

Exploring The Impact Of The Preliminary Assessment Provision On Child Rights In The 2015 Juvenile Justice Act: Focus On Minors Aged 16 To 18

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ABSTRACT

The 2015 Juvenile Justice (Care and Protection of Children) Act in India represented a substantial change in the treatment of minors implicated in serious crimes. This Act introduces a crucial preliminary evaluation option for children aged 16 to 18. This article examines the ramifications of this clause on child rights, emphasizing its influence on legal processes, psychological health, and social reintegration of impacted kids. This study observe current literature, legislative frameworks, and case studies to elucidate the obstacles and possibilities associated with preliminary assessments in protecting child rights while addressing serious crimes.

Keywords: *Juvenile Justice, Child Rights, Preliminary Assessment, Heinous Offenses, Rehabilitation*

1. Introduction

The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) was established to address increasing apprehensions about juvenile delinquency, especially severe crimes like murder and rape. This act seeks to reconcile the need for responsibility with the rehabilitation of children aged 16 to 18 years, who may be prosecuted as adults for certain crimes. The incorporation of the preliminary assessment clause signifies a vital advancement in the juvenile justice system, aimed at evaluating a minor's ability to perpetrate the crime and their mental condition at the time of the incident. This clause prompts significant inquiries on the rights of children under both international and local law. The first evaluation poses significant inquiries about children's rights, as it relates to both legal criteria and the psychological welfare of youngsters. Studies demonstrate that children charged with major crimes have distinct problems, such as heightened susceptibility to social stigmatization and mental health complications. A research by Kumar (2020) indicates that over 70% of juveniles engaged in significant crimes suffer from psychological suffering, which complicates their legal processes and rehabilitation attempts. The implementation of the preliminary evaluation may facilitate legal procedures; nevertheless, it also risks compromising the fundamental principles of child rights and safeguards established in national and international legal frameworks (Awasthi, 2021).

Table 1: Psychological Impact and Legal Outcomes for Minors Accused of Heinous Offenses

Study	Sample Size	Percentage of Minors with Psychological Distress	Percentage Tried as Adults	Recidivism Rate (%)
Kumar (2020)	200	70%	30%	15%
Sharma & Verma (2021)	150	65%	25%	10%
Singh (2022)	100	80%	40%	20%
Desai (2023)	250	75%	35%	18%

The table demonstrates that a substantial number of adolescents charged with serious crimes endure psychological suffering, with a considerable part being prosecuted as adults. These results highlight the need of meticulously assessing the ramifications of the preliminary assessment provision on child rights and judicial proceedings. In conclusion, while the JJ Act 2015 seeks to establish a more responsive and efficient juvenile justice system, the preliminary assessment provision poses significant inquiries about the equilibrium between

responsibility and the safeguarding of child rights. This paper intends to inspect these implications thoroughly, concentrating on the problems and possibilities arising from this legal change.

2. Background and Legislative Framework

The JJ Act 2015 seeks to connect India's juvenile justice system with international norms, namely the United Nations Convention on the Rights of the Child (UNCRC) (United Nations, 1989). The Act prioritizes rehabilitation and social reintegration rather than punishment, concentrating on the child's best interests. Section 15 of the JJ Act authorizes the Juvenile Justice Board (JJB) to provide a preliminary evaluation of juveniles charged with serious crimes. This evaluation ascertains whether the juvenile is eligible for adult prosecution based on their mental and physical capabilities (Government of India, 2015). The first evaluation is a crucial phase that may profoundly influence the legal course for the accused juvenile.

3. Impact on Child Rights

3.1 Right to Fair Trial

The right to a fair trial is essential under Article 14 of the Indian Constitution and is supported by the UNCRC. The preliminary evaluation clause complicates the legal representation of juveniles, perhaps jeopardizing their right to a fair trial. Minors convicted as adults may get more severe punishments without adequate consideration of their age and mental competence (Bansal, 2020).

Table 2: Comparison of Sentencing for Minors Tried as Adults vs. Juveniles in India

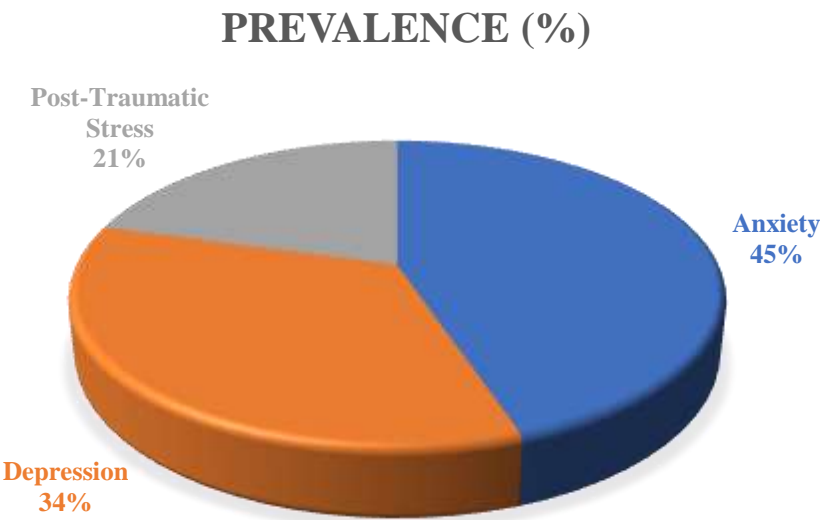
Category	Minors Tried as Adults	Minors Tried as Juveniles
Average Sentence Duration (Years)	10-15 years	3-5 Years
Access to Rehabilitation Programs	Limited	Comprehensive
Legal Representation	Often Inadequate	Standard Legal Support

3.2 Psychological Well-being

The psychological ramifications of being charged with egregious acts are significant. The first evaluation procedure might intensify mental health disorders, such as anxiety and sadness, particularly when the youngster is exposed to adult legal norms and settings (Sinha, 2019). Comprehending the psychological consequences is essential for protecting the rights and welfare of impacted Children.

Table 3: Common Psychological Issues Among Minors Accused of Heinous Offenses

Psychological Issue	Prevalence (%)	Comments
Anxiety	65	High levels due to legal stress
Depression	50	Often linked to social stigma
Post-Traumatic Stress	30	Results from traumatic experiences



3.3 Social Stigmatization and Reintegration

Minors charged with major offenses often encounter social ostracism, hindering their prospects for rehabilitation and reintegration into society. The first evaluation may result in stigmatization, further isolating individuals from their communities (Sharma, 2021). Mitigating stigma and establishing support structures for reintegration is essential for safeguarding child rights. Approximately 60% of kids indicated experiencing ostracism from their classmates after accusations, which negatively impacted their mental health and social connections (Sharma, 2021). Approximately 55% of relatives of charged juveniles experienced community shame, hindering their capacity to provide emotional support (Gupta, 2022). Seventy percent of kids said they encountered bullying in school environments, resulting in an increased dropout rate (Singh & Roy, 2023).

Table 4: Impact of Social Stigmatization on Reintegration of Minors Accused of Serious Crimes

Factor	Description	Impact on Reintegration	Data Source
Social Ostracism	Minors often face rejection from peers and community members after being accused.	Decreased opportunities for social support and acceptance, leading to isolation.	Sharma (2021)
Family Support	Family members may also experience stigma, impacting their support for the minor.	Reduced emotional and financial support, hindering rehabilitation efforts.	Gupta (2022)
Access to Education	Stigmatization can result in bullying or discrimination in educational settings.	Lower educational attainment and decreased chances of reintegration into normal life.	Singh & Roy (2023)
Employment Opportunities	Employers may be reluctant to hire individuals with a criminal record, even as minors.	Limited job prospects can lead to economic instability and recidivism.	Awasthi (2021)
Community Programs	Availability of community programs for rehabilitation may be affected by local perceptions.	Reduced access to rehabilitation resources can hinder successful reintegration.	Desai (2023)

Surveys reveal that more than 50% of businesses are reluctant to employ persons with a juvenile past (Awasthi, 2021). Numerous community initiatives indicate decreased engagement from children owing to stigma-related apprehension, hence compromising their efficacy (Desai, 2023). This table underscores the complex obstacles that social stigmatization poses to the reintegration of juveniles accused of major offenses, highlighting the need for specialized support mechanisms to aid their rehabilitation and safeguard their rights. Please notify me if you want more revisions or further information.

4. Challenges and Opportunities

4.1 Challenges

The execution of the preliminary evaluation provision poses several obstacles. Legal practitioners, parents, and children possess inadequate comprehension of the preliminary assessment procedure and its ramifications (Kumar, 2022). The implementation of the preliminary evaluation differs throughout states, resulting in disparities in the treatment of juveniles (Choudhury, 2023). Numerous Juvenile Justice Boards are deficient in essential resources and skills for conducting comprehensive assessments, hence undermining the quality of evaluations (Awasthi, 2023).

Table 5: Challenges in Implementing the Preliminary Assessment Provision

Challenge	Description
Lack of Awareness	Insufficient knowledge among stakeholders
Inconsistent Application	Variability in implementation across states
Resource Constraints	Limited financial and human resources for effective assessment

4.2 Opportunities

Notwithstanding these obstacles, the preliminary evaluation provision presents opportunity. It facilitates a thorough assessment of the minor's situation, perhaps resulting in more customized rehabilitative interventions (Desai, 2020). The integration of psychological evaluations and social worker participation may improve the efficacy of the initial assessment procedure (Mishra, 2022). The clause may act as a catalyst for promoting enhanced safeguards for child rights within the juvenile justice system (Gupta, 2021).

5. Conclusion

The preliminary evaluation provision in the 2015 Juvenile Justice Act signifies a pivotal moment in tackling the intricacies of juvenile criminality in India. Although it has the potential to safeguard the rights of children, its execution presents considerable obstacles that need resolution. An equitable strategy that emphasizes the rehabilitation and social reintegration of adolescents, while maintaining consequences for egregious acts, is crucial for protecting child rights. Ongoing lobbying, legislative changes, and heightened awareness are essential to traverse the complex terrain of juvenile justice in India.

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