

ITEM NO.1                      Court 8 (Video Conferencing)                      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 HOMES

(with applns. for Appropriate orders/directions, exemption from filling affidavit, exemption from paying court fee, intervention and intervention/impleadment)

Date : 15-12-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE AJAY RASTOGI

By Courts Motion	Mr. Gaurav Agrawal, A.C.  Mr. Tushar Mehta, S.G. Mrs. Swarupama Chaturvedi, AOR Ms. Neha Rai, Adv.
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State of Mizoram	Mr. Siddhesh Kotwal, Adv. Ms. Ana Upadhyay, Adv.

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State of Odisha	Dr. Anindita Pujari, AOR Mr. Deval Singh, Adv. Mr. Om Narayan, Adv.
State of Tripura	Mr. Shuvodeep Roy, Adv. Mr. Rahul Raj Mishra, Adv.
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Ms. Jaspreet Gogia, AOR  
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Mr. Narendra Kumar, AOR

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

We have heard the learned Amicus Curiae, the learned Solicitor General of India and counsel appearing on behalf of the State governments.

Education of children in various Child Care Institutions:

The learned Amicus Curiae submitted a note dated 13.08.2020 giving suggestions relating to the education of children in Child Care Institutions. The concern is that the education of children in Child Care Institutions has suffered due to the pandemic. It is the suggestion of the learned Amicus Curiae that infrastructure available in the Child Care Institutions for providing education to children needs to be assessed. On the basis of the assessment of the infrastructure, Child Welfare Committees and the Juvenile Justice Boards through the District Child Protection Units shall inform the State Governments about the deficiencies in the infrastructure, stationary/books etc. It was also stated that in view of the ongoing

pandemic, classes may have to be held online.

The pandemic has affected normal life since March, 2020 and it is possible that the children in the Child Care Institutions might not have the benefit of attending classes. It is necessary to ensure that extra classes should be held for children residing in Child Care institutions to make them holistically prepared to take the examinations in March-April, 2021.

EDUCATION OF CHILDREN HANDED OVER TO THEIR PARENTS, GUARDIANS AND FOSTER CASE:

After considering the responses of the various State Governments, the learned Amicus Curiae has submitted in his note that the State of Telangana is providing extra classes for children in Child Care Institutions. The other states should also follow the lead of the State of Telangana and ensure that such extra classes be provided for students/ the children restored to the families due to coronavirus pandemic. The learned Amicus Curiae brought to our notice that 2,27,518 children were in the Child Care Institutions before the pandemic and 1,48,788 children have been restored to their families/guardians and other foster care homes, as a result of the pandemic. Educational needs of those children who have been handed over to their parents or guardians should be assessed. They might not have attended schools due to various

reasons including the financial distress of the parents. The State of Tripura is following a practice of providing financial aid of Rs.2160/- per month to the parents or guardians of the children who have been restored from the Child Care Institutions.

The learned Amicus Curiae suggests that an assessment has to be made by the District Child Protection Units to find out the status of children who have been restored to their families or guardians due to the lockdown. In view of the large number of children who have been restored to their families or guardians due to the lockdown, it might be necessary for the State governments to nominate or appoint a guide or a teacher for every 20 to 25 students based on geographical proximity as is being done in the State of Karnataka.

The learned Solicitor General submitted that Section 109 of The Juvenile Justice (Care and Protection of Children) Act, 2015 provides that the National Commission for Protection of Child Rights is obligated to monitor the implementation of the provisions of the said Act and any directions by the Commission in addition to the directions given by this Court are required to be complied with by the State Governments.

The suggestions made by the learned Amicus Curiae have not been objected to by the counsel appearing for the

State Governments. Mr. Balaji Srinivasan, learned counsel for the State of Tamil Nadu submitted that education of children in the Child Care Institutions in the State of Tamil Nadu and the children restored to their families or guardians is being taken care of. Ms. Diksha Rai, learned counsel appearing for the State of Assam submitted that there is a possibility of commencement of physical functioning of schools in the near future and any direction given now should be only till the schools start functioning physically.

We are in agreement with the learned Amicus Curiae and we direct the State governments to provide the necessary infrastructure, stationary, books, printers along with the other equipment that is necessary for children to quantitatively attend online classes on the basis of the recommendation made by the District Child Protection Units, within a period of 30 days from today.

The State Government shall also ensure that the required number of tutors are made available for teaching the children in various Child Care Institutions. Extra classes, if necessary, should also be taken for the children to help them in preparing for the final examinations to be held next year.

The District Child Protection Units shall inform the District Legal Service Authorities about the progress made

in the infrastructure being provided to the Child Care Institutions and the functioning of online classes periodically i.e. once in a month.

The District Child Protection Units are also directed to make an assessment of the children who are restored to their families or guardians or foster homes during the lockdown by taking the assistance of other statutory bodies like the Child Welfare Committees and Juvenile Justice Boards.

The District Child Protection Units are directed to enquire about the financial position of the parents or guardians of the children. If it is found that the children are not being sent to school in view of the financial disability of their parents or guardians, the District Child Protection Units are directed to recommend to State governments to grant financial aid to the parents or guardians concerned. On such recommendation being made by the District Child Protection Units, the concerned authorities of the State governments are directed to release an amount of Rs.2000/- per month for each child, to the parents or guardians of the children in distress, which shall be used for the purpose of the education of the children.

The District Care Protection Units are also directed to ascertain the number of children who are restored to

their families due to lockdown in a particular geographical locality and organize a guide or a teacher for each group of 25 children.

Any clarifications regarding the implementation of the directions above by the State Governments can be sought from the learned Amicus curiae. The above directions shall be implemented at the earliest.

List the matter in February, 2021.

(B.Parvathi)  
Court Master

(Beena Jolly)  
Court Master