

Implementing laws during COVID-19



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The Child Protection program works closely with state government mechanisms (legislative, judiciary and executive) for effective implementation of child-related laws in Assam, India. Soon after the WHO declaration of COVID-19 as a global pandemic, the Government of India (GoI) took a tough decision and announced lockdown as a preventive measure to minimise the impact of the pandemic. Restrictions due to the lockdown have further created barriers for 'children in conflict with the law' and 'children in need of care and protection' categories living in various types of childcare institutions in accessing justice and entitlements.

Considering the best interests of children, the Supreme Court of India (SC) through suo moto petition (civil) No. 4 of 2020 passed an order in the matter of re-contagion of the COVID-19 virus in children's protection homes and directed State Governments and the High Court to take appropriate steps and release eligible children alleged to be in conflict with the law, residing in Observation Homes. The Juvenile Justice Board (JJB) shall consider taking steps to release all children on bail unless there are clear and valid reasons for application of the proviso to Section 12, JJ Act, 2015.²¹ Video conferencing or online sittings can be held to prevent contact for speedy disposal of cases.

In Assam state, UNICEF was invited to be part of the technical core committee constituted to review the ground situation and develop a roadmap for effective implementation of the Supreme Court Order. Later, a detailed list of 89 children in conflict with laws living in different Observation Homes (district-wise, offence-wise and observation home-wise) was prepared and shared with the Juvenile Justice Committee

(JJC) of Gauhati High Court and all District Child Protection Units (DCPUs) are to do necessary follow up with JJBs.

Subsequently Gauhati High Court issued a letter to the JJB to review the bail petition of 89 children in conflict with laws under section 12 of the JJ (CPC) Act, 2015 and the SC order; and pass the necessary order for eligible children keeping in mind the best interests of children in the context of COVID-19. This entire effort resulted in facilitating the release of 37 children in conflict with the law (17 heinous offences, four serious offences and 16 petty offences) back to their families.

As a follow up, the State is now planning to establish follow up communication channels with these children and provide necessary support to their families (legal and counselling services and linkages with social protection schemes) as part of the rehabilitation and reintegration measures. Well-coordinated efforts from the Social Welfare Department, Police, district administration, judiciary and UNICEF in bringing all key stakeholders together and developing guidelines, undertaking pending case analysis, and regular follow up with key agencies helped in achieving this result.

As a member of the technical core committee, UNICEF extended technical inputs to the Social Welfare Department in developing formats and draft guidelines that capture the release criteria of children based on provisions of the JJ (CPC) Act, 2015 and assisted the State Child Protection Scheme (SCPS) team in analysing the pending cases. UNICEF coordinated with the JJC Secretariat, Gauhati High Court and requested for issuing necessary instruction to the JJB for release of children on bail.

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For additional information please contact:

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