

In the High Court at Calcutta

19.06.2020.
Ct.13
d.p/chc

W.P. 5327 (W) of 2020

(Via Video Conference)

(The Court on its own motion)

**In re: Contagion of COVID – 19 Virus in
Children Protection Homes.**

**Mr. Kishore Datta, Ld. Advocate General
Mr. Sayan Sinha**

For the State

The affidavit filed on behalf of Additional Chief Secretary, Home and Hill Affairs Department, State of West Bengal, the report filed by the Secretary, Department of Women and Child Development and Social Welfare Department and the affidavit filed on behalf of Additional Chief Secretary, Labour Department in pursuance of our order dated 10th June, 2020 are taken on record.

In the affidavit filed on behalf of the Child and Social Welfare Department it has been stated that a system has been developed to conduct post-restoration follow up on regular basis by DCPUs/Staff of CCIs which includes collection of general information about the physical and mental health of the restored children, economic condition of the families, food security, sensitisation about taking precautionary measures against COVID 19 and so on. Direct interaction with the child over phone calls has been established. It is further stated that regular follow up of the restored

children at least once in a week has been done by the district level as well as state level officials. For this purpose, a structured questionnaire has been developed by the said department.

While appreciating the steps taken by the said Department keeping in mind of the welfare of the children, we call for an affidavit to be filed by the Secretary disclosing the nature of the instruction issued and materials and documents relating thereto including structured questionnaire with illustration of few cases for our better appreciation of the measures taken by the said Department. The affidavit shall be filed by 24th June, 2020.

Although, we have directed Home Secretary to file the affidavit, instead, an affidavit by the Secretary, Coordination, Home and Hill Affairs Department, Government of West Bengal has filed the affidavit disclosing certain facts. On the assurance by the Learned Advocate General that henceforth the affidavit shall be filed by the Home Secretary we accept the said affidavit. The statements made in paragraph 6 of the affidavit lacks material particulars inasmuch as the particulars of the cases disclosed in paragraph 7 are mismatching with the reports that are in our possession. The report filed by the Secretary, DALSA, Bankura shows that 32 cases of child marriage was prevented and one child was rescued. Marriage number of cases have been reported under POSCO during this lockdown period. The affidavit although was affirmed on 16th June, 2020 but the child rights violation cases in the districts are only up to 29th April, 2020 and does not contain details of all the districts. We expected a more accurate and detailed affidavit with candid disclosure of all facts. We are unhappy with the

affidavit. We have shared our views with the Learned Advocate General during the course of hearing and brought to his attention the various gaps in the said affidavit.

Mr. Learned Advocate General has assured this Court that an affidavit shall be filed by the Home Secretary disclosing all details that we have indicated to the Learned Advocate General during the course of hearing before next date of hearing.

In so far as, the affidavit filed by the Labour Department is concerned it seems that there has been neither conviction nor acquittal in the cases pending for adjudication relating to violation of child rights. It appears from the chart disclosed in the said affidavit that in 2019 about 176 cases and in 2020 about 199 cases regarding infringement of child rights are pending. Even during the lockdown period cases of infringement have been detected. We call for a detailed affidavit as to the nature of investigation carried out by the authorities concerned and the steps taken by the authorities to bring the perpetrators of such offenders to justice, as also the reason for delay in disposal of the labour cases.

The Principal Secretary, Labour Department, Government of West Bengal shall file an affidavit clarifying the details furnished in the chart at page 18 of the said affidavit.

In the morning, we have come across an article published in today's edition of "The Indian Express" where the Chairperson of the West Bengal Commission for Women has stated that there has been a spike of domestic violence cases during the lockdown periods

which includes child sexual abuse and violation of other child rights. We request the Learned Advocate General to look into the matter. We direct the Chairperson of the West Bengal Commission for Women to share information of child rights violation during the lockdown period as reported to the said Commission with the Learned Advocate General by Tuesday (23.06.2020) so as to enable the Learned Advocate General to place it before us on the next date of hearing.

We request the Learned Advocate General to communicate this order to the Chairperson of the Commission for compliance.

The time to file affidavit by the Secretary, Health Department is extended till the adjourned date.

The report filed by the District Judges regarding recording of statement under Section 164 Cr.P.C. are taken on record.

Edition of Indian Express dated 19.06.2020 is kept with the record.

The matter stands adjourned till 25.06.2020 at 2 P.M.

(Soumen Sen, J.)

(Harish Tandon, J.)