



## IS THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS SUCCESSFUL IN BUILDING TRUST AMONG PEOPLE AND AWARING PEOPLE WITH CHILD RIGHTS?

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### ABSTRACT

*This paper aims to describe the function of the National Commission for Protection of Child Rights and its accessibility and applicability to the common people. This article is focused on assessing the role of NCPCR and whether it is successful in building trust among people and awarding people about Child Rights or not. As there is a global urgency to take action against the violation of child rights, India opted for a national commission that prioritizes children's well-being, autonomy, and protection against child rights violations at the national level. This writing will focus on NCPCR's safeguarding measures of rescuing children from unfavorable circumstances, providing rehabilitation with the Child Welfare Committee (CWC), people's perspectives regarding NCPCR and its accessibility at the grassroots level, and how people from rural areas consider it as an alien organization and struggle to cooperate with NCPCR.*

**Keywords:** Safeguarding Measures, Child Welfare Committee, Rehabilitation.

### BACKGROUND

The National Commission for Protection of Child Rights was established by the Commission for Protection of Child Rights Act, 2005 under its sec-3 which states that the central government shall constitute a body to be known as the National Commission for Protection of Child Rights and the commission shall constitute of a chairperson and six other members among which two members should be women. The members should be experts in the fields of Education, Health, and Juvenile Justice which covers neglected, marginalized, and disabled children, Child labor, Laws relating to children, and Child psychology. And, the office of the commission shall be in Delhi. The National Commission for Protection of Child Rights is a

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commission oriented toward protecting children from any kind of exploitation like Child labor, sexual exploitation, physical abuse, and violence, etc., and making a child-friendly society. To achieve its goal, this commission has made various strategies including visiting states to identify and rescue exploited and marginalized children, issuing guidelines and recommendations for spreading knowledge and awareness about child rights to the public, grievance redressal system, consultations, and training or sensitization. To ease its accessibility to common people it has also designed many portals such as MASI (Monitoring app for seamless inspection) designed for monitoring Child Care Education, Baal Swaraj portal-covid care for those children who lost their parents in COVID and became orphans,

Baal Swaraj portal-CiSS for those children who are in street situations, POCSO E-box is an online complaint box for reporting child sexual abuse and it also maintains confidentiality, E-Baal Nidaan is an online complaint reporting system of the National Commission for Protection of Child Rights. Other than this, there is also an online platform for enforcement of no child labor called PENCIL. It ensures the implementation of national child labor protection schemes with ease and consists of a child trafficking system and a complaint corner. This portal can connect the central government to the respective State governments, districts, and all project societies.

## INTRODUCTION

India is a country that is still counted as one of the developing countries that is struggling to mark its position at the international level. One of the major challenges coming across our country in its development is hunger and poverty which gives rise to Child labour and other exploitations of children in our country. Poor families, mostly witnessed in rural areas engage their children in family business themselves. Poverty and hunger make underaged children work in unfavorable conditions with unjust wages. Sometimes, they are even forced to do heavy work which is not proportional according to their age and strength. Even, we have witnessed a lot of such reports in our daily life where we hear the news of child trafficking, children as bonded laborers, rape of minor girls, children subjected to physical abuse, etc. According to the National Crime Records Bureau (NCRB<sup>1</sup>), there were 3466 cases reported of child trafficking in India in 2019 and India is considered one of the major sources, transit, and destination countries for child trafficking in which West Bengal, Bihar, Uttar Pradesh, and

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<sup>1</sup> NEXT IAS, 'Child Trafficking in India'(posted on December 4, 2024)<https://www.nextias.com> updated on 5 December, 2024

Maharashtra tops the list. All these news and reports have no end. All these inhumane actions are taking place in front of us and we still find ourselves incapable of resolving this. We hire underage servants so that they don't argue for more salary. Increased demand for cheap laborers in factories, domestic work, agriculture, etc. encourages child labor. Children are not feeling safe even within their families. Many of the girl children have faced harassment and molestation in their own families first. Minor girls are prone to be the victims of commercial sexual exploitation. But, no one files any complaint against the perpetrators as most of the victims come from marginalized communities that face social inequalities and differences and most of the population of India is unaware of their rights. Many of the children are being abandoned just after birth due to the increase in unwanted pregnancies. All these actions are covered under a single commission called the National Commission for Protection of Child Rights, which intends to eradicate all these social evils from society and make our country a child-friendly society where every child, no matter rich or marginalized, healthy or disabled, male or female feels safe here. NCPCR became the voice of many who were unable to take a stand for themselves enabled them for their rights and provided justice.

NCPCR is divided into six major departments that are- Education, Health, Juvenile Justice(neglected/marginalized/disabled), Child labor, Laws relating to children, and Child psychology. All these divisions together work for the welfare of children who are exploited by any means in any corner of India.

### **SAFEGUARDING MEASURES**

NCPCR uses various strategies to protect children and promote a good life for them. In assurance of this, it takes Suo-Moto (on its motion) on various cases depending on their circumstances, otherwise on complaints filed by the plaintiff or on the plaintiff's behalf. It identifies and rescues children from unfavorable circumstances in which they fall. It ensures their proper rehabilitation under Child Welfare Committees (CWC) and makes sure that all those who were distanced from their home, reach their home safely. It also arranges a proper amount of compensation to the children from the offenders and demands legal action against them.

Other than this, NCPCR initiated an online complaint box which would induce its accessibility to everyone sitting anywhere in this world and it automatically takes action. There is a portal named GHAR which enables it to track whether the restoration and repatriation are ensured to

the children rescued or not. The NCPCR inspects institutions for children including custodial homes, places of residence, and other institutions. It is mandated for the commission to ensure that all laws, programs, and administrative systems are designed to safeguard child rights and are not in conflict with the constitution of India as well as the United Nations Convention on the Rights of the Child.

For a child, it is very essential to spend their most of time in school rather than working. To enable a safe, secure, positive, and comfortable environment for all those children who are rescued from their hazardous working conditions NCPCR initiated bridging programs and vocational skills for those who are above 14yrs so that they can easily adapt themselves to the system of education and those below the age of 14 are directly provided the formal education under the scheme of SARVA SHIKSHA ABHIYAAN which has now been merged with RASHTRIYA MADHYAMIK SHIKSHA ABHIYAN and called as SAMAGRA SHIKSHA.<sup>2</sup>Which is validated to 2025-2026.

There are also constitutional guarantees that are meant specifically for children which are essential to be safeguarded by NCPCR including-

- Article-21<sup>3</sup> Ensuring the right to free and compulsory elementary education for all children in the 6-14 years age group.
- Article-24<sup>4</sup> Ensures the right to be protected from any hazardous employment till the age of 14 years.
- Article-39(e) <sup>5</sup>Ensures the right to be protected from being abused and forced by economic necessity to enter occupations unfavorable for their age or strength.
- Article 39 (f) ensures the right to equal opportunities and facilities to develop in a healthy manner and conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and moral and material abandonment.
- Article-45 <sup>6</sup>Ensures the Right to early childhood care and education to all children until they complete the age of six years.

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<sup>2</sup> Samagra Shiksha, <https://en.vikaspedia.in>

<sup>3</sup> Constitution of India 1950, art 21

<sup>4</sup> Constitution of India 1950, art 24

<sup>5</sup> Constitution of India 1950, art 39

<sup>6</sup> Constitution of India 1950, art 45

## PERSUASION

Most of the Indian population still falls on the list of illiteracy making 25% of the population illiterate due to which many of them are still unaware about their rights and facing a long battle of suffrage which can be resolved with knowledge and wisdom. As most of the exploited target groups belong to marginalized areas, they are unable to help themselves. They think of the government is that they are dominating and their help or aid is not accessible to them. If we talk about the grassroots-level success of NCPCR, we would get to know there are innumerable flaws in it and it is not designed from a common people's perspective. All works are assigned and followed on the sheets and it takes a lot of time to provide aid to the genuine and actual ones who are in need. "JUSTICE DELAYED IS JUSTICE DENIED", is the way of solving NCPCR. And, due to this many lose their hopes from this organization. Those who don't even know their rights are unable to show their trust in such an organization and the value of it in their eyes is worthless. For them, NCPCR is an alien organization that exists only in the elite world. Many of the complainant takes their complaints back due to lengthy procedures of justice due to which their trust becomes fragile and susceptible towards the commission. There are still many pending cases before NCPCR where the complainant got no active results and has been waiting for more than 4-5 years in the end due to lack of adequate information from either the complainant's side or district officials' side, the case gets closed with no effective justice.

In a survey, a real story of 29 children came forward who were rescued from a toy manufacturing factory and sent to the Child welfare committee for rehabilitation and other necessary medical checkups. They were later unable to get other benefits such as compensation due to the lack of a release certificate. When asked by the NCPCR about the release certificate from the SDM of that very district, they forwarded it to the labor department claiming that it's their responsibility but they replied that it's not under their mandate and that SDM should do the essentials. This process of blaming each other has continued for 3 long years but there were no effective steps taken by any of the three. This is the story of every district around where people are waiting eagerly for the commission to take action and intervene but all they get is a never-ending hope which leads to the commission's failure in many matters.

## CHALLENGES

There are various plans in the NCPCR's manifesto to implement and fulfill its responsibility of monitoring and providing protection but due to a lack of awareness and no good schemes or initiatives in hand, NCPCR has to hold back. Some of the major challenges in way for NCPCR are the following-

- Lack of awareness programs and dissemination about NCP CR's role <sup>7</sup>
- Very few people know about the achievements and the initiatives taken.
- NCPCR seems inaccessible for those who are in actual need.
- The online complaint registration mechanism has still not been very effective.
- Lack of publicity about the Right to Education and other important Child Rights.
- Capacity-building workshops and consultations with civil society organizations are either absent or not effective<sup>8</sup>.
- Lack of career counseling programs for rescued children.

## SUGGESTIONS

To increase its worth in people's perception, NCPCR needs to increase its accessibility to the people on the grassroots level. NCPCR should initiate more awareness programs involving less influential experts in communication, who can convey its goals and assure safety and protection to the rural people. All those national as well as state schemes regarding Child rights must be widespread in the newspapers as well as verbally on television. There should be one more division in it which is specified to the sensitization programs and it should occur weekly in rural areas where it can cover a large mass like government schools. To make NCPCR a pan India successful, it must collaborate with gram panchayats to make all rural population aware and show trust in the commission. Other than this, NCPCR should initiate career counseling programs for those children who are rescued and rehabilitated and psychological counseling for their parents to recover themselves from the trauma and start a new life in which they should

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<sup>7</sup> Supriya Narang, 'Analysing the Monitoring Structures of Right to Education'(2010)<  
<https://ccs.in/sites/default/files/2022-10/Analysing%20the%20Monitoring%20Structures%20of%20Right%20to%20Education.pdf>> accessed by 2010

<sup>8</sup> Supriya Narang, 'Analysing the Monitoring Structures of Right to Education'(2010)<  
<https://ccs.in/sites/default/files/2022-10/Analysing%20the%20Monitoring%20Structures%20of%20Right%20to%20Education.pdf>> accessed by 2010

know how important it is to educate their children. India's every child is the future of developed India and no child should lag in getting a proper education.