



Guidelines for Assessment of Child Suspects

For Prelims: NCPCR, POSCO, JJB, Article 21, DPSP.

For Mains: Guidelines for Assessment of Child Suspects.

Why in News?

The [National Commission for Protection of Child Rights \(NCPCR\)](#) has 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](#).

What are the Guidelines?

- 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.

What are the Categories of Offences under the JJ Act, 2015 and their Differentiation?

- 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,
- There is a specific provision under which initiation of an inquiry into a heinous crime is differentiated based on the age of the child, **and two essential conditions need to be met for this preliminary assessment** to take place:

- The offence must be in the category of "**heinous**" as defined in the Act, and
- The child who allegedly committed the crime must be in the age group of 16-18 years.

What is the Need for such Guidelines?

- **Ensure their Well-Being:**
 - 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.
- **To determine their Cognitive Capacity:**
 - Children have varying levels of cognitive development, which can affect their **ability to understand the charges against them** and participate in legal proceedings.
 - An assessment can help determine their level of understanding and ensure that they are not unfairly held responsible for actions they may not fully comprehend.
- **Legal Decisions:**
 - Assessments of child suspects can provide **valuable information to judges and legal professionals**, who may need to make decisions about how to proceed with a case.
 - For example, an assessment may help determine if a child is fit to stand trial or if alternative measures, such as rehabilitation or counseling, would be more appropriate.

What is the 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.](#)

What are the Constitutional Provisions Related to Children?

- The Constitution guarantees to every child the right to live with **dignity (Article 21)**, the right to personal **liberty (Article 21)**, **the right to privacy (Article 21)**, the right to equality (Article 14) and/or the right against discrimination (Article 15), the right against exploitation (Article 23 & 24).
 - Right to free and compulsory elementary education for all children in the 6-14-year age group (Article 21 A)
- The [Directive Principles of State Policy](#), and in particular **Article 39(f)**, cast an obligation on the State to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

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