

An Analytical Study of Juvenile Maturity and Heinous Crimes: A Re-Look at Juvenile Justice Policy in India

Suyog Sunil Kale

LL.M 4th Semester

School of Law, Sandip University, Nashik, Maharashtra, India

suyogkale17@gmail.com

Abstract: *In the last few decades, we are seeing that the children under the age of 16 years involving in original activities. The penal laws also states that only child between the age of seven to twelve age can be convicted, provided that, the act they have committed is a heinous crime and they have knowledge and has attained the sufficient knowledge to understand the consequences of the their act.*

Day by day their numbers has increased. What are reasons behind to it. In this paper we try to find out, namely due to the upbringing environment of the child, economic conditions, lack of education and the parental care.

Generally the term child may be defined according to Indian majority Act as well as juvenile justice Act it means any person who has not attain the age of 18 years is called child. The most disappointing part is that, Children (especially under the age group of 5 to 7 years.) Now a day are used as tool for committing the crime as at that this stage their mind is very innocent and can easily be manipulated.

In modern era, the penal laws of most countries have adopted the principle of 'Doliincapy' which means of knowing that act there are committing is a crime.

In case of Mohini Jain V/s State of Karnataka the Supreme Court declared that right to education at all levels is fundamental right, covered under article 21A of the constitution. In the case of Unni Krishnan V/s State of Andra Pradesh, the Supreme Court held that primary education means the education upto the age of 14 years is a fundamental right, professional education is not

As we know, The supreme court of India is guardian of the Indian constitution. We discuss many cases and laws in this article. Childers are the future of any society and in turn they shape the world's future: that is why the issue of child labour is an area of concern for all policy-makers, social scientists, researchers and the judiciary.

We will discuss of "Nirbhaya Delhi Gang Rape case which happened on December 2012. The main reason and issue of the debate was the involment of accused, who was just six months short to attain the age of 18 Years. The involment of the accused in such a heinous crime of rape forced the Indian legislation to introduce a new law and thus, Indian Parliament came up with a new law which is known as "Juvenile Justice (Care and Protection), 2015.

Keywords: Juvenile Justice Act, Right to Protection, Juvenile Justice (Care and Protection), 2015, Juvenile Justice policy in India

REFERENCES

- [1]. History of juvenile justice system in India, Lawyered, <https://www.lawyered.in/legaldisrupt/articles/history-juvenile-justicesystem-india/>, (last accessed on 15th June 2023- 10:15 p.m.)
- [2]. Editorial team, Evolution of Juvenile Justice System in Modern India, Prime Legal, <https://primelegal.in/2022/11/19/evolution-of-juvenile-justice-system-in-modern-world/> (Last Accessed on 13th June, 2023 – 12: 30 p.m.)
- [3]. 1998 SCC, Del 879 : (1999) 77 DLT 181

- [4]. Section 82 of IPC states that a child below the age of seven years is *doliinca*pex
- [5]. Section 13 of The Juvenile Justice (Care and Protection of Children) Act,2015
- [6]. Section 14 of The Juvenile Justice (Care and Protection of Children) Act,2015
- [7]. Bare Act , The Children Act , 1960 , Universal Publication , 12th Edition
- [8]. Article 1 of the UN Convention on the Rights of Child, 1989.
- [9]. Prof. N.V. Paranjape , Criminology , Penology with Victimology, page no 662 ,Central Law Publications, 17th edition,2017.
- [10]. http://shodhganga.inflibnet.ac.in/bitstream/10603/37610/9/09_chapter%203.pdf
- [11]. Section 77 of the Act.
- [12]. Prof. N.V. Paranjape , Criminology , Penology with Victimology, page no 673 ,Central Law Publications, 17th edition,2017.
- [13]. Section 2 (13) of the Juvenile Justice (Care and Protection) Act , 2015
- [14]. Section 47 of the Juvenile Justice (Care and Protection) Act , 2015
- [15]. Section 48 of the Juvenile Justice (Care and Protection) Act , 2015
- [16]. Section 4 of Juvenile Justice(Care and Protection) Act , 2015.
- [17]. Section 4(2) of Juvenile Justice(Care and Protection) Act , 2015.
- [18]. Section 5 of Juvenile Justice(Care and Protection) Act , 2015
- [19]. Section 7(2) Of the Juvenile Justice(Care and Protection) Act, 2015
- [20]. Dr. S.S. Srivastava, page no 319, Central Law Agency, 3rd Edition, 2007.
- [21]. Prof. N.V. Paranjape, Criminology, Penology with Victimology, page no 665, Central Law Publications, 17th edition , 2017.
- [22]. <https://www.latestlaws.com/articles/overview-of-juvenile-justice-law-in-india-by-chhaya-khosla/#:~:text=The%20Juvenile%20Justice%20System%20in,Minimum%20Rules%20for%20Administration%20of>
- [23]. <https://blog.ipleaders.in/juvenile-justice-system-india/>
- [24]. Vedkumari, The Juvenile Justice in India: from welfare to rights, New Delhi: OUP. p1
- [25]. <http://www.lawyersclubindia.com/articles/Rehabilitaion-of-Juvenile-Offenders-Steps-Implementations-5606.asp>
- [26]. <https://www.syndicatepost.com/empowerment/causes-effects-of-peer-pressure>
- [27]. <http://www.legalservicesindia.com/article/1031/Juvenile-Justice-System-&-its-Delinquency-in-India.html>
- [28]. <https://thelawbrigade.com/criminal-law/juvenile-justice-in-india/>