



भारत सरकार  
GOVERNMENT OF INDIA  
राष्ट्रीय बाल अधिकार संरक्षण आयोग  
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS  
नई दिल्ली- ११०००१  
NEW DELHI-110 001



F.No. CP/NCPCR/Legal/2021

Date-26.05.2021

To,  
Chief Secretary,  
All States/UTs

**Subject- “Document prepared by NCPCR with its recommendations for dealing with children who have been orphaned or have lost either of the parent due to COVID-19 along with information about the NCPCR’s Covid-Care link on Bal Swaraj portal”**

Sir / Madam,

National Commission for Protection of Child Rights (**hereinafter referred to as the Commission**) is a statutory body constituted under Section 3 of the Commission for Protection of Child Rights (CPCR) Act, 2005 to protect the child rights and other related matters in the Country. The Commission is further mandated to monitor the proper and effective implementation of Protection of Children from Sexual Offences (POCSO) Act, 2012; Juvenile Justice (Care and Protection of Children) Act, 2015 and Right to Free and Compulsory Education (RTE) Act, 2009. In one of the functions laid down under Section 13 of the CPCR Act, 2005, the Commission has been assigned with the function to examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation.

2. The Commission has been made aware of instances where it has been seen that many NGOs are advertising about the children who have become orphan after losing both their parents to COVID-19. There are also situations arising where the child has lost either of the parent, who in most cases, is the breadwinner of the family. In such arising situations during this surge of COVID-19, it has become essential that the rights of children are upheld and protected and there is tracking of each child who has become orphan or has lost either of the parent to COVID-19. The children involved in these situations are children in need of care and protection under **Section 2(14) of the Juvenile Justice Act, 2015** and all procedures given under the Act for such children must be followed to ensure the well-being and best interest of children. The Child Welfare Committees, under Section 27 of the Juvenile Justice Act, 2015 have been established at District level for exercising its powers and to discharge the duties conferred on them in relation to children in need of care and protection under the Act. Therefore, every such child affected by COVID-19 and found to be in distress and without family support must be produced before the concerned Child Welfare Committee under **Section 31 of the Juvenile Justice Act, 2015**.



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3. The Commission has been receiving many complaints in the past month or so alleging that there are private people, organizations who are involved in data collection of such children stating that they want to provide assistance to the children and the families and also, these organizations/people are giving away these orphaned children to families in adoption without following the procedure given under the Juvenile Justice Act, 2015. The Act, besides providing for an extensive procedure for children who have lost family support or are in need of assistance, also provides for an exhaustive procedure for adoption of orphan/abandoned/surrendered children. It is only after following the adoption procedure as given under the Juvenile Justice Act, 2015 and the final adoption orders of the prescribed authority that the adoptions of orphan/abandoned/surrendered children are finalized and lawful in nature.

4. In view of the complaints received by the Commission and in accordance with the provisions and rules laid down under the Juvenile Justice Act, 2015 and Juvenile Justice (Model Rules), 2016 respectively, the Commission has prepared a document for dealing with children affected due to COVID-19. The Commission has, by way of this document outlined the procedure and functions of each child protection authority/officer as given under the Juvenile Justice Act, 2015 and simultaneously, also made certain recommendations for the State Government and the other relevant authorities, which if implemented, can ensure the welfare and well-being of the child. **(Copy of the document enclosed)**

5. The Commission, in furtherance to its function as a monitoring authority under **Section 109 of the Juvenile Justice Act, 2015**, has devised an online tracking portal **“Bal Swaraj (COVID-Care)”** for child in need of care and protection, especially for children living in street situations. This portal of the Commission has been created with a purpose for online tracking and digital real time monitoring mechanism of children who are in need of care and protection. Keeping in view, the current situation of COVID-19, the Commission has extended the use of this portal for tracking children who have lost both its parents or either of the parent during COVID-19 and provided an link under the name of **“COVID-Care”** for filling of data of such children by the concerned officer/department on the portal. **“COVID-Care”** is aimed at tracking the children affected by COVID-19 right from the production of children before the Child Welfare Committee to the restoration of the children to their parent/guardian/relative and its subsequent follow-up. The forms for preparing Social Investigation Report and Individual Child Care Plan of the child are also enclosed which will be required to be uploaded on the portal under the **COVID-Care link. (Forms of SIR and ICP enclosed with the annexed document)**



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6. It is requested that this document may be circulated in your respective State/UT to the following departments/officers-

- i. **Director General of Police-** for circulation to all Police Stations and Special Juvenile Police Unit.
- ii. **Department of Women and Child Development/Social Welfare-** for circulation to all DCPUs, Child Welfare Officers, Child Welfare Committees, Block and Village level Child Protection Committees, Anganwadi workers. The Asha/Anganwadi workers may inform Department of WCD/Social Welfare about the left behind children who are in distress and may also inform about any other incidence related to children which may require intervention.
- iii. **Directorate/Department of Education-** for circulation to all Schools (Government and Private), District Education Officers
- iv. **Department of Urban Development/Rural Development and Panchayati Raj Department-** for facilitation of and providing legal heir certificates and death certificates in a time bound manner in cases involving children who have lost both or either of the parent to COVID-19. Further, these departments, having information about the people who have died and the left behind children (as they are issuing death certificates and would have the data maintained about the people living in the concerned district and are responsible for implementation of various schemes mentioned in the document) must also inform about the same to the Child Welfare Committee/Department of WCD, so that such children can be identified and necessary action can be taken.
- v. **State Legal Services Authority-** for providing free legal assistance/legal aid to the child or its parent/guardian in procurement of the succession certificate for the child from the concerned Court. The Legal Services Authority may also be requested to provide a support person or para legal volunteer to the child and its parent/guardian for assisting them before the concerned authority/Court.
- vi. **District Magistrates-** for overall monitoring and implementation of the provisions of Juvenile Justice Act, 2015 and recommendations of the Commission.



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It is requested that the recommendations made by the Commission in the document may be implemented with respect to each State and District Level department/officer. The COVID-Care link of the Bal Swaraj Portal which will go live by tomorrow ie. 25.05.2021 will be made available to every State/UT and the details will be shared with the nodal officers at the State and District Level as well as the Principal Secretary of the WCD/Social Welfare Department. The States/UTs are requested that they may direct the nodal officers both at the State and District Level to provide data on the Bal Swaraj portal-Covid Care link as required. It is of utmost importance that the nodal officers are filling in the data on the portal in a timely manner of each such child as categorized to have become orphan or lost either of the parent to COVID-19 under the COVID-Care link of Bal Swaraj Portal. Further, if there is recommendation of CWC to State Child Protection Society (SCPS) for giving sponsorship to a child, then in that case the link is being provided to the Principal Secretary (Department of WCD) for filling up data concerned with the SCPS.

7. It is requested that a **compliance report of the above-mentioned may be sent to the Commission within 10 days.**

8. Further, the Commission is also receiving complaints of disclosure of children's information by Government authorities to private NGO's and organizations which is observed to be in violation of Section 74 of the Juvenile Justice Act, 2015. The said provision prohibits disclosure of identity of children with regard to the name, school, age, address etc. of the child, which would reveal the essential details of the child and could help in identifying the child. Therefore, no such confidential information about children must be provided to any person/entity/organization which would make them susceptible trafficking, abuse, illegal adoption etc. It is requested that your good offices may also look into this issue and ensure that unless there is an order/recommendation of CWC for disclosing the identity of the child in any manner or the same is required for the purpose of sponsorship/financial support, the identity of the child must not be disclosed and no information related to children should be given to any person/entity/organization.



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9. The Commission would also like your good offices to communicate about any difficulties being faced by your respective State/UT in providing monetary assistance to the children affected by COVID-19, so that the National Commission/ State Commissions can help in facilitating donations, contributions, funds etc. for providing financial assistance to the children. The Commission requests that the bank account details, name of the account holder, IFSC code and other such requisite details of State Juvenile Justice Fund or any other fund created under **Section 105 of the Juvenile Justice Act, 2015** by your respective State/UT may be provided to the Commission for furthering assistance.

Encls. As above.

Yours sincerely,

Sd/-  
(Priyank Kanoongo)  
Chairperson



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