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News: DCPCR challenges JJ Act change in apex court

- The Delhi Commission for the Protection of Child Rights moved a plea in the Supreme Court challenging an amendment made to the Juvenile Justice (Care and Protection of Children) Act last year.

Juvenile Justice (Care and Protection of Children) Act

2021

- The Juvenile Justice (Care and Protection of Children) Act 2021 made changes to Section 86 of the main Act — reclassifies serious offences (maximum imprisonment of three to seven years) against children as non- cognizable.
- The offences that have been made non- cognizable include sale and procurement of children, exploitation of child employees, use of children for begging, vending, smuggling or trafficking narcotics and cruelty committed upon children by the staff of child care institutions (CCIs), among others.

Issue behind the writ petition

- In their recommendation letter to the Union government, the five child rights bodies said making these offences non –cognizable would make reporting them even more difficult –especially for children from the marginalized communities, who are most often the victims of such crimes.
- The bodies also pointed out another anomaly in the amendment, according to which these crimes are serious enough to be nonbailable but not serious enough to be cognizable.

Cognizable and Non – Cognizable offences

- Cognizable offences are those in which the police can arrest without any warrant. These are more serious in nature.
- The police can file a First Information Report (FIR) only for cognizable offences.
- In cognizable cases police can make an investigation without prior permission of a magistrate. Cognizable cases are more serious than non-cognizable cases.
- Normally, serious offences are defined as cognizable and usually carry a sentence of 3 years or more.
- Non-cognizable offences on the other hand are those for which a police officer has no authority to arrest, unless with a warrant.

National Commission for the Protection of Child

Rights (NCPCR)

- The National Commission for the Protection of Child Rights (NCPCR) is constituted in 2007 under Commission for Protection of Child Rights Act, 2005.
- Members: **Chairperson and 6 other members, of which at least 2 are women.**
- Objective of NCPCR is to **protect, promote and defend child rights in India including the rights adopted in UN Convention on the Rights of Child, 1989.**
- As per the Act, a Child defined as a **person in the 0 to 18 years age** group.
- The NCPCR is under the **Ministry of Women and Child Development.**
- Term: 3 years or 65 years of age (Chairman) or 60 years of age (Other members).

Powers

- **Powers of a civil court** while investigating a case regarding protection of Child Rights.
- However, National Commission is prohibited from inquiring into any matters pending before a State Commission or any other Statutory Commission.