Court 3 (Video Conferencing)

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s). 357/2021

NEELAM KANOJIA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(IA No. 105803/2021 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 105804/2021 - EXEMPTION FROM FILING O.T.)

Date : 21-09-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

Amicus

Mr. K.V. Viswanathan, Sr. Advocate
Mrs. Jaishree Viswanathan, Advocate
Mr. R. Venkataraman, Advocate
Mr. Apoorv Singhal, Advocate
Mr. Amartya A. Sharan, Advocate
Mr. Rahul Sangwan, Advocate
Mr. Aravind Raj, Advocate
Ms. Priyanka Vora, Advocate
Mr. Siddhant Buxy, Advocate-on-Record

For Petitioner(s)

Mr. Pai Amit, AOR
Mr. Sandeep Grover, Adv.
Ms. Vara Gaur, Adv.
Mr. Tarang Agarwal, Adv

For Respondent(s)

Mr. R.S. Suri, ASG
Ms. Priyanka Das, Adv.
Ms. Vimla Sinha, Adv.
Ms. Swarupma Chatturvedi, Adv.
Mr. Sughosh Subramanyam, Adv.
Mr. B. V. Balaram Das, AOR

Mr. Vinod Diwakar, AAG (State of U.P.)
Mr. Abhishek Vikram, Adv.
Ms. Alka Sinha, Adv.
Mr. Anuvrat Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

We have heard learned counsel for the parties and perused the

record regarding age determination received from the AIIMS, New Delhi which indicates that the girl in question (Ms. K) is still a minor.

The girl in question (Ms. K) is presently staying in Global Family Charitable Trust, Chattarpur, New Delhi.

It is agreed that she may continue to stay in the Global Family Charitable Trust until further orders to be passed by this Court. During her stay, counselling by experts is being provided to her, which may continue and the report of the counsellors be made available to the Court on the next date of hearing.

The learned *Amicus Curiae* has made valuable suggestions in the Note and Compilation submitted by him. Those suggestions can be considered as future guidelines to be adhered to by the respondent State/UT and being of general nature, could be followed even by other States/UTs as well.

For the time being, we call upon the respondents herein to submit their response with regard to action taken in reference to the Standard Operating Procedure for the cases of missing children published by the Ministry of Women and Child Development, Union of India dated 23rd November, 2016 (Annexure 9 at page 93 to 128 of the Note and Compilation).

The response regarding action taken in respect of requisite mandatory steps be placed on record by the respondents herein. Depending on the response, the Court may consider passing further directions as may be necessary.

We direct the petitioner to implead the Union of India through the Secretary of the Ministry of Women and Child Development as

party respondent, as the presence of the said authority may be appropriate for issuing directions, as may be necessary.

The learned *Amicus Curiae* has also invited our attention to the decision of this Court in *Bachpan Bachao Andolan v. Union of India & Ors.* in W.P. (C) No. 725/2012, which was the basis for issuing Standard Operating Procedure by the Government of India as also the two orders of this Court in the stated case, dated 5th September, 2017 and 7th December, 2017.

Issue notice to the newly added respondent returnable on 26th October, 2021.

Affidavit by the respondents herein be filed within three weeks from today. It should be of the officer not below the rank of Joint Secretary.

In the meantime, the Delhi Police shall continue with the investigation and take it to its logical end in right earnest.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(VIDYA NEGI)
COURT MASTER