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CHALLENGE OF JUDGING MENTAL AGE IN JUVENILE CASES UNDER JUVENILE JUSTICE REGIME IN INDIA

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INTRODUCTION

As used in human existence, the word "justice" always refers to the fairness and morality of all human activities. In order to resolve any issue rationally, ethics and values are taken into account as two fundamental aspects. Hence, courts are an autonomous body or a bench that are endowed with the power, authority, and capability to freely administrate, manage, and order any punishment or give vindication under the umbrella of guidelines, rules, and regulations, or "law," as it is more often known. In a word, courts are created to put an end to injustice or disobedience of any individual or group of individuals by the punishment of any law breach or the provision of redress to harmed parties. As a result, everyone who lives inside a state's borders has access to the legal system. Every person has access to the legal system and is guaranteed counsel. Courts have the inherent right to independently detect any injustices or grievances and to decide whether to punish the offender or grant redress in response.

All people's and groups' rights are ensured and guaranteed by the state. The victims or those who suffer receive justice and adequate compensation for the harm they have experienced.

The branch of criminal law known as juvenile justice deals with persons who are too young to be held accountable for criminal crimes and behaviors. The system of laws, regulations, and procedures known as juvenile justice covers and regulates the processing and treatment of persons who have not reached adulthood but who are lawbreakers.

While protecting the interests of non-adult offenders in conflict or neglect situations is the primary goal of juvenile justice, it is often governed by state law, and most states have adopted juvenile codes. In the majority of states, 18 is the minimum age of criminal responsibility.

Other nations have a juvenile justice system that only focuses on, safeguards, manages, and administers children in confrontation with the law, while the Indian drama includes both groups of children, namely those who need care and protection and those who do not.

In contrast to other countries, which exclusively focus on, protecting, managing, and administering juveniles who are in legal trouble, the Indian drama encompasses both types of youngsters, namely those who require care and protection and those who do not.

The Indian drama includes both categories of children, meaning those who need care and protection and those who don't, in contrast to other nations that exclusively concentrate on, protect, manage, and administrate juveniles who are in legal difficulty.

Indian juvenile justice offers laws and opportunities to help young people self-reform and start anew with a healthy life. It offers a well-balanced rehabilitation while the punishment is careful to give the youngster time to reflect on the offense and its repercussions.

This strategy helps children's young, immature thoughts and brains throw aside negativity and shift onto a new leaf. for.... to.

A PERSPECTIVE ON YOUTH DELINQUENCY

The definition of "juvenile delinquency" varies among professions and according to how society defines the delinquent act. The main sources of the meaning are sociological, psychological, and legal viewpoints. It is frequently regarded as a legal term with legal ramifications. It designates and categorizes a wide range of socially unacceptable offenses, some of which may be minor or significant in character.

Reckless claims that the phrase "juvenile delinquency" refers to any criminal law infraction or the adoption of behavior patterns unsuitable for children and young teenagers. The word refers to a youngster or adolescent who demonstrates antisocial or criminal behaviors. Juvenile Delinquents are that individual who has been or is liable to be, taken before a juvenile court, either because he has committed a criminal crime or for some other reason within the jurisdiction of the court. According to Burt, juvenile delinquency is any offense committed by a youngster that is considered to be anti-social behavior, which is incredibly terrible and horrible and necessitates legal action.

The development of juvenile justice in India revolves around any behavior of juveniles (those who are less than 18 according to the age of juvenility in India) that is in violation of the Indian Criminal Code (IPC) or other applicable state and local laws. The Juvenile Justice Act in India does not use the word " Juvenile Delinquency " but rather refers to such criminals as "kids in conflict with Law".

Children in the legal conflict were treated with little to no attention up until 1986. The Juvenile Justice Act of 1986, the first piece of legislation ever, addressed all issues relating to kids who had run-ins with the law. In order to protect the rights of the victim, the juvenile justice act of 1986 was put into place to take into account and handle situations involving children. The Juvenile Justice Act of 1986 was based on international documents such as the United Nations Beijing regulations, the UNCRC, the Riyadh principles, and the guidelines for the protection of minors deprived of their liberty. By drafting the laws, the intention was to create or support legal requirements based on worldwide standards.

A PERTINENT INTERNATIONAL MECHANISM FOR **JUVENILE JUSTICE**

International organizations have specific mechanisms to lay forth the fundamental values, rules, and requirements for the administration of juvenile justice. In terms of their obligations and how to make sure that all children who interact with the system are treated with the utmost respect and dignity as human beings with rights guaranteed for them throughout the justice delivery process, these bodies provide various directives for various nations and their governments.

The following are the key tools used in juvenile justice:

- (a) The "Beijing Rules," or UN Standard Minimum Standards for the Administration of Juvenile Justice (1985).
- (a) The 1989 United Nations Convention on the Rights of the Child (UNCRC),
- (c) JDLs (1990) UN Guidelines for the Protection of Juveniles Deprived of Liberty,
- (d) Riyadh Guidelines, 1990 UN Guidelines for the Prevention of Juvenile Delinquency.

1985's Beijing Rules: Basic Standards for the Administration of Juvenile Justice

All juvenile offenders must be subject to the Standard Minimum Rules without regard to their caste, nationality, gender, language, or other characteristics. The goal of juvenile justice is to guarantee that the child is treated fairly, taking into account both the circumstances surrounding the alleged offense and its degree or gravity. Also, it supports distraction and the child's best

interests as alternatives to institutionalization. Therefore, restricting someone's freedom should only be used as a last resort and only for as little time as feasible. Important terms used in the juvenile justice system, such as juvenile.

In addition, the principles governing juvenile justice around the world, including India, are quite thoroughly spelled out in the rules. These Rules are broken down into six sections, including:

- (i) Overarching ideas
- (ii) Investigation and legal action
- iii) decision-making and outcome

Institutional therapy comes in three categories: IV, V, and VI: research, policy development, and evaluation.

There are matching regulations and guidelines for each of the six parts that must be followed. They place a strong emphasis on minors receiving fair and compassionate trials and stress the value of rehabilitation through housing, work, or education. These Rules also place a strong focus on the necessity of working with non-profit groups and using volunteers to restore the community. To encourage early reintegration of the kid in the community, diversion is advised at all levels of the legal process. The Beijing Rules served as the foundation for the juvenile justice law that was established in India, and even the Convention on the Rights of the Child took a lot of its guiding concepts and philosophy from these Rules (United Nations 1985).

CHILD RIGHTS CONVENTION OF 1989

1990 UN JUVENILE DEPRIVATION OF LIBERTY CONVENTION

According to these Guidelines, the goals of juvenile justice include promoting children's welfare and ensuring that each reaction to juvenile offenders will always be proportionate to both the child's circumstances and the offense. They stress that imprisonment should only be a last resort, and even then, should only be for the smallest amount of time (United Nations 1985). In other words, the regulations and recommendations do not support the placement of kids in detention facilities.

THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD WAS ADOPTED IN 1989.

The most ratified human rights treaty of all time is the Convention on the Rights of the Child (CRC), which was adopted by the UN General Assembly on November 20, 1989. It is a fundamental, internationally endorsed, non-negotiable treaty that lays the groundwork for children's human rights. The agreement has been ratified by 192 nations, including India, demonstrating their commitment to advancing and defending children's rights. A State assumes responsibility for upholding the enumerated rights by ratifying the Convention and its Optional Protocol. In comparison to other documents, regulations, or standards established by the UN General Assembly, a convention has greater legal force on the State (UNICEF 2012).

All of the children's rights are equally important according to the Convention. These rights are interconnected and indivisible, with an emphasis on the complete kid. In 54 articles and two optional "protocols," it outlines rights. The CRC is the first piece of legislation that extends the protection of children's rights to the whole range of human rights, including civil, political, cultural, and social rights. For the Convention to be effectively implemented, adherence to four general principles is advised: (a) in the child's best interest; (b) non-discrimination; (c) right to life; (d) survival and development; and (e) child participation.

The principle of 'best interest of the child' is the underlying principle in all conventions, treaties, programs and projects. This idea is crucial in the juvenile justice delivery system as the juvenile moves smoothly through the legal system (quoted from the "Juvenile Justice Handbook").

The CRC divides the rights granted to children into four categories: rights to survival, rights to development, rights to protection, and rights to participation.

The rights accorded to children are divided into four categories by the CRC: the rights to survival, development, protection, and participation.

THE CHILD'S RIGHTS CONVENTION

(ii) The child's right to education, leisure, and cultural activities, as well as support for early childhood care and development, are at the heart of developmental rights.

(iii) Protection rights refer to safeguards against all types of mistreatment and exploitation, cruel or humiliating treatment, and neglect, as well as to ensure extra protection in situations like emergencies and armed conflict, handicaps, and other issues.

(iv) Respecting the child's opinions is a requirement of their right to participate. It includes the child's right to voice their ideas and be heard. Access to knowledge, freedom of thought, and practice of one's religion are additional participation rights (UNICEF2012).

All of the convention's articles apply to all juvenile offenders, however, Articles 37 and 40 have a greater significance and relevance in relation to juvenile offenders. Overall, Article 37 outlaws the death penalty or life in prison for anybody under the age of 18, as well as any type of child abuse, including torture and cruel or humiliating treatment. Any child detained should do so in accordance with the law and should only be done so in extreme cases and for the least amount of time. Children who are imprisoned should be treated with respect for their age and dignity, and their access to legal representation should be guaranteed if they want to contest their custody. [United Nations].

To ensure that only individuals accused of serious crimes are really dealt with by the juvenile justice system, the CRC advises diverting minors from formal legal procedures and including them in community activities (DFCI 2012). This is a very progressive recommendation, but because there are no monitoring systems in place, it is rarely carried out in the nation. The UNCRC urges states to make every effort to establish successful systems for the welfare of children and promotes a comprehensive approach to addressing children in challenging situations. One method of ensuring that the services for children are being monitored is by regular reporting to the UN Committee on the condition of the children in the nation.

The 1990 Riyadh Guidelines, developed by the United Nations, are guidelines for preventing juvenile crime.

These recommendations prioritize preventing juvenile delinquency over the "Beijing Guidelines" of 1985 and the United Nations Regulations for the Protection of Juveniles Deprived of their Liberty of 1990 since doing so is a crucial component of preventing crime in society. A child-centered approach is required since the underlying tenet of the guidelines is that preventing juvenile delinquency helps reduce crime in society. Coordinated and multidisciplinary preventive measures need to be implemented at all stages of a child's connection with the outside world. In

order to effectively socialize a child and avoid juvenile delinquency, the family, educational institutions, community, and media must work together.

JUVENILES DEPRIVED OF LIBERTY (JDL): 1990 UNITED NATIONS REGULATIONS FOR PROTECTION.

Any type of detention or imprisonment, or the placement of a person in a public or private custodial environment, from which this person is not entitled to leave at will, by order of any judicial, administrative, or other public authority, is considered to be the deprivation of liberty. Rule 11.b of the United Nations' 1990 Section A.

JDL, as it is commonly referred to, sets rules or principles to be followed in regard to juveniles who are detained in any institution, whether it be because of claims of any offense or simply because they are in danger. It outlines the conditions for when children can be detained and establish guidelines for the minimal levels of care with regard to the defense and advancement of their rights. Without a court order or sufficient documentation, they cannot be detained. The detention of juveniles should be avoided wherever possible, but when it is essential, arrangements should be made to accommodate their educational, health, vocational, and recreational needs. To allow children to connect with their families and have opportunities for socialization, centers must be decentralized.

Although these principles are not legally enforceable, they do represent the minimal requirements for juvenile justice that have been accepted globally. But in practice, the majority of adolescents end themselves in the adult criminal justice system despite these international instruments and norms (DFCI 2012). The Government of India is required to ensure that it complies with all the requirements indicated in these documents for the protection and well-being of children after ratifying the Convention and other laws and standards relating to juvenile justice and child rights.

INDIA'S JUVENILE JUSTICE ACTIVITIES

Even before any legal restrictions were put in place, the history of juvenile justice in India dates back to the eighteenth century. With the use of relevant laws or noteworthy events from each of the five historical periods, the development of juvenile justice may be examined.

(i) Prior to 1773, Hindu and Muslim laws treated juvenile offenders differently from adults, placing more emphasis on "rehabilitation" than punishment. There were some changes in the way juveniles were treated between 1773 and 1850. It was at the time the East India Company was founded for commercial purposes. Children's poverty and juvenile misbehavior were a direct outcome of the country's changes brought on by the invasion.

(ii) Many laws pertaining to children were passed during the years 1850 to 1919, including the Female Infanticide Act of 1870, the Vaccination Act of 1880, the Guardianship and Wards Act of 1890, and the Factories Act of 1881. These laws addressed topics including preventing newborn mortality, fostering child care and protection, as well as preventing child labor. But the Apprenticeship Act of 1850 made it possible for orphaned youngsters to pursue careers in trades and crafts. By way of this legislation, even children between the ages of 10 and 15 who committed small offenses were instead directed to acquire a trade than to be imprisoned. This paved the path for further laws to adopt a similar approach.

(iii) It's important to note that the Indian Criminal Code (IPC) 1860 establishes a seven-year-old minimum age for criminal culpability. Nothing that a youngster under the age of seven do constitutes an offense, according to IPC Section 82. (IPC Sec. 82) made reference to the Latin term *doli incapax*, which means incapable of offense. According to IPC (Sec. 83), children between the ages of seven and twelve cannot be detained if they lack the *mens rea*, or the mental capacity to determine the consequences of an action, that is required. As a result, it is currently illegal to arrest any child under the age of seven for any crime. But, kids between the ages of seven and twelve also require

When the Indian Prison Committee was established in 1864, there were some changes made to the way jails were run, with reformatories being used to educate youngsters. In several of the cities, children and adult offenders were segregated within the prisons.

(iv) The Reformatory Schools Act, which allowed juvenile criminals under the age of fifteen who were in prison to be referred to the Reformatory school, was passed in 1876. The 1897 amendment gave municipal governments the authority to consider juvenile reformation. The idea of reformation was further encouraged by the 1898 Code of Criminal Procedure, which gave magistrates the authority to refer young people to reformatories rather than imprisonment.

(v) The Report of the Indian Prison Committee was an important advancement in the juvenile justice system in the nation between 1919 and 1950. (1919 – 20). Observations and prison visits revealed that not much emphasis was given, which was underlined.

INDIAN PENAL CODE SECTIONS 82 AND 83.

was committed to the moral or intellectual development and reformation of convicts. The Committee made a number of suggestions as a result, including that separate children's courts be formed for the trial of juveniles and that it was improper for the juvenile to get familiar with the prison environment. If this wasn't possible, it was proposed that a magistrate hold young offenders' hearings at a different location. Also, the probation officer was required to provide a report with all the juvenile's information so that it could be understood better before the final decision was made.

(vi) The Madras Children Act of 1920 was the first piece of children's legislation to be passed, and it included instructions for handling non-delinquent children and prohibiting the detention of children.

(vii) The Bengal Children Act of 1922 and the Bombay Children Act of 1924 were both passed shortly after. Five further Children Acts were passed between 1941 and 1949, and all of these Acts had some consistency in how neglected and delinquent children were dealt. The juvenile court handled both cases, and they were both housed in remand facilities. The main distinction was that each Act set a different range for the definition of a child, ranging from 13 to 18 years of age. As a result, there was a great deal of difference because children were not referred to by the same age in all of the States in the nation. India passed its first national laws following the UN Declaration on the Rights of the Child in 1958.

Inequalities in the classification of children across the nation, as well as in the definitions of age, persisted. The North Eastern States, with the exception of Assam, did not fully implement the Children Act. As a result, the need for a standard Act for children did not go away, and it only grew stronger after the Beijing Rules were adopted in 1985 in the international context. The one and only effort made by Sheela Barse to promote children's rights through her writings and meetings with legislators and policymakers is noteworthy. In her Public Interest Lawsuit (PIL) against the Union of India, she sought that a separate piece of legislation be passed by the

Parliament to address juvenile criminals as well as the Bengal Children Act of 1922, also known as the Madras Children's Act.

role of non-profit groups in the administration of justice. Once more, boys and girls were not referred to by the same age; boys were 16 years old, while girls were 18 years old. The juvenile welfare boards for neglected youth and the juvenile courts for delinquent youth were the appropriate authorities, and both groups were housed at the observation home until their inquiries were completed. Following an investigation, the delinquent youth were sent to special facilities, while the neglected youth were housed in juvenile homes. For both types of kids, after-care facilities were also suggested (JJ Act 1986). The Beijing Rules introduced the term, and it was accepted in this Central legislation.

JUVENILE JUSTICE ACT 2000, SECTION 2(K).

1986 Juvenile Justice Act.

the Special Juvenile Police Units handle children in a kid-friendly way. Because of this, it became necessary to amend the Act, which was done in 2006, so that the States would have to adhere to its legal requirements.

The following amendment to the 2000 Act was passed in 2006 and included 26 changes, the definition of "juvility" being the most helpful. Any person who was under the age of 18 when the crime was committed, not when they were detained or brought before the police or the court, was considered a juvenile in conflict with the law. It was relevant in all situations where minors were being held in custody or facing criminal charges under any other law (JJ Amendment Act 2006). The

Since the state's implementation of the JJ Act 2000 and the Amendment Act 2006, the juvenile justice system has been geared to serve children's interests. New members of the Boards and Committees received periodic training regarding their responsibilities and the protocols to follow while working with children. As a result of the capacity-building workshops, the relevant authorities implemented child-friendly processes to deal with children, particularly those who were in legal trouble. Because they had to deal with juvenile offenders as well as hard-core adult criminals at the same time, the Senior Magistrates and Police officers received special training on

child rights and the key elements of juvenile justice laws. They encountered difficulties when performing.

The Integrated Child Protection Programme (ICPS) was introduced at this time by the Ministry of Women and Child Development and went into effect in the state of Assam in 2009. It is a centrally sponsored program that incorporated additional interventions and brought together all of the country's current child protection programs to offer a comprehensive child protection program. The "protection of child rights" and "the interests of the child" are its driving concepts. A variety of child protection services are offered by the program to those in need of care and protection even in the districts and villages. The article concentrated on the change from a "Need-Based" to Comprehensive Child Protection Program.

seven or more years behind bars. Unexpectedly, neither the CrPc (Code of Criminal Procedure), which establishes the severity of punishment for each IPC offense category nor the Act pertaining to children clarifies what a "heinous offense" is.

JUSTIFICATION OF TRIAL OF JUVENILES IN ADULT COURTS

Can juveniles be tried as adults in India?

The Juvenile Justice Act was amended in 2015 to allow minors between the ages of 16 and 18 to go to adult court if they are charged with a serious offense. According to the legislation, a "heinous crime" is any offense that carries a sentence of more than seven years in jail.

Why should minors be prosecuted and treated like adults?

The minimization and prevention of juvenile crime is one advantage of trying juveniles as adults. The Office of Justice Programs reports that there were 809,700 arrests of people under the age of 18 in the US in 2017. Despite a 59% decrease since 2008, this number is still exceedingly high.

REASONING ENQUIRED BY SUPREME COURT FOR GUIDELINES TO PUT JUVENILES UNDER TRIAL AS ADULTS

The murder of a 7-year-old school student in 2017 shocked the nation. Following several weeks of inquiries, the CBI charged a 17-year-old student at the same school with the murder.

The Juvenile Justice Board and the children's court have been ordered by the Supreme Court to review the accused's legal standing and determine whether he should stand trial as an adult or a kid five years after the incident.

The Supreme Court's words in its July 13 ruling reignited a long-running controversy in the country: how can a child be prosecuted as an adult?

India Today investigates the matter.

The public outcry to punish the juvenile involved in the Nirbhaya tragedy in 2012 resulted in a reform in the Juvenile Justice Act.

The Juvenile Justice Act was amended in 2015 to allow children between the ages of 16 and 18 to be tried as adults if they are accused of a severe offense. “Heinous crime” has been defined under the law as “any offense punishable with more than 7 years imprisonment.”

Why should minors be prosecuted and treated like adults?

One advantage of trying juveniles as adults is that it reduces and prevents youngsters from committing crimes. According to the Office of Justice Programs, there were 809,700 arrests of persons under the age of 18 in the United States in 2017. This number has gone down 59% since 2008, but it is still very high.

Juveniles accused of severe offenses between the ages of 16 and 18 can be prosecuted as adults under the 2015 Act. To be tried as an adult as a Child in Conflict with the Law (CCL), the accused's age on the date of the offense determines whether the accused was an adult or a child.

Although practices are now changing, prosecutors typically do not participate in juvenile court waiver decisions. Juvenile courts have gradually moved from focusing primarily on rehabilitation to more formality and adversarial proceedings. In many cases, the presence of a defense attorney is not essential, and the role of the judge has shifted to a more traditional one of factual mediator. The prosecutor's most important role is to determine the appropriate venue for juvenile justice. The basic decision of whether to bring a juvenile or an adult to justice can be the most important decision in dealing with juvenile delinquency. Choosing the right courtroom is essential to maintaining the effective functioning of the juvenile court system and ensuring that its services are only available to those who are still able to do so. This waiver is also most effective in protecting society by exposing dangerous juvenile offenders to the full rigors of the adult criminal justice

system. The increasingly adversarial nature of juvenile court proceedings, combined with the unique position of prosecutors throughout the criminal justice system and their assigned role in defending the public interest, makes it difficult for prosecutors to You must be actively involved in determining the forum where you (Author abstract changed)

He saw the little boy standing in the corridor. They knew each other. He requested the small child to assist him, but he became restless and went away. When he returned, the small child was still waiting for him, ready to assist him. That is when he decided to kill him. This was not just another day at school. The accused was a 16-year-old Class 11 student and the little boy, the victim was a 7-year-old Class 2 student.

Questions:

1. Can this 16-year-old boy who murdered a 7-year-old, be tried as an adult or will he be considered as a juvenile and be tried as one?
2. What is more important, the age of the offender or the seriousness of the crime committed?

Under the Juvenile Justice (Care and Protection of Children) Act, 2015 ("Act"), a person under the age of 18 is typically tried as a juvenile. Nonetheless, the Act allows the juvenile can be prosecuted as an adult in specific situations where the severity of the punishment as stipulated by the Act fails to justify the acts of the juvenile criminal.

The Juvenile Justice (Care and Protection of Children) Act, 2000 ("JJ Act") was reinstated by the Act in order to address the needs of orphaned children and delinquent children on a broad scale. It introduced the conditions and processes for trying minors who are in trouble with the law and who committed horrific crimes as adults. The principles outlined in different treaties and guidelines established by the UN with regard to children's rights, protection, and the administration of justice were taken into consideration when the Act was passed.

BACKGROUND:

The law was passed amid debate and debate from all segments of society. The main purpose of this law is to ensure the universal care and protection of children through their upbringing and

social reintegration. Although the intent of the law is not to punish children but to ensure their rehabilitation, after the Nirbhaya incident there was a major outcry calling for harsher punishments for juveniles involved in serious crimes. Yielding, MPs amended the JJ Act to properly address crimes committed by juvenile delinquents. It is understandable that juvenile criminal proceedings are not decided solely on the basis of the young person's age, but that the crimes committed by the young person must also be taken into account. This amendment introduced the concept of heinous crimes and the judicial procedure for juveniles arrested for committing heinous crimes as adults.

The shortcomings of the JJ Act were illustrated by the many instances in which young people sought protection under the JJ Act and were seen as erring rather than as persons with criminal intent. A violator under the JJ Act will be held in jail for her three years, and upon release will have her criminal record erased, allowing the boy to reintegrate into society without anyone having access to the boy's previous criminal record. Increase.

However, given the seriousness of the crimes committed by the juvenile and the protections sought under the JJ Act, the JJ Act was deemed flawed and the sentence did not address the seriousness of the crimes committed by the juvenile. Bottom. It was hard to imagine juvenile delinquents not being aware of the consequences of their actions in crimes such as murder and rape. Although the crimes committed are severely punishable under the Indian Penal Code (“IPC”), it was felt that the JJ Act gave more lenient attention to persons under the age of 18.

JUVENILE JUSTICE SYSTEM IN INDIA

As previously stated, a juvenile is any person under the age of 18 under the Juvenile Courts (Care and Protection) Act 2000 who, rather than being treated as an ordinary offender, is subject to another court, care or protection. and treated by rehabilitation. House. It may sound good if you are rehabilitating minors who have committed less serious crimes or acts as a result of the social or economic problems faced by juveniles. stealing bread and fruit from shops, but being beyond the minds of ordinary young people, committing heinous crimes that are unacceptable to be tried individually under the Juvenile Law simply because of their age. Legal problems arise when the justice system treats both offenders on the same line.

The above question was posed after her 23-year-old paramedic student was horribly gang-raped by young people and others on a moving bus in Delhi in December 2012. This horrifying incident

is the main cause of the 2016 amendments to the Juvenile Justice Act (Child Care and Protection). The revised law, drafted after much public outcry, provides provisions for trying young people over the age of 16 who have committed heinous crimes. committed as an adult .

Statistics On Crimes Committed By Juveniles

In line with the above changes, statistics released by the National Criminal Records Bureau (NCRB) show that juvenile delinquents between the ages of 16 and 18 accounted for more than 60% of all crimes against juveniles recorded in India in 2016. I was responsible. In recent years, there has been a rapid increase in the number of cases that conflict with the law.

From 2016 to 2018, there was a sharp increase in youth serious crime. This is published in National Crime Reports as follows:

Total number and age of crimes committed by juveniles in 2016

Total number and age of crimes committed by juveniles in 2016

Both statistics show the seriousness of the situation in our country - how much responsibility juveniles have to bear in criminal cases. Over the years, crime in the same movement has also increased in parallel.

Increase In Educated Juvenile Offenders

The alarming and surprising news, on the other hand, is that the number of 'educated' juvenile offenders, who have studied up to matriculation and upper secondary levels, grew to 6,260 in 2017 from 4,244 in 2016 - a difference of more than 32%, according to the NCRB research. On the other hand, the number of 'illiterate' minors arrested for illegal conduct decreased by 20%, according to the research. Most juvenile offenders are classified as illiterate, although NCRB data, which is a year late, suggests otherwise. From 5,412 'illiterate' juvenile delinquents in 2016, the number came down to 4,324 in 2017, according to the National Crime Report Bureau 2018.

The NCRB Report 2018

This paper demonstrates that, in addition to social and economic circumstances, additional factors influence juveniles to commit crimes that should be strictly enforced by law. Because juveniles involved in minor offenses as a result of their family can be rehabilitated and reformed

in care homes. The age of a juvenile, but with the intellect of an adult, should be handled as such, depending on the nature and degree of the conduct.

Important Cases To Be Remembered

The primary seven instances demonstrate that juveniles should be prosecuted as adults based on the magnitude and nature of the offense committed. In the 2012 Nirbhaya rape case in Delhi (the main accused is a juvenile), the Shakti Mills rape case, the Hatigaon Rape case (all are juvenile), the Mayur Vihar Murder case (all accused are Juveniles), the Chandigarh Rape and Murder case (all accused are Juveniles), the Mercedes Hit and Run case (1 month less to obtain 18 years but treated as juvenile).

Surprisingly, the majority of those charged in these cases were minors. While the adult culprits in these cases received the death penalty and life imprisonment, the minors received just three years in a detention facility. The question that arises is whether this punishment is sufficient to deter people from using age as the primary basis for distinguishing between an adult and a juvenile.

Whereas 42% of the Indian population is under the age of 18, they should be carefully supervised rather than given a pass to commit a crime. Even though the criminal amendment 2016 has made to reduce the juvenile age to 16-18 years for heinous offenses, this may not give a proper solution but rather animosity between law and public order.

Minor delinquency should be corrected and property rehabilitated if the crime was committed owing to socioeconomic reasons of that youngster, but the heinous crime should be prosecuted as an adult based on the seriousness and character of the offense. The Crime Report clearly shows that the Juvenile committing crimes due to Socio-Economic factors is lesser than indented offenses.

Opinion Of The Hon'ble Supreme Court

The Juvenile Justice (Care and Protection of Children) Act, 2000 has been condemned on many of occasions, in a case heard in 2014 about the Juvenile Justice Act, 2000, the Divisional Bench of Justice Dipak Misra and U.U. Lalit said that there is a need for the law to suit societal desires, and the penalty to diminish the seriousness of the offence. The Hon'ble Bench also referred to the Juvenile Justice Act of 2000 as being too broad and requested that the statute be strengthened.

The Supreme Court ruled in Gaurav Kumar v. State of Haryana that the Juvenile Justice Act of 2000 should be reconsidered since it has failed to dissuade minors in the country from committing small as well as grave crimes.

CONCLUSION

In conclusion it can be said that section 68 of the Indian Evidence Act 1872, requires birth certificate or matriculation certificate to establish age of the juveniles in conflict with law. But psychological experts are called up in Juvenile Justice Boards, to establish mental health of the juveniles. Unless the juveniles know the nature and consequence of their act and whatever they have done are contrary to law there is no point punishing the juveniles in conflict with law.