

ITEM NO.1

Virtual Court 7

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: CONTAGION OF COVID 19 VIRUS IN CHILDREN PROTECTION

Date : 15-07-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

By Courts Motion
Mr. Gaurav Agrawal, A.C.

Union of India	Mr. Tushar Mehta, SG Ms. Aishwarya Bhati, ASG Ms. Swati Ghildiyal, Adv. Mr. S.S. Rebello, Adv. Mr. B.V. Balram Das, Adv. Mr. G.S. Makker, Adv.
State of Chhatis- garh	Mr. S. C. Verma AG Mr. Saurabh Ajay Gupta AAG Mr. Sumeer Sodhi AOR Mr. Ashish Tiwari Adv
State of W.B.	Mr. Suhaan Mukerji, Adv. Mr. Vishaal Prasad, Adv. Mr. Amit Verma, Adv.
State of Mizoram	Mr. Siddhesh Kotwal, Adv. Ms. Arshiya Ghose, Adv. Ms. Astha Sharma, AOR
State of Haryana	Ms. Bansuri Swaraj, Adv. Dr. Monika Gusain, AOR
U.T. of J&K	Ms. Shashi Juneja, Adv. Ms. Pinky Behera, Adv.
State of Karnataka	Mr. V. N. Raghupathy, AOR
State of Assam	Ms. Diksha Rai, Adv. Ms. Palak Mahajan, Adv.

State of Assam	Mr. Raghvendra Kumar , Adv. Mr. Narendra Kumar, AOR
State of A.P.	Mr. Mahfooz A. Nazki, Adv. Ms. Polanki Gowtham, Adv. Mr. Amitabh Sinha, Adv.
U.T. of Andaman & Nicobar	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, Adv.
State of Bihar	Mr. Gopal Singh, AOR. Mr. Manish Kumar, Adv.
State of H.P.	Mr. Himanshu Tyagi, AOR
State of Arunachal Pradesh	Ms. Eliza Bar, Adv. Mr. Pai Amit, Adv.
State of Manipur	Mr. Pukhrambam Ramesh Kumar, AOR Ms. Anupama Ngangom, Adv. Karun Sharma, Adv.
U.T. of Puducherry	Mr. V.G. Pragasam, AOR Mr. S. Prabhu Ramasubramanian, Adv.
State of Goa	Mr. Arun R. Pedneker, Adv. Ms. Mukti Chowdhary, AOR
State of Kerala	Mr. Jishnu M L Adv Ms. Priyanka Prakash, Adv. Mr. G. Prakash, Adv.
State of Odisha	Dr. Anindita Pujari, AOR
State of Tripura	Mr. Shuvodeep Roy, Adv.
State of Gujarat	Ms. Deepanwita Priyanka, Adv.
State of Meghalaya	Mr. Amit Kumar, Adv. Mr. Avijit Mani Tripathi, Adv. Mr. Shaurya Sahni, Adv. Ms. Tarini K. Nayak, Adv.
State of Punjab	Ms. Jaspreet Gogia, AOR
State of Rajasthan	Dr. Manish Singhvi, Sr. Adv. Mr. Sandeep Jha, Adv.
State of U.P.	Ms. Garima Prashad, Adv

	Mr. S. Udaya Kumar Sagar, AOR Ms. Swati Bhardwaj, Adv.
State of T.N.	Mr. Balaji Srinivasan, AAG Mr. M. Yogesh Kanna, AOR
State of Nagaland	Ms. K. Enatoli Sema, AOR
NCT Delhi	Mr. Chirag M. Shroff, AOR
State of Mah.	Mr. Rahul Chitnis, Adv. Mr. Sachin Patil, AOR
State of Jharkhand	Mr. Tapesh Kumar Singh, Adv. Ms. Rachana Srivastava, AOR Ms. Sneha Kalita, AOR

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

The learned Amicus Curiae has filed a note in which he has sought for general directions to be given by this Court which are as follows:

i) Education of children in CCIs:

Some of the States have indicated that online education is being done in the CCIs while some of the States have stated that online education along with teaching through television channels or through tutor(s) is being conducted in the CCIs. It is humbly submitted that the Child Welfare Committee (CWC) must examine the educational requirement of the children in CCIs of different age groups and draw up educational plan for the children either through online mode or through learning applications

or by the tutor(s). Books and necessary stationary required for teaching should also be examined by the CWCs and appropriate recommendations be made to the State Government and the State Government should be directed to act on the said recommendation of the CWC.

ii) Contact with children released from CCI:

The CCI/CWC/District Child Protection Union must be in regular contact with all the children released from CCI during the last few months on regular basis at least twice a week and appropriate reporting mechanism be maintained and record be kept. If the parents/guardians require financial support, the State Government would examine granting financial support to the families/children. Similarly, educational requirement of the said children and requirements of books etc. also need to be examined and appropriate steps be taken to ensure that the children receive education. The same process needs to be followed for children in foster care/kinship care.

iii) Review of cases of children in CCIs.

The CWCs would have to examine whether there are more children in the CCIs who can be restored to their parents/guardians.

iv) Need for institutionalisation:

Large number of children were released to their parents/guardians. Thus, CWCs would need to examine the need for institutionalization/re-admission once the situation improves in view of Section 3(xii) of the Juvenile Justice (Care and Protection of Children) Act, 2015.

v) Covid related:

a) Screening of the children in CCIs should be done every 3 days and more often (if required). The children should be counselled to report any of the symptoms and any such report must be taken very seriously and addressed immediately.

b) Detailed SOP to be drawn up by the State in case any child in the CCI is found positive which should include immediate testing of all the children, quarantine/isolation and treatment.

c) Interaction of the staff of the CCIs with the children should be regulated especially of those staff which come from outside.

d) Need for quarantine of new children who are to be admitted in CCIs or re-admissions also is to be done like in Rajasthan where separate quarantine facility is established.

e) Regular sanitization by health authorities and providing safety equipments.

Before issuing any directions, we would like to examine the response of the State Governments to the questionnaire appended to our order dated 11.06.2020.

Andhra Pradesh:

In the State of Andhra Pradesh, there are 27,243 children who were in Child Care Institutions (CCIs) before the lockdown due to the pandemic. 24611 children have been restored to their parents/guardians and at present there are 2632 children in child care homes.

According to the information provided by the State of Andhra Pradesh, financial support is being provided to 315 children. It is also mentioned in the report that 6819 children could not be contacted after they were released.

Learned Amicus Curiae pointed out that the compliance of the directions issued by us on 3.4.2020 is not forthcoming as the report has been filed only in response to the questionnaire that was circulated with the order dated 11.06.2020. Mr. Mahfooz A. Nazki, learned counsel appearing for the State of Andhra Pradesh submitted that the report in compliance of the order dated 03.04.2020 was filed in the High Court of Andhra Pradesh. The State of Andhra Pradesh is directed to file a copy of the report in this Court.

In so far as the funding is concerned, it is clear from the report filed by the State of Andhra

Pradesh that only 70.06% of the proposed funds for the year 2019-2020 were received by the State. The status pertaining to the balance funds is not clear.

The State of Andhra Pradesh shall furnish the requisite information pertaining to the follow up action taken after the release of the children to their parents/guardians in two weeks.

The concerned authorities shall devise a mechanism to contact the children, enquire about their living conditions and render the necessary assistance to them as required under law.

ASSAM:

About 550 children out of 2406 children who were in child care institutions prior to the lock down have been restored to their parents/guardians. The State of Assam is directed to file an affidavit giving details about the follow up action after release of these children. The State of Assam is directed to furnish the information relating to the financial support provided to 147 children in the foster care/institutions under ICPS.

The State of Assam shall file an affidavit giving details of the steps taken for conducting online classes to the children in child care institutions and to those who have been released to their parents/guardians within two weeks.

BIHAR:

873 children in conflict with law have been restored to their parents/guardians during lock down. We are informed by Mr.Manish Kumar, learned counsel appearing for the State of Bihar that 785 out of 873 children have been contacted through mobile phones and a constant check is being kept on the others as well periodically. In respect of the educational needs for children in CCIs, the State of Bihar is directed to introduce online classes by providing the necessary infrastructure in the Child Care Institutions. An affidavit relating to the compliance of providing online classes for the children of Child Care Institutions may be furnished to this Court within a period of two weeks.

DELHI:

The information relating to arrangements made to meet the educational needs of children in Child Care Institutions (CCIs) shall be provided by the State (NCT of Delhi), within a period of two weeks.

The follow up action taken by the State (NCT of Delhi) regarding the children who have been restored to their parents/guardians from CCIs shall also be furnished.

CHATTISGARH

The details pertaining to the follow up action

taken by the State of Chhattisgarh regarding the children who have been restored to their parents/guardians, online education which is being provided in the CCIs and the compliance of the guidelines that were given by this Court on 03.04.2020 shall be furnished to this Court within a period of two weeks.

GUJARAT:

In response to our order dated 11.06.2020 the State of Gujarat submitted a report according to which 1990 children who have been released to their parents/guardians have been paid Rs.1500/- after their release from the CCIs. The State of Gujarat is directed to clarify as to whether the amount of Rs.1500/- is a one-time payment or whether the amount is paid monthly to the children who have been restored to their parents/guardians. The details of the children in conflict with law who have been restored to their parents/guardians during lock down and the number of children in the observation homes at present shall also be provided.

There are 16028 children who are in kinship care and are beneficiaries of Palak Mata Pita Yojana. According to the information provided by the State, an amount of Rs.9,42,637/- has been transferred into the bank accounts of 71 children. The State of Gujarat shall provide the details of the Palak Mata Pita Yojana scheme

as made applicable to 16028 children in the State of Gujarat who are in the kinship care and the monetary assistance given to them as per the scheme. The particulars shall be provided within a period of two weeks.

List on 21.07.2020.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master