

A COMMISSION MISGUIDED

Relevant for: Developmental Issues | Topic: Rights & Welfare of Children - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

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The [National Commission for Protection of Child Rights \(NCPCR\)](#) is the apex body for upholding, monitoring and facilitating child rights in the country. However, as persons previously associated with this esteemed body, we note with great concern some of the recent actions of the Commission that suggest a grave departure from its primary duty to ensure the well-being of all children, especially children in need of care and protection.

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Amongst its significant powers and duties, the NCPCR has been specifically charged with the monitoring of Child Care Institutions (CCIs) and was instructed to carry out a social audit of the same by the Supreme Court. The social audit was initiated in 2015 and upon its completion, the NCPCR, in its wisdom, directed District Magistrates in eight States to ensure that all children within CCIs be de-institutionalised, repatriated and rehabilitated within a specified period. Civil society organisations have raised several obvious concerns about this, especially because most of these children are in CCIs due to abusive conditions in the family, and a mandated repatriation without an adequate case-by-case assessment plan within a short period of time would likely place the children again at grave risk of abuse, exploitation and neglect. They also point to the sheer inadequacy of current systems to organise adoption and foster care.

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Juxtaposed with this diktat is the disturbing [report of raids being undertaken on the eve of Gandhi Jayanti by the NCPCR](#) in select NGO-run CCIs, in order to establish whether foreign funds have been misused in any manner. Not only is monitoring of the FCRA regulations outside of the mandate of the NCPCR, but the raids also seem to target individuals who have been outspoken in the criticism of the Central government on issues such as the National Register of Citizens and the Citizenship (Amendment) Act. Such raids seem to have communal overtones as an enquiry led by none less than the Chairperson reportedly delved into whether the previously homeless children in the CCIs belonged to a particular community (Rohingya), and what religious practices they engaged with, even as the institutions are known to maintain a secular character.

The pandemic has exacerbated existing issues of child malnutrition, child labour, child abuse, child marriage and mental illness. We would have expected the NCPCR to show concern for the gross violation of children's rights during the lockdown and in its aftermath. The NCPCR could have used its authority and power to issue recommendations to relieve these grave conditions by reiterating the need for strengthening all child-related institutions (government and non-government) through adequate funds, and appreciating the relief measures that many civil society organisations, including the ones being raided and instructed to close down, were engaged in.

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As citizens concerned with the rights and welfare of children, we have also been appalled at the

daily reports of Dalit children and young women being raped and murdered, with gross irregularities by the very institutions that are charged with their protection. We would have expected the NCPCR to exhibit its priorities better by taking suo motu cognisance of the rape and murder of a 14-year-old girl in Bhadohi in Uttar Pradesh, to make a test case of the lack of systems to fight crimes against children instead of moving to undermine and dismantle whatever little does exist for their protection. Undoubtedly, CCIs need monitoring and reforms; the Commission should be in the vanguard to ensure the support that would necessarily be required to implement these reforms. Yet, it seems to be deriving its priorities from the political agenda of the day rather than upholding a steadfast and fair commitment to the welfare of children.

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