NCPCR Guidelines for Juvenile Crimes

Why in news?

National Commission for Protection of Children issued guidelines for trying a juvenile as an adult in case of heinous crimes.

How does a juvenile get tried as an adult?

- **3 categories of offences** - The Juvenile Justice Act 2015 (JJ Act, 2015) has categorized the offences committed by children into three categories which are
  - Petty offences,
  - Serious offences and
  - Heinous offences.
- **Section 15 of the JJ Act (2015)** - In case of a heinous offence against a child, who is or above the age of 16, the juvenile justice board shall conduct a preliminary assessment.
- **Preliminary assessment** - To test the mental and physical capacity of juvenile and his/her ability to conduct a crime should be assed.
- Sole objective preliminary assessment is to determine whether a child within the age group of 16-18 years should be tried as an adult in case of heinous offences.
- **Section 18 (3) of JJ act (2015)** - After the preliminary assessment if there is a need for trying children as adult then the case is *transferred to children's court*.
- **Regular jail at 21** - If the juvenile is found guilty and sentenced he/she will only be transferred to a regular jail to be tried as an adult at the age of 21.

According to Juvenile Justice Care and Protection Act (2015) "Juvenile or child" means a person who has not completed 18 years of age.

What is the role of juvenile justice Board (JJB)?

- **Preliminary assessment** - Juvenile justice Board (JJB) shall be responsible for the preliminary assessment and provide the child, the child's family, and their counsel a copy of the order.
- **Degree in child psychology or child psychiatry** - The board need to have a member who is a practicing professional with a degree in child psychology or child psychiatry.
- In case of absent of such member the board Board shall take the assistance of psychologists or experts who have the experience of working with children in difficult times.
- **Legal aid counsel** - Should be provided to child through *District Legal Services Authority.*
- Legal aid counsel should be present during the preliminary assessment.

- **Training** - Under the section 15 of the JJ act 2015 training is mandate for the *experts* who assist the JJB.
- **Probation officer or Child Welfare Officer** - After the interaction with the child or child's family, a *Social Investigation Report (SIR)* should be prepared.
- To know more about child welfare committee click here

Beijing rules and Riyadh guidelines are international instruments that recognize child rights.

What is the way forward?

- Since the guidelines have been made to remove any ambiguity and to clarify the steps involving preliminary assessment the errors of trying innocent juvenile as an adult will be minimized.
- The absorption of these principles in the system needs to be monitored by NCPCR.
- The principles in the guidelines needs to be given due importance by JJB and children's court.

Quick facts

The National Commission for Protection of Child Rights (NCPCR)
• Protection of all children (0 to 18) years age group is of equal importance. • Functions of the National Commission for Protection of Child Rights as laid out in the Commissions for Protection of Child Rights (CPCR) Act 2005. • The **functions** include - Examine and review the safeguards provided by any law for the protection of child rights and recommend measures for their effective implementation. - Inquire into complaints and take suo-motu notice of matter relating to ■ Deprivation and violation of child rights; ■ Non implementation of laws providing for protection and development of children; ■ Take up the issues arising out of such matters with appropriate authorities. • NCPCR is under a ***statutory obligation*** under ***Section 109 of the JJ Act, 2015*** to monitor the proper implementation of the provisions of the Act.

References

1. The Hindu | Guidelines Issued By NCPCR
2. Times Of India | Juvenile Justice

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