



THE ROLE OF NCPCR IN PROTECT, PROMOTE AND DEFEND CHILD RIGHTS IN THE COUNTRY

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Abstract: Recent UNICEF (2005) report on the state of the world's children under the title "Childhood under Threat", speaking about India, states that millions of Indian children are equally deprived of their rights to survival, health, nutrition, education and safe drinking water. It is reported that 63 per cent of them go to bed hungry and 53 per cent suffer from chronic malnutrition. It estimates that 72 million children in India between five and 14 years do not have access to basic education. A girl child is the worst victim as she is often neglected and is discriminated against because of the preference for a boy child. In order to ensure child rights practices and in response to India's commitment to UN declaration to this effect, the government of India set up a **National Commission for Protection of Child Right (NCPCR)**. The present paper will describes about the role of NCPCR in protect, promote and defend child rights in the country.

Keywords: National Commission for Protection of Child Right (NCPCR), Role and functions of NCPCR

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INTRODUCTION

The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 as a statutory body under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), an Act of Parliament (December 2005). The main role of NCPCR is to **protect, promote and defend** child rights in the country. The Commission's Mandate is to ensure that all Laws, Policies, Programs, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. The Child is defined as a person in the 0 to 18 years age group. The Commission visualizes a rights-based perspective flowing into National Policies and Programs, along with nuanced responses at the State, District and Block levels, taking care of specificities and strengths of each region. The headquarters of the Commission is at the New Delhi.

ROLE OF NCPCR

The NCPCR believes that child participation is integral to addressing child rights. Therefore the Commission facilitates children's participation to enable children to access their rights and entitlements. The Commission encourages child participation in each one of its interventions. For example, during its state visits, the Commission emphasizes the need to listen to children in public hearings. When children feel shy and need greater privacy, the Commission has maintained a space for children to speak with confidence and comfort. There is a response in contacting such children and after conducting an enquiry, the matter is settled in the **best interest of the child**, while, at the same time, the institutions are dealt with firmly. The Commission has the power to inquire into complaints and take *suo motu* notice of matters relating to deprivation of child's rights and non-implementation of laws providing for protection and development of children among other things. Aimed at examining and reviewing the safeguards provided by the law to protect child rights, the Commission will recommend measures for their effective implementation. It will suggest amendments, if needed, and look into complaints or take *suo motu* notice of cases of violation of the constitutional and legal rights of children. The Commission is to ensure proper enforcement of child rights and effective implementation of laws and programs relating to children- enquiring into complaints and take *suo motu* cognizance of matters relating to deprivation of child rights; non-implementation of laws providing for protection



and development of children and non-compliance of policy decisions, guidelines or instructions aimed at their welfare and announcing relief for children and issuing remedial measures to the state governments.

FUNCTIONS OF THE NCPCR

The following are the functions of NCPCR.

- a. 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.
- b. Present to the Central Government, annually and at such other intervals, as the Commission may deem fit, Reports upon the working of those safeguards.
- c. Inquire into violation of child rights and recommend initiation of proceedings in such cases.
- d. 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.
- e. Look into matters relating to children in need of special care and protection, including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures.
- f. Study treaties and other international instruments and undertake periodic review of existing policies, programs, and other activities on child rights and make recommendations for their effective implementation in the best interest of children
- g. Undertake and promote research in the field of child rights.
- h. Spread child rights literacy among various sections of society and promote awareness of the safeguards available for protection of these rights through publications, media, seminars and other available means.
- i. 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 organization, where children are detained or lodged for the



purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary.

- j. Inquire into complaints and take notice of matters related to:
 - i. Deprivation and violation of child rights.
 - ii. Non implementation of laws providing for protection and development of children.
 - iii. Non compliance of policy decisions, 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.
- k. Such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above function.

CONCLUSION

The NCPCR play key role in *protect, promote and defend* child rights in the country. The Commission's Mandate is to ensure that all Laws, Policies, Programs, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. The Commission visualizes a rights-based perspective flowing into National Policies and Programs, along with nuanced responses at the State, District and Block levels, taking care of specificities and strengths of each region. In order to touch every child, it seeks a deeper penetration to communities and households and expects that the ground experiences inform the support the field receives from all the authorities at the higher level.

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