

Government of Karnataka
Integrated Child Protection Scheme

No:KSICPS/COVID-19/69/2020-21

Directorate
Integrated Child Protection Scheme
Bangalore, Date: 05.05.2020

REVISED ORDER

Order No: KSICPS/COVID-19/67/2020-21 Dated: 03.04.2020 is revised as below and shall be read as below:

It came to the notice of the Directorate that many Child Welfare Committees (CWCs) have issued schedules to conduct "Physical Sittings" in the Child Care Institutions in various Districts.

In this regard the facts are that the Karnataka State Commission for Protection of Child Rights, KSCPCR has issued Guidelines to CWCs regarding how to conduct CWC activities to maintain COVID-19 Precautions on 20.03.2020 and the same was circulated to all the Districts through Directorate letter No:ICPS/ Corona Virus/2019-20 Dated:20.03.2020 on the same day itself. Later the Hon'ble Supreme Court's Directions about the measures to be taken by the CWCs in the COVID-19 Context through the SMWP(Civil) No:4/2020 dated: 03-04-2020 have been circulated to all the DCPOs and CWCs for strict compliance through Directorate Order No: KSICPS/COVID-19/6/2020-21 dated:04.04.2020 itself. Also, the Kannada Translation of the same was circulated through Directorate letter No: KSICPS/COVID-19/11/2020-21 dated:06-04-2020. Again on 07-04-2020 Directorate has issued detailed Guidelines through letter No: KSICPS/COVID-19/18/2020-21 containing the Crux of the Supreme Court's above-mentioned Directions. On 15.04.2020 through Letter No: KSICPS/COVID-19/31/2020-21 detailed and comprehensive Guidelines were issued by the Directorate exclusively for the CWCs wherein both the Supreme Court's above mentioned directions and the relevant Karnataka State High Court's directions both were highlighted and CWCs were directed to follow strictly.

However, in spite of repeated directions as above it came to the Notice of the Directorate that some CWCs are trying to violate the same. Till now as can be seen above Directorate has issued repeated communications directing the CWCs to follow the hon'ble Supreme Court's directions and the communication dated 15.04.2020 was very comprehensive in this regard. However, in spite of repeated communications as can be seen above since it came to the notice of the Directorate that some CWCs are venturing to violate the hon'ble Supreme Court's

directions now it becomes necessary to communicate about the consequences of such violation. Accordingly, the following is being communicated.

Hence the Hon'ble Supreme Court's Directions in the Suo Moto Writ Petition (Civil) No. 4 of 2020 dated: 03-04-2020 at Para 4 which gave clear directions to all the CWCs is reproduced once again as follows:


“
MEASURES TO BE TAKEN BY CHILD WELFARE COMMITTEES

- CWCs are directed to proactively consider steps that are to be taken in the light of COVID-19, while conducting their inquiries/inspections and also whether a child or children should be kept in the CCI considering the best interest, health and safety concerns.
- Special online sittings or video sessions may be called to consider measures that may be taken to prevent children residing in the Children's Homes, SAAs, and Open Shelters from risk of harm arising out of COVID-19
- Gate keeping or preventive measures need to be considered and families counseled to ensure that institutionalization is the last resort. Focus should be on prevention of separation when possible.
- CWCs to monitor cases telephonically for children who have been sent back to their families and coordinate through the District Child Protection Committees and Foster care and Adoption Committees (SFCACs) for children in foster care.
- As far as possible, online help desks and support systems for queries to be established at the state level for children and staff in CCIs.
- It is important to consider that violence, including sexual and genderbased violence may be exacerbated in contexts of anxiety and stress produced by lockdown and fear of the disease, CWCs can monitor regularly through video conferencing, WhatsApp and telephonically to ensure prevention of all forms of violence”.

From the above Directions of the Hon'ble Supreme Court it is very much clear that CWCs are NOT supposed to conduct “physical sittings” in the Child Care Institutions because the same will lead to the Contempt of the Court. Hon'ble Supreme Court directions are to ensure COVID-19 Precautions strictly. The Direction “CWCs can monitor regularly through video conferencing, WhatsApp and telephonically to ensure.....” makes it clear that the Hon'ble Supreme Court **doesn't** contemplate “physical inspections” too by the CWCs as maintaining the Social Distance is the primary Precaution of the COVID-19. Hence CWCs must follow the Supreme Court's Directions in this regard too.

Hence it is directed that CWCs should NOT conduct any "Physical Sittings" till further Directions in this regard. Any violations will be viewed very seriously and disciplinary action as per the Juvenile Justice Act,2015 will be taken with immediate effect.

It is also clarified that proper online sittings through any of the modes prescribed by the Hon'ble Supreme Court where proper Proceedings are passed for any necessities under the Juvenile Justice Act, 2015 will be eligible to claim Sitting Fees.

 05.05.2020
Director,

Integrated Child Protection Scheme
Bangalore.

To,

- 1) All Child Welfare Committees.
- 2) All District Child Protection Officers.

Copy to

All Deputy Directors, Women and Child Development Department.