



SC on NCPCR's Repatriation Request

Why in News

The [Supreme Court](#) has sought a response from [the National Commission for Protection of Child Rights \(NCPCR\)](#), to its request to eight States for immediate repatriation of children living in care homes with their families.

Key Points

- **Repatriation Request:** The NCPCR requested to Tamil Nadu, Andhra Pradesh, Telangana, Mizoram, Karnataka, Kerala, Maharashtra and Meghalaya for repatriation.
 - These States combinedly have 1.84 lakh children in care homes.
 - This accounts for over 70% of the children in care homes.
- **Judicial Activism:** The court is **suo motu** monitoring the condition and welfare of children placed in care homes across the country during the pandemic.
 - The active role of the judiciary, even in the executive or legislative sphere, for upholding the rights of citizens and preserving the constitution is known as judicial activism.
 - The court questioned if the NCPCR could issue such general directions to the States without considering the education, health, safety of the children, the consent of their parents and their economical situation.
- **On individual basis:** Repatriation ought to be considered on an individual basis for child safety.
 - As per [amicus curiae](#) ("friend of the court" - one who assists the court advice regarding questions of law or fact), the NCPCR direction violated the [Juvenile Justice Act of 2015](#) since the pandemic would make a child more vulnerable to domestic abuse.
 - The Juvenile Justice (Care and Protection of Children) Act, comprehensively addresses children in conflict with law and children in need of care and protection.
 - As per the **Section 27(1) of the Act**, Child Welfare Committees (CWCs) are to be constituted by State Government by notification in the Official Gazette for every district, for exercising the powers and to discharge the duties conferred on such Committees in relation to children in need of care and protection under JJ Act, 2015.
- **NCPCR's Stand:** The NCPCR, suggested the need for a child to grow up in a familial environment.
 - Also, in an April 2020 order, the court had directed juvenile authorities to "proactively consider whether a child or children should be kept in the child care institutions considering the best interest, health and safety concerns".
- **Child Care Homes:** The children being taken in [child care homes](#), are not only those who are orphans/abandoned children, but also children **hailing from downtrodden/financially unstable families**.
 - Therefore, if there is any child who is either being brought up by a single parent or comes from a family which is not able to bring up the child properly, then that child can avail all the facilities at a care home.

- The facilities for children like individual bedding, proper nutrition and diet, toys, hygiene and maintenance of the CCI/Homes, sufficient water, health check-ups, educational facilities based on the age and special needs of the child.
- All the children in these care homes are required to study in nearby government schools.

National Commission for Protection of Child Rights

- NCPCR is a **statutory body** set up in **March 2007** under the Commissions for Protection of Child Rights (CPCR) Act, 2005.
- It is under the **administrative control of the Ministry of Women & Child Development.**
- The Commission's mandate is to ensure that all laws, policies, programmes, 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.
- It inquires into **complaints** relating to a child's right to free and compulsory education under the **[Right to Education Act, 2009.](#)**
- It monitors the implementation of **[Protection of Children from Sexual Offences \(POCSO\) Act, 2012.](#)**

Way Forward

- Individual case basis of repatriation is a reasonable step to begin with.
- Meanwhile there must be strengthened monitoring of child care institutions regarding the proper facilities.
- Elements of sensitivity can be inducted with training in the staff at child care homes so as to understand the needs of children.

[Source: TH](#)

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