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THE ROLE OF THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

~Aanya Kapur

INTRODUCTION

“The true character of a society is revealed in how it treats its children.”- Nelson Mandela

While there are many quotes like these that highlight the importance of treating children carefully and protecting and fostering their rights, actual progress still remains limited. But lack of progress does not indicate absence of mechanisms. No society would want exploitation of children. Children often become prey to their family conditions of abject poverty which force them into child labour and also make them targets of sexual violence and abuse. So, who cares about their rights? This blog has an educatory purpose. By means of this, the reader would make herself/himself aware about the role of the National Commission for Protection of Child Rights (NCPCR).

UNDERSTANDING THE FUNCTIONS OF THE NCPCR

To understand the role of the NCPCR, let us first and foremost understand its functions and where it derives its powers from. According to the Ministry of Women and Child Development, the NCPCR's functions are laid out in the Commissions for Protection of Child Rights(CPCR) Act, 2005. Primarily, the most fundamental function of the NCPCR is to examine and review the legal framework for child rights in India and also recommend measures for their better implementation. This is essential because mere existence of laws is never enough. In fact, laws are often known to have grey areas. In such a situation, reviewal of laws becomes of utmost importance. Furthermore, the Commission is empowered enough to present reports to the

Central government be it annually or at other intervals as appropriate, that concern the safeguarding of child rights¹.

Not only this, the commission can seek cognizance into cases wherein child rights are neglected and violated and can also recommend the initiation of proceedings in such cases. The commission is further entrusted with the responsibility of looking into all the causes that affect the rights of children who are affected by unprecedented incidents be it natural disasters or incidents that mar the spirit of fraternity like communal riots or be it HIV/AIDS, evils such as pornography, prostitution and the like and recommend the measures that must be taken.

Furthermore, realising the obvious fact that not all children are similarly situated in terms of their societal position, the Commission has been entrusted with the authority of looking into issues which concern the differentially abled children, socially disadvantaged children, those who are in conflict with the law, juveniles, children without family and the like².

Given the fact that better awareness and research would lead to better on-ground efforts, the Commission can undertake and promote research in the field of child rights, something that would only enhance its work. Not only this, the Commission has to serve the multifaceted function of enhancing literacy pertaining to child rights which it does through a plethora of means including but not limited to publications, seminars, media and a diverse range of outreach options. This function complements its function of undertaking research in the field of child rights because research without on-ground efforts would be practically toothless.

STEPS THAT CAN BE TAKEN AFTER INQUIRY COMPLETION

“The Commission may take any of the following steps upon the completion of an inquiry held under this Act, namely:-

a) where the inquiry discloses, the Commission of violation of child rights of a serious nature or contravention of provisions of any law for the time being in force, it may recommend to the concerned Government or authority the initiation of proceedings . for prosecution or such other action as the Commission may deem fit against the concerned person or persons;

¹ *Functions and Powers (NCPCR, Govt. of India)*, <https://ncpcr.gov.in/public/functions-and-powers>.

² *Functions and Powers (NCPCR, Govt. of India)*, <https://ncpcr.gov.in/public/functions-and-powers>.

b) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;

c) recommend to the concerned Government or authority for the grant of such interim relief to the victim or the members of his family as the Commission may consider necessary³.”

Now that we have looked at the major functions of the commission and had a glance at the steps that can be taken after an enquiry is completed, let us understand who are the stakeholders enlisted under the Citizen’s Charter of the NCPCR.

STAKEHOLDERS AS ENLISTED UNDER THE NCPCR’S CITIZEN’S CHARTER

I find the citizen’s charter of the NCPCR particularly appropriate. According to it, all children and citizens in general, all central government ministries, departments, subordinate bodies, autonomous bodies, concerned departments of state governments and union territories as well as NGOs and CBOs activists working for the cause of child rights are stakeholders. This has been done to make it all-encompassing in my opinion and is an attempt towards strengthening the commitment towards child rights⁴.

CONCLUSION

To sum it up, this blog has attempted to highlight the main functions and powers of the NCPCR and enlist all the stakeholders concerned with the cause of advancing child rights. While challenges remain, I find them more in the societal realm rather than the legal one. As long as gaps between rich and poor remain and widen, children’s lives would always be at stake. Also, gender stereotypes make the labour done by girl children societally okay. The solution to the gaps between the promised state of child rights and the reality has to do more with creating liveable conditions and tackling social stereotypes than with introducing more and more laws.

REFERENCES

1. *Functions and Powers (NCPCR, Govt. of India)*, <https://ncpcr.gov.in/public/functions-and-powers>.

³ *Functions and Powers (NCPCR, Govt. of India)*, <https://ncpcr.gov.in/public/functions-and-powers>.

⁴ Hari, *Microsoft Word - Citizen Charter.docx*, (Aug. 4, 2016), https://ncpcr.gov.in/public/viewPdf/165701875162c4197f55ec0_citizen-charter.pdf.

2. Hari, *Microsoft Word - Citizen Charter.docx*, (Aug. 4, 2016), https://ncpr.gov.in/public/viewPdf/165701875162c4197f55ec0_citizen-charter.pdf.