

ITEM NO.2

Virtual Court 6

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

Suo Motu Writ Petition (C) No.4/2020

IN THE MATTER OF :

IN RE CONTAGION OF COVID 19 VIRUS IN CHILDREN PROTECTION HOMES

Date : 11-06-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE KRISHNA MURARI
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For the parties

By Courts Motion, AOR

Mr. Tushar Mehta, SG

Mr. N.S. Nadkarni, ASG

Ms. Swati Ghildiyal, Adv.

Mr. S.S. Rebello, Adv.

Mr. Gurmeet Singh Makker, Adv.

Mr. Chirag M. Shroff, Adv.

Mr. K.V. Jagdishvaran, Adv

Ms. G. Indira, AOR

Ms. K. Enatoli Sema, AOR

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

It appears that 35 out of 57 children in a Protection Home at Royapuram, Chennai have been infected with COVID-19 and are hospitalized. The remaining children have been shifted to an adjacent building.

We direct the Secretary, Health and Family Welfare Department, State of Tamil Nadu and secretary to Social Welfare Department to submit a report giving details of the reasons for the spread of COVID-19 in the said Protection Home. The status of the health of children in conflict with law in various protection homes in the State of Tamilnadu shall be given in the report which shall be submitted by 15.06.2020.

A detailed order was passed by this Court in a Suo Motu Writ Petition on 3.4.2020 dealing with all issues pertaining to children in conflict with law. Several directions were given to the State Governments for taking preventive measures to protect children from the spread of COVID-19.

As we intend to seek information from the State Governments in relation to the care and protection of children in conflict with law, we are circulating a questionnaire which is to be communicated to the State Governments. The Juvenile Justices Committees of the High Courts shall also be supplied with the questionnaire which is annexed to this order. The Juvenile Justices Committees of the High Courts shall ensure that the State Governments provide the information that is sought for in the questionnaire before 30.6.2020.

Copies of this questionnaire which is annexed to the order shall also be communicated to the Central Agency Section. Union of India is permitted to file additional documents, in the meanwhile.

List this matter on 6.7.2020.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

Encl:

FORMAT FOR MONITORING THE STATUS OF CHILDREN IN CHILD CARE AND INSTITUTIONS DUE TO COVID 19

FORMAT FOR MONITORING THE STATUS OF CHILDREN IN CHILD CARE AND INSTITUTIONS DUE TO COVID 19

This format has been developed with the purpose of **monitoring the situation of children in institutions and in need of care and protection in COVID 19 based on the [order of the Hon'ble Supreme Court¹](#)** dated 3rd April 2020.

This format will help us to review the challenges faced by the authorities, Child Welfare Committees, Juvenile Justice Boards and District Child Protection Units (CWCs, JJBs and DCPUs) in holding virtual sessions, restoring children back to families as well in following up to the constraints of the lockdown and develop measures to deal with these.

The format will also enable the collection of good practices which may be useful to other states for replication.

NAME OF STATE:

Date:

1. Children in Need of Care and Protection		
1.a. Children in Institutions		
How many CCIs are registered in the State?		
Categories (numbers)	Government Aided	
	Grant in aid	
	NGO run	
Types of CCIs (numbers)	Homes of CNCP	
	SAA	
	Observation Homes	
	Places of Safety/ Special Homes	
Total No. of children in CCIs before the COVID19 related lockdown		
Boys		
Girls		
Total		
No. of children restored to their parents (age and gender)		
Boys		
Girls		
Total		

¹ https://main.sci.gov.in/supremecourt/2020/10820/10820_2020_0_4_21584_Order_03-Apr-2020.pdf

No. of children restored to families after the lockdown who may not be the biological parents but related or foster families (age and gender)	
Boys	
Girls	
Total	
No. of children placed in SAAs before the lockdown	
Boys	
Girls	
Total	
No. of children placed in SAAs after the lockdown	
Boys	
Girls	
Total	
Has any counselling support been provided to children in CCIs? YES/NO	
If yes - how was this done – please provide details	
If No- what are the challenges faced?	
No. of children who were sent home post the lockdown contacted for follow up	
Boys	
Girls	
Total	
Did you face any challenges during follow up? Yes/No If yes, describe what types of challenges	
Are home study reports and SIRs being prepared for all children sent home?	YES/NO
What are the challenges faced during the process of restoration and SIRs of children?	
How many children were provided with sponsorship or other financial support when they were restored or sent with alternative families	
Boys	

Girls	
Total	
7 to 14 years	Boys
For children who are still residing in CCIs, are services being provided? (Education/ Counselling/ COVID Risk Management/ Contact with families)	YES/NO
If yes - please specify	
1.b. Children in family-based settings	
No. of children in Foster care	
No. of children in Kinship care	
Did you face any challenges during follow up? Describe what types of challenges	
Has any counselling support been provided to children in foster care and kinship care?	YES/NO
If yes - how was this done – please provide details	
If No- what are the challenges	
Have the cash transfers been received by the families?	YES/NO
What kind of financial support has been provided to foster families? List state specific schemes or initiatives	
For children who in foster/kinship care, are services being provided? (Education/ Counselling/ COVID Risk Management)	YES/NO
If yes - please specify	

1.c. Other categories of children	
Any special services being provided to migrant populations and children accompanying them?	YES/NO
If yes- please list key ones	
If no- what are the challenges in doing so	
Were any unaccompanied children identified?	
How many? Please give number	
Boys	
Girls	
Total	
Have any services/assistance been provided for unaccompanied children?	YES/NO
If yes, please list services/assistance provided	
Have the cash transfers been received by the families?	YES/NO

1d. No. of youth in Aftercare	
Girls	
Boys	
Total	
Any follow up done with youth in aftercare?	YES/NO
If yes, what are the emerging concerns and priorities for assistance?	
If No, give reasons	

2. Children in Conflict with law		
Total no. of children in Observations Homes/Place of Safety/Special Homes at the time of lockdown		
7 to 14 years	Boys	
	Girls	
	Total	
15 to 18 years	Boys	
	Girls	
	Total	
No. of children restored to their parents (age and gender)		
7 to 14 years	Boys	
	Girls	
	Total	
15 to 18 years	Boys	
	Girls	
	Total	
Grand Total		
Are home study reports being prepared for all children?		YES/NO
If yes how many have been prepared since lockdown?		
How many bail applications were provided?		
What are the challenges faced during the process of restoration and SIRs of children?		
Are any plans in place for return of these children? If yes, please give details		
Are there any opportunities of diversion or permanent restoration of these children to their families?		

3. Functionality of Child Protection Structures		
CWCs		
Number of districts where CWCs are present/exist		
Number of districts where CWC sittings are taking place and functional		
Modality of sittings	Actual Physical Meetings	
	Remote (via VC or Phone)	
	Not sure	
How many times are they meeting weekly?		
How many cases have they reviewed since lockdown?		
JJBs		
Number of districts where JJBs are present/exist.		
Number of districts where JJB sittings are taking place and functional		
Modality of sittings	Actual Physical Meetings in office	
	Remote (via VC or Phone)	
	Not sure	
How many times are they meeting weekly?		
How many cases have they reviewed since lockdown?		
DCPUs		
Number of districts where DCPUs are functional?		
Modality of functioning	Actual Physical Meetings in office	
	Remote (via VC or Phone)	
	Not sure	
Where not functional- what are the challenges?		
CHILDLINE		
Number of Districts where CHILDLINE is functional:		
What are the challenges if any in CHILDLINE operations where they are functional?		
ICPS		
Are funds being received under ICPS on time?		YES/NO
If No, what are the bottlenecks		

What is the percentage of funds received against requested planned allocations?
What are the special funding requirements for COVID related concerns?
Are regular monitoring formats/CPMIS functional? YES/NO
In how many districts are monitoring formats/ CPMIS functional?
As per directions of Hon'ble SC, JJs were required to do regular monitoring if implementation of order dated 3 rd April, 2020 – how has this been ensured? https://main.sci.gov.in/supremecourt/2020/10820/10820_2020_0_4_21584_Order_03-Apr-2020.pdf
Challenges if any:
4. Lessons Learned and Good Practices
Any good practices, suggestions or lessons learned that can be shared?
Any other remarks