A CRITICAL ANALYSIS ON NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

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ABSTRACT

This paper aims to explain the functions of the National Commission for the Protection of the Rights of the Child and its implementation and compliance problems. The group in society, The National Commission on the Protection of the Rights of the Child (NCPCR or Commission) was established in March 2007 under the 2005 Commission on the Protection of the Rights of the Child. The mandate of the commission is to oversee all laws. Policies, programs, and governance mechanisms. in the country to ensure the protection of the rights of the child enshrined in the Constitution of India and the United Nations Convention on the Rights of the Child (CRC). The 2005 Law on Commissions for the Protection of the Rights of the Child provides that one president and six members of the commission have their first term from 2007 to 2010, in the next term, from 2010 to 2013, it was the president and four members.

Keywords: National Commission for Protection of Child Right (NCPCR), Child rights in India, violence against children,
Introduction

The Commission's mandate is to ensure that all laws, policies, programs, and governance mechanisms are in line with the perspective of the rights of the child enshrined in the Constitution of India and the United Nations Convention on the Rights of the Child. The child is defined as a person in the age group 0-18 years. The vision envisions a rights-based perspective that feeds into national policies and programs, along with differentiated responses at country, district, and block levels, considering the specifics and strengths of each region. To touch each child, he seeks deeper insights into the communities and homes, as well as the hopes that the field experience will receive the support that the field receives from all the higher-level authorities for which the commission has an indispensable role for the state, solid processes Institutional building and respect for decentralization at local level sees agencies at the community level and greater social concern for children and their well-being. With child-related issues as well as state governments on the list of the center, the commission aimed to understand and review the foundations, application and actual implementation of legal frameworks, guidelines, and programs at both levels. Expansion of Indian federalism and the dynamics of center-state relations.

Childhood State and Children's Institutions

India has a child population of 420 million in the 0-18 age group, and as such, today manages the world's largest network of government public institutions. It has the largest nutrition and vaccination program with 1.4 million angina centers covering more than 80 million children. It reaches 143 million children in the age group 6-14 years in more than 9 lakhs from schools with 36 lakhs from schoolteachers. Covers the largest school lunch program serving 131.69 million children and caters to and provides children from the most vulnerable communities such as recognized castes and tribes through positive action as required by the Constitution of India Range of specific initiatives and infrastructures such as scholarships, residential schools, hostel etc. As a large country with different economic achievements, political and institutional histories of states and cultural characteristics, the quality of the services is inconsistent and remains a central challenge to unite all children to ensure equal access to their fundamental rights. While there have been successes in some regions of the country, some states, counties, and blocs are improving. As the rest of the indicators of child development in terms of health, nutrition, education, and other
rights, remain miserably poor in some pockets for certain classes of children and disadvantaged communities. the dangers to childhood and it were extremely difficult for many children in our country. Today more and more children are vulnerable and marginalized. Without food and with little or no health support, they live in precarious conditions, suffer from hunger and malnutrition daily, and their lives are tragically determined by infant mortality. work as child labour with a migrant background, usually far away from their homes. Children travel great distances between states.

There are childcare networks from one end of the country to the other across India, from Manipur to Chennai, Bihar to Punjab, Kerala, Rajasthan, Orissa to Mumbai and Gujarat. It is an indisputable fact that children are subjected to gross abuse, torture, and exploitation. Those who stay and work in their community are also victims of cruel market forces and have no access to government protection systems and services. of girls remain crucial challenges. More and more children are affected and infected by HIV and AIDS, displacement due to natural disasters and civil unrest represent a new generation of dangers to which children in this country are exposed.

The commissions established by law are the following:

(i) Examine and review the guarantees provided by or under applicable law to protect the rights of the child, and recommend measures for their effective implementation, annually and in other by the commission for government intervals deemed appropriate, reports on the application of these safeguards

(ii) investigating violations of the rights of the child and recommending the initiation of proceedings in such cases.

(iii) Examine all factors that hinder the enjoyment of the rights of children affected by terrorism, community violence, civil unrest, natural disasters, domestic violence, HIV / AIDS, human trafficking, abuse, torture and exploitation, pornography and prostitution and recommend appropriate corrective actions.

(iv) Investigate problems related to children in need of special care and protection, including children at risk, marginalized and disadvantaged children, illegal children, minors, unfamiliar

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1 https://economictimes.indiatimes.com/topic/National-Commission-for-Protection-of-Child-Rights
children, and children of prisoners, and recommend appropriate corrective action.

(v) Study contracts and other international tools and conduct regular reviews of existing policies, programmers and other activities related to the rights of the child and make recommendations for their effective implementation in the best interests of the children.

(vi) Conducting and promoting research in the field of children

(vii) Disseminating literacy on children's rights in different areas of society and promoting awareness of the protective measures available to protect these rights through publications, communication media, seminars and other available Medium.

(viii) Inspection or establishment of a youth home or other place of residence or facility for children under the control of the central government or state government or other agency, including an establishment of a social organization in which children are imprisoned or housed for treatment, reform or protected and these authorities will be contacted to take corrective action if necessary.

(ix) investigate complaints and learn from Suo moto on deprivation and violation of children's rights; Failure to comply with child protection and development laws; Failure to comply with any policy decision, policy, or instruction with the appropriate authorities to alleviate difficulties and ensure the wellbeing of children, or to provide relief to those children or to resolve problems arising from such matters².

(x) Other functions as it deems appropriate, necessary for the promotion of the rights of the child and all other matters related to the previous function.

Composition of the NCPCR

(i) A President who is an outstanding person and has done an outstanding job promoting the wellbeing of children.

(ii) Six members (at least two of whom will be women) from the following fields, identified by the central government as persons of outstanding importance, ability, integrity, position and experience in education, health, care, welfare or justice for child development or care for neglected

² https://www.ncpcr.gov.in/
or marginalized minors or children with disabilities Elimination of child labour or children at risk
Child psychology or sociology Laws relating to children

**Essential Principles of The Commission**

The following perspectives are enshrined in all its work in the Constitution of India Guide of the Commission:

(i) All children's rights are equally important. All children's rights are mutually reinforcing and interdependent; therefore, the question of the gradation of rights does not arise.

(ii) All age groups between 0 and 18 years are equally important. The 18 years depending on the access the child must all his rights from the time of birth. Hence, strategies and interventions are equally important at all stages of a child's growth and development.

(iii) The state should protect the rights of the child. Civil society must be seen as an equal partner in creating an environment.

**Exclusion Of Communications in The Form Of Letters, Guidelines, Guidelines And Recommendations To The Government**

Due to the identified implementation gaps and/or violations, specific guidelines have been issued several times as guidelines for immediate action by the government. The Commission's independent assessment of the growing complaints and media reports on a specific issue affecting children's freedom and rights in a specific government context. Most policies and guidelines show a strong sense of urgency and call for a rights-based perspective. The response to the guidelines from both states and the media has been encouraging, which has often led to discussion and debate and generated widespread public awareness and dialogue on important issues. To evaluate the reaction to all issued guidelines, there were in a few exceptional cases positive reports from complaint management and the issuing of subpoenas.

The Commission receives complaints and has developed a system for registering complaints, issuing letters looking for reports and following up on complaints. Reminders if the authorities

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concerned do not receive a response. The severity of the problem is with teams investigating violations and recommending action. If no action is taken, the government report will be summoned despite reminders. Officials have mainly complained of corporal punishment, violations of the rights of children with disabilities, malnutrition and child health, and children infected/affected by HIV / AIDS., sexual abuse, child participation in TV shows, child labour, denial of education, missing children, troubled children, and deprivation of the rights of children in institutional and non-institutional care. Uttar Pradesh state, followed by Delhi and Tamil Nadu states on corporal punishment. The total number of complaints the Commission has received since it was set up in 2007 is close to 5,000. The Commission also acts from Suo moto and conducts direct inquiries that include consultations with experts and government officials.

**Political Dialogue with the Interested Ministries**

Commission has also sought special meetings with the ministries to discuss thematic considerations about children, for example with the Ministry of the Interior on the rights of the child in unrest. specifically addresses the problems and needs of children in unrest areas (the first of its kind); Tribal Ministry on Providing Residential Schools for Tribal Children; Ministry of Women and Children for Child Protection, Juvenile Criminal Law and Malnutrition; Ministry of Labor for Child Labor and Human Trafficking; Ministry of Education to implement the right to education; Panchayat Raj Ministry on the role of local authorities These meetings serve both to exchange information between the Ministry and the Commission and to facilitate rights-based policies for children. Review of the national legal framework, guidelines, and implementation strategies to assess the effectiveness and impact and to ensure that the child rights perspective is respected⁴. As part of this analysis, the NCPCR carries out an analysis of the legal and new guidelines that could have a direct/legal influence. indirect effects.

**Regional and National Consultations, Working Groups**

The NCPCR holds meetings with representatives and members of civil society as well as academics to understand the nuances of implementing children's rights, critical challenges, and obstacles and to learn from successful interventions. Knowledge of the issues under consideration

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which affect the Commission's principle on this issue, for which working groups have been formed, for example on children's laboratory, protection of children from violence and corporal punishment in schools, participation of children in television and reality shows, Children living on platforms: Consultations with civil society partners, government officials, experts and academics will be held in regional and national workshops on the There are also expert groups that offer technical support and advice on specific rights of children\(^5\) State officials in each state are also a method of updating country-level strategies and programs and for making links with community-level initiatives.

**Special Cells / Departments:**

Special cells/departments have been set up in the Commission to focus on the mandate given to the CRNC to monitor the implementation of specific laws. Therefore, the Right to Education Department (RTE Department)

**Conclusion**

The Commission also has jurisdiction under two other laws, namely the Child Protection from Sexual Offenses Act (POCSO), 2012, Right to Education Act, 2009. The NCPCR plays a key role in protecting, selling, and protecting the rights of the baby within the commission's mandate is to ensure that all laws, policies, programs, and administrative mechanisms are in line with the child's rights attitude enshrined in the Indian Constitution and the United Nations Convention on the Rights of the Child, the rights of the child are in harmony. A fully rights-based stance that feeds into national policies and programs, along with nuanced responses at the state, county, and block levels that address the specifics and strengths of each region. To touch each baby, deeper penetration is sought in groups and families. and he hopes the ground reports will show the best-level support the sphere is receiving from all government.

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\(^5\) [https://indiankanoon.org/doc/506243/](https://indiankanoon.org/doc/506243/)