

## The Role of NCPCR in the Protection of Child Rights in India

**Ruby Madhyan**

Guest Faculty, School of Undergraduate Studies, Dr. B.R. Ambedkar University, Delhi.

### Abstract

The National Commission for Protection of Child Rights (NCPCR) is India's apex statutory body. The Commission is established under the CPCR Act, 2005, to safeguard, Promote and monitor child rights (Age 0-18) in line with the constitution and UNCRC, reviewing laws, investigating violations, inspecting institutions and advocating for children in distress, marginalized group, and those affected by violence or exploitation. The NCPCR has a chairperson and six members, appointed by the Central Government. The commission is an autonomous and independent body that works in the field of child rights.

**Keywords:** Child Rights, constitution, The National Commission for Protection .

India has the largest child population in the world. **The National Commission for Protection of Child Rights** (NCPCR) was set up in March, 2007 under the Commission for Protection of Child Rights Act, 2005, an act passed by Parliament in December 2005. The mandate of the Commission is to monitor all laws, policies, programmes and administrative mechanism in the country to ensure that children's rights as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child (UNCRC) are protected. The child is defined as a person in the age group of 0 to 18 years.<sup>1</sup>

### Composition of the NCPCR

- (i) A chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children and,
- (ii) Six members (out of which at least two shall be women) from the following fields to be appointed by the Central Government from amongst person of eminence, ability, integrity standing and experience in-
  - (a) Education
  - (b) Child health, care, welfare or child development,

- (c) Juvenile justice or care of neglected or marginalized children or children with disabilities,
- (d) elimination of child labour or children in distress;
- (e) child psychology or sociology; and
- (f) Laws relating to children<sup>2</sup>.

### **Functions of the NCPCR**

The functions of the Commission as laid out in the act are as follows-

- (i) 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.
- (ii) Present to the Central Government, annually and at such other intervals, as the Commission may be fit, reports upon the working of those safeguards
- (iii) Inquire into violation of child rights and recommend initiation of proceedings in such cases.
- (iv) Examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disasters, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures.
- (v) Look into matters relating to children in need of special care and protection, including children in distress, marginalised and disadvantaged children, children in conflict with law, juveniles, children out of family and children of prisoners and recommend appropriate remedial measures.
- (vi) Study treatise and other international instruments and undertake periodic review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children.
- (vii) Undertake and promote research in the field of child rights.
- (viii) Spread child rights literacy among various sections of the society and promote awareness of the safeguards available for the protection of these rights through publications, media, seminars and other available means.
- (ix) Inspect or cause to be inspected any Juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority including any institution run by a social organisation, where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial actions, if found necessary.
- (x) Inquire into complaints and take suo motu notice of matters related to: Deprivation and violations of child rights; Non implementation of laws providing for protection and development of children; Non compliance of policy decision, guidelines or instructions

aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children, or take up the issues arising out of such matters with appropriate authorities;

(xi) Such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above functions.

The commission shall not inquire into any matter which is pending before a state commission or any other commission duly constituted under any law for the time being in force.<sup>3</sup>

## **Methodologies for Intervention**

The Commission has utilized the following methods to collect information and recommend actions to be taken up by the state.

### **1. State Visits**

Periodic visits to the states are made based on the fact that issues pertaining to children's rights are subjects under the State List or the Concurrent list of the Union Government.

### **2. Public Hearings**

Public Hearings have become an important tool for conducting an open and transparent enquiry where voices of children and their protagonists are heard in the presence of the NCPCR. The hearings are held based on specific complaints received from the civil society on gross violation of children's rights on a massive scale, or/and media reports corroborating the same. The Commission has prepared protocols for conducting of public hearings.

### **3. Complaints Management and Issuing Summons**

The commission receives complaints and it has evolved a system of registration of complaints, issuing of letters seeking reports, following up with reminders when there is no response from the concerned authorities

### **4. Policy Dialogue with Concerned Ministries**

The Commission has also sought special meetings with the ministries to discuss thematic considerations on status of children. These meetings serve for the purpose of both information sharing between Ministry and Commission and also enable a rights based policy for children.

### **6. Review of Laws and Policies**

NCPCR reviewed the national legal framework, policies and implementation strategies to assess effectiveness and impact, and to ensure that a child rights perspective is adhered to. As part of this, NCPCR undertakes analysis of legal frameworks and new policies that might have a direct/indirect impact on children.

### **6. Special Cells/Divisions**

Special cells/Divisions have been set up in the Commission to focus on the mandate given to the NCPCR for monitoring the implementation of specific Acts. Thus the Right to Education Division (RTE Division) was set up in 2010 to monitor the implementation of the 'Right of Children to Free and Compulsory Education Act-2009 and the POCSO cell has been set up to monitor the implementation of the 'Protection of Children from Sexual Offences Act-2012. In addition a 'North-

East cell' has been set up to focus attention on the specific challenges confronted by children in the state of Assam, Arunachal Pradesh, Nagaland, Manipur, Meghalaya, Tripura and Mizoram.<sup>4</sup>

From the above description, it is clear that the National Commission is fully committed, through various means, to safeguarding children's rights. The 'National Commission for Protection of Child Rights' is an autonomous and independent body that works in the field of child rights. At present, the commission is also facing many challenges, yet it continues to perform its functional role while dealing with those challenges.

## REFERENCES

1. <http://www.ncpcr.gov.in>
2. The Commission for Protection of Child Rights Act-2005, Professional Book Publishers, New Delhi, pp: 3-5
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