

3. Assessment of Child Suspects

Why in News?

- The National Commission for Protection of Child Rights (NCPCR) has recently issued guidelines for the assessment of child suspects in heinous offenses to determine whether a child should be treated as a minor or not in criminal cases which come under the “heinous” offences category of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Highlights

- Child suspects should be assessed by a team of experts, including a child psychologist or psychiatrist, a medical doctor, and a social worker.
- The assessment should take into account the child’s age, developmental stage, and maturity level, as well as any history of trauma or abuse.
- The team should also consider the child’s cognitive abilities and capacity to understand the charges against them.
- The child suspects will be provided with legal aid and support from child welfare agencies.
- The Juvenile Justice Board (JJB) will be responsible for conducting a preliminary assessment of the child suspect.
- The JJB must complete this assessment within three months from the date the child is first brought before it.
- If the JJB determines that there is a need for a trial of the child as an adult, it will then transfer the case to the Children’s Court. Essentially, the JJB plays a key role in the assessment process and in determining whether the case should be tried in juvenile court or adult court.
- The JJ Act, 2015 categorizes offences committed by children into three categories: Petty offences, Serious offences and Heinous offences.
- Petty Offences include those for which the maximum punishment under any law is imprisonment up to three years
- Serious offences include crimes for which the punishment is a minimum imprisonment for a term of more than three years and not exceeding seven years.
- Heinous offences include those for which the minimum punishment under the Indian Penal Code or any other law is imprisonment for seven years or more
- Children who are accused of committing heinous offenses are vulnerable and may require special care and attention to ensure their physical and emotional well-being.

- An assessment can help identify any underlying mental health issues, trauma, or abuse that may require intervention
- 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 Inquiries 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.

