

Court No. 12
05.11.2020
(Item No. 1)
(SB)

W.P.A. 5327 of 2020
(Old No. W.P. 5327 (W) of 2020)

Court in It's Own Motion

**In Re : Contagion of Covid-19 Virus in
Children Protection Homes.**

(Through Video Conference)

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

...For the State

This matter is listed in view of news published in some of the leading English and Bengali dailies namely, The Indian Express (Kolkata Edition), The Hindu (Kolkata Edition), The Times of India (Kolkata Edition) and the Bengali daily "Anandabazar Patrika" all dated October 31, 2020 publishing a news regarding alleged custodial death of a 15 year old boy at Mallarpur area in the Birbhum District. It is reported that the boy was arrested for an alleged theft. It raises a serious issue concurring the violation of child rights and procedure to be followed by the police where a child is in conflict with law.

In view of the importance of the matter we directed the Member Secretary of the Juvenile Justice Committee to give notice to the learned Advocate General. The learned Advocate General, however, is not present. The State is represented by Mr. Sayan Sinha, learned Advocate.

Copies of the newspapers are taken on record.

Considering the seriousness of the matter we direct the Superintendent of Police, Birbhum to file an affidavit disclosing the incident leading to arrest of the child, if required procedure was followed under the Juvenile Justice Act, reasons for the death of the child at the police station and also the action taken by him soon after the occurrence of the incident by 11th November, 2020. It appears from the news published in The Times of India that West Bengal Commission for Protection of Child Rights (WBCPCR) has taken cognizance of the said incident.

The West Bengal Commission for Protection of Child Rights (WBCPCR) shall also file an affidavit by that date.

Let the matter be listed on **12th November, 2020**
at 11 AM.

(Harish Tandon, J.)

(Soumen Sen, J.)