

THE LAWWAY WITH LAWYERS JOURNAL

Website: [www.the-lawway-with-lawyers.com](http://www.the-lawway-with-lawyers.com)

VOLUME:-35 ISSUE NO:- 35 , MAY 18, 2026

ISSN (ONLINE):- 2584-1106

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Digital Number : 2025-23534643

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## THE RIGID WALL OF SIXTEEN

*Analysing the sixteen-year threshold under the Juvenile Justice Act, 2015, and the Bharatiya Nyaya Sanhita, 2023.*

### **Abstract**

The determination of the age of criminal responsibility remains one of the most contentious issues in contemporary criminal jurisprudence. The enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015 introduced a significant shift in Indian juvenile law by permitting children aged between sixteen and eighteen years to be tried as adults for heinous offences after a preliminary assessment under Section 15. However, children below sixteen years of age remain categorically immune from adult trial, regardless of the gravity of the offence committed. This rigid biological threshold has generated intense constitutional and policy debate, particularly in cases involving sexual violence.

The transition from the Indian Penal Code to the Bharatiya Nyaya Sanhita, 2023 has introduced stricter penal consequences for serious offences, thereby intensifying the tension between retributive justice and the reformatory philosophy underlying juvenile legislation<sup>1</sup>. While substantive criminal law has evolved toward enhanced victim protection and harsher punishments, juvenile jurisprudence continues to prioritize rehabilitation and reintegration.

This research critically examines whether the age threshold of sixteen years under Section 15 creates an arbitrary classification under Article 14 of the Constitution of India. It analyses the jurisprudential foundations of the doctrine of *doli incapax*, neuroscientific studies on adolescent brain development, and comparative international approaches to juvenile transfer systems. The research further explores key judicial pronouncements, including *Shilpa Mittal v State*<sup>2</sup> (NCT of Delhi) and *Barun Chandra Thakur v Bholu*, to evaluate constitutional interpretations of juvenile liability.

By adopting a doctrinal and socio-legal methodology, the study identifies a legislative gap concerning offenders aged twelve to fifteen involved in heinous crimes. It argues that while child rights protection is indispensable, a rigid age barrier may undermine principles of proportionality and justice for victims. The research proposes a calibrated reform model incorporating psychological maturity assessments and structured judicial discretion, aiming to harmonize child welfare with constitutional morality and victim-centric justice<sup>3</sup>.

**Keywords:**

Juvenile Justice, Preliminary Assessment, Mental Maturity, Reformatory Justice, Victim Rights.

## **Introduction**

### **Background Of The Study**

The question of criminal responsibility of children has remained a central concern in criminal jurisprudence across different legal systems. Juvenile justice frameworks are traditionally founded on the reformatory theory of punishment, which recognizes that children possess incomplete emotional, psychological, and intellectual maturity when compared with adults.

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<sup>1</sup> Dr. V.K. Bansal, *Juvenile Justice in India* (3rd ed., 2020).

<sup>2</sup> *Shilpa Mittal v. State (NCT of Delhi)*, (2020) 2 SCC 787.

<sup>3</sup> Section 15 allows preliminary assessment for children aged 16–18 accused of heinous offences.

Consequently, legal systems have historically distinguished juvenile offenders from adult offenders and emphasized rehabilitation, reintegration, and welfare rather than strict punishment. However, increasing incidents involving adolescents accused of serious offences have generated renewed debate regarding the extent to which age-based protection should remain absolute within the criminal justice system.

A major turning point in India's juvenile justice discourse followed the brutal 2012 Delhi gang rape incident, popularly known as the Nirbhaya case, in which a juvenile offender was among the accused<sup>4</sup>. Public concern and widespread criticism emerged because the juvenile offender could only be subjected to the limited consequences available under the existing juvenile justice framework. The resulting national debate focused not merely on the gravity of the offence, but also on whether older adolescents accused of heinous crimes should continue to receive complete immunity from adult criminal accountability. This public outcry ultimately contributed to the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015<sup>5</sup>, which introduced substantial changes to India's juvenile justice structure.

Although the Supreme Court decision in *Mukesh & Anr v. State (NCT of Delhi)* concerned the adult convicts involved in the Delhi gang rape case and their challenge to the death sentence, the broader incident itself significantly influenced legislative and public discourse surrounding juvenile justice reform. The proceedings relating to the juvenile offender were separate from the *Mukesh* case and were conducted under the juvenile justice framework applicable at that time.

The Juvenile Justice (Care and Protection of Children) Act, 2015 retained eighteen years as the general age of juvenility in conformity with international standards. However, the legislation introduced an important distinction within this age group by permitting preliminary assessment under Section 15 for children aged between sixteen and eighteen years accused of heinous offences. Under this mechanism, the Juvenile Justice Board may evaluate the child's mental and physical capacity, ability to understand the consequences of the offence, and surrounding circumstances before determining whether the matter should remain within the juvenile justice system or be transferred to a Children's Court.

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<sup>4</sup> *Mukesh & Anr v. State (NCT of Delhi)*, (2017) 6 SCC

<sup>5</sup> The Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, Acts of Parliament, 2015 (India).

Despite this reform, the law continues to maintain a rigid age-based distinction. Children below sixteen years remain entirely outside the scope of adult trial irrespective of the seriousness of the alleged offence. As a result, a child aged fourteen or fifteen accused of an offence carrying severe punishment under criminal law continues to remain exclusively within the juvenile framework. This rigid demarcation has generated constitutional, criminological, and policy-related concerns regarding equality, proportionality, and victim justice.

The debate has acquired additional significance following the enactment of the Bharatiya Nyaya Sanhita, 2023, which replaced the Indian Penal Code, 1860 and introduced stricter punishment for several serious offences, particularly offences involving violence and sexual crimes. While substantive criminal law increasingly reflects deterrence and victim-centric considerations, juvenile law continues to emphasize rehabilitation and reintegration. This divergence has intensified discussions regarding whether the present framework adequately balances child protection with societal expectations of accountability.

Judicial interpretation has further shaped the development of juvenile justice in India. In *Barun Chandra Thakur v. Master Bholu*<sup>6</sup>, the Supreme Court emphasized procedural fairness and expert involvement in the preliminary assessment process under Section 15. The Court stressed that such assessment cannot be conducted mechanically and highlighted the importance of psychologists and child experts in evaluating the child's mental capacity and understanding of consequences. Similarly, in *Shilpa Mittal v. State (NCT of Delhi)*, the Supreme Court adopted a strict interpretation of the expression "heinous offences" and cautioned against unnecessary expansion of provisions exposing juveniles to adult criminal consequences.

The present study therefore examines the constitutional, legal, and policy implications of the sixteen-year threshold under the Juvenile Justice Act, 2015<sup>7</sup>. It analyzes whether rigid age-based classification sufficiently reflects contemporary understanding of adolescent development, neuroscientific research, proportional accountability, and constitutional principles under Articles 14 and 21 of the Constitution of India. The research also evaluates whether a more flexible and individualized framework could better harmonize the objectives of reformatory justice, victim dignity, and societal protection.

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<sup>6</sup> *Barun Chandra Thakur v. Master Bholu*, 2022 SCC OnLine SC 870.

<sup>7</sup> The Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, Acts of Parliament, 2015 (India).

## **Statement Of Problem**

The Juvenile Justice (Care and Protection of Children) Act, 2015<sup>8</sup> permits adult trial only for children aged sixteen to eighteen years accused of heinous offences, while granting absolute immunity from such trial to children below sixteen years. This rigid biological classification may lead to unequal treatment in cases where a fourteen- or fifteen-year-old commits an offence identical in gravity to that committed by a seventeen-year-old. The problem lies in determining whether this age threshold creates constitutional arbitrariness, undermines victim justice, and fails to reflect contemporary understanding of adolescent mental maturity.

## **Research Questions**

1. Whether the age threshold of sixteen years under Section 15 of the JJ Act, 2015 violates Article 14 of the Constitution of India?
2. Whether biological age should remain the sole criterion for determining criminal responsibility in heinous offences?
3. Whether neuroscientific and psychological evidence supports differentiated treatment within the 12–16 age group?
4. Whether the stricter penal framework under the Bharatiya Nyaya Sanhita, 2023 necessitates reconsideration of juvenile liability standards?

## **Objectives Of The Study**

1. To critically analyze the legal framework governing age of criminal responsibility under the JJ Act, 2015.
2. To examine constitutional validity of the sixteen-year threshold in light of Articles 14 and 21.
3. To evaluate judicial interpretations concerning juvenile transfer mechanisms.
4. To assess the impact of the Bharatiya Nyaya Sanhita, 2023 on juvenile justice policy.
5. To propose balanced reforms harmonizing child rights with victim-centric justice.

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<sup>8</sup> Juvenile Justice (Care and Protection of Children) Act, 2015

## **Hypothesis**

The study hypothesizes that the rigid age threshold of sixteen years under Section 15 of the Juvenile Justice Act,<sup>9</sup> 2015 creates an arbitrary classification that may not withstand constitutional scrutiny under Article 14 when applied to heinous offences committed by children below sixteen. A calibrated, maturity-based assessment mechanism could better balance reformative justice with principles of proportionality and victim protection.

## **Research Methodology**

This research adopts a doctrinal and analytical research methodology, supplemented by comparative and socio-legal perspectives.

- *PRIMARY SOURCES:*

- The Juvenile Justice (Care and Protection of Children) Act, 2015;
- Bharatiya Nyaya Sanhita, 2023;
- Relevant constitutional provisions;
- Judicial decisions of the Supreme Court and High Courts;
- International instruments including the United Nations Convention on the Rights of the Child and the Beijing Rules, 1985.

- *SECONDARY SOURCES:*

Secondary materials include scholarly books, law journal articles, Law Commission Reports, committee reports, parliamentary debates, criminological writings, and neuroscientific studies concerning adolescent development and criminal responsibility.

- *COMPARATIVE ANALYSIS:*

Examination of juvenile transfer systems in select jurisdictions such as the United Kingdom and the United States.

- *EMPIRICAL ANALYSIS:*

The research refers selectively to publicly available National Crime Records Bureau (NCRB) reports to identify broader trends relating to juvenile involvement in crime. However, the study does not undertake independent statistical analysis or empirical

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<sup>9</sup> Juvenile Justice (Care and Protection of Children) Act, 2015

fieldwork. NCRB references are therefore used only for contextual support and not as the primary basis of constitutional or doctrinal conclusions

- *ANALYTICAL FRAMEWORK*

The research applies constitutional principles under Articles 14, 15(3), and 21 of the Constitution of India, along with doctrines of proportionality, fairness, and reformatory justice. The study further incorporates perspectives from victimology, developmental psychology, and juvenile jurisprudence in order to critically evaluate the sixteen-year threshold under Section 15 of the Juvenile Justice Act, 2015.

## **RESEARCH GAP**

- Existing literature on juvenile justice in India largely focuses on the application of Section 15 of the Juvenile Justice (Care and Protection of Children) Act,<sup>10</sup> 2015 to children aged sixteen to eighteen. However, there is insufficient analysis of the complete exclusion of the fourteen-to-sixteen age group from preliminary assessment, even in cases involving heinous offences.
- Further, although developmental psychology recognizes variations in adolescent maturity, this insight has not been adequately incorporated into legal frameworks or scholarly discussions. There is also a lack of interdisciplinary research integrating constitutional law, psychology, and victimology.
- The recent shift toward stricter punishments under the Bharatiya Nyaya Sanhita, 2023 has created a disconnect between deterrent criminal law and reformatory juvenile law, which remains underexplored.

## **SCOPE AND LIMITATIONS**

### *SCOPE*

The study is confined to the legal and constitutional analysis of age of criminal responsibility in India, particularly focusing on heinous offences under the Juvenile Justice Act, 2015. It also

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<sup>10</sup> Juvenile Justice (Care and Protection of Children) Act, 2015

examines the implications of the Bharatiya Nyaya Sanhita, 2023 on juvenile liability. Comparative references are limited to selected jurisdictions for analytical support.

## LIMITATIONS

1. The research primarily relies on doctrinal sources and does not include empirical fieldwork.
2. Statistical crime data analysis is limited to publicly available reports.
3. The study does not examine civil liability or restorative justice models in detail.
4. International comparison is illustrative rather than exhaustive.

## EVOLUTION OF JUVENILE JUSTICE IN INDIA

The evolution of juvenile justice in India reflects a gradual yet profound shift from a punitive colonial framework rooted in deterrence to a reformatory and rights-based system informed by constitutional values and international human rights standards<sup>11</sup>. This transformation is not merely legislative in nature; it represents a broader change in societal attitudes toward childhood, moral responsibility, and the capacity for reform. In earlier legal thought, children were often perceived as miniature adults and were subjected to punishments similar to those imposed on adult offenders. However, with the advancement of psychological research and welfare-oriented philosophy, childhood came to be recognized as a distinct developmental stage requiring care, protection, and rehabilitation rather than retribution. The development of juvenile justice law in India, culminating in the Juvenile Justice (Care and Protection of Children) Act, 2015<sup>12</sup>, demonstrates the increasing recognition of children as rights-bearing individuals within the legal system.

During the pre-independence period, the legal framework governing juvenile offenders was largely shaped by colonial criminal law, particularly the Indian Penal Code, 1860. Although the system was primarily punitive, certain principles acknowledging the reduced culpability of children were incorporated. One of the earliest doctrines applied in this context was the principle of *doli incapax*, derived from English common law, which is based on the presumption that

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<sup>11</sup> National Crime Records Bureau, Crime in India Report (latest edition).

<sup>12</sup> Juvenile Justice (Care and Protection of Children) Act, 2015

children lack the mental capacity to form criminal intent. This doctrine found expression in Sections 82 and 83 of the Indian Penal Code, 1860 (now Sections 20 and 21 of the Bharatiya Nyaya Sanhita, 2023). Section 82 granted absolute immunity to children below the age of seven, conclusively presuming their incapacity to commit any offence, while Section 83 provided conditional liability for children between the ages of seven and twelve, depending on their level of maturity and understanding of the consequences of their actions. Although these provisions introduced an element of psychological consideration into criminal law, their application was often inconsistent and dependent on subjective judicial interpretation. Moreover, children above the age of twelve were generally treated in the same manner as adults, subjected to identical trial procedures and punitive conditions, including imprisonment alongside adult offenders. This not only exposed them to harsh environments but also undermined any meaningful possibility of reform<sup>13</sup>.

A gradual shift toward reformatory justice emerged toward the end of the nineteenth century with the enactment of the Reformatory Schools Act, 1897. This legislation marked a significant departure from the purely punitive approach by allowing courts to detain youthful offenders in reformatory schools instead of prisons. The underlying philosophy of the Act was based on the belief that children possess a greater capacity for reform and should therefore be provided with opportunities for moral development, vocational training, and social reintegration. Despite its progressive intent, the implementation of the Act was limited due to inadequate infrastructure, lack of funding, and its restricted applicability to certain categories of offenders. As a result, it failed to establish a comprehensive or uniform juvenile justice system.

Further developments in the early twentieth century were reflected in the enactment of various provincial laws, including the Madras Children Act, 1920, the Bengal Children Act, 1922, and the Bombay Children Act, 1924. These statutes represented an important step toward a welfare-oriented approach by introducing separate juvenile courts, emphasizing the segregation of children from adult offenders, and focusing on care, protection, and supervision rather than punishment. They also recognized the importance of guardianship and the role of social welfare institutions in addressing juvenile delinquency. However, the absence of a centralized legal framework led to significant regional disparities in implementation. Many areas continued to rely

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<sup>13</sup> Dr. V.K. Bansal, *Juvenile Justice in India* (3rd ed., 2020).

on the general criminal justice system, and the lack of trained personnel and institutional resources further limited the effectiveness of these laws.

Overall, the pre-independence juvenile justice system can be characterized as a transitional phase marked by the coexistence of punitive practices and emerging reformative ideals. While doctrines such as *doli incapax* and legislations like the Reformatory Schools Act introduced important safeguards, they did not succeed in creating a coherent, child-centric system. Nevertheless, these early efforts laid the conceptual foundation for post-independence reforms by recognizing childhood as a distinct legal category deserving of protection.

A major transformation in Indian juvenile justice occurred with the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015.<sup>14</sup> This legislation represents a significant shift in approach by introducing a hybrid model that seeks to balance reformative ideals with the need for accountability in cases involving serious offences. The enactment of this law must be understood in the context of growing public concern over juvenile involvement in heinous crimes, particularly following the 2012 Delhi gang rape case, which exposed perceived inadequacies in the existing legal framework. While earlier laws emphasized complete protection and rehabilitation for all individuals below the age of eighteen, the 2015 Act introduced a differentiated approach within this age group.

The Act retains eighteen years as the general age of juvenility, thereby maintaining consistency with international standards. However, it introduces a significant internal classification by distinguishing between children below sixteen years and those between sixteen and eighteen years in cases involving heinous offences. One of the most notable features of the Act is the introduction of Section 15, which provides for a preliminary assessment by the Juvenile Justice Board in cases where a child aged between sixteen and eighteen is accused of committing a heinous offence. This assessment involves evaluating the mental and physical capacity of the child to commit the offence, their ability to understand its consequences, and the circumstances in which it was committed. Based on this evaluation, the Board may decide whether the child should be tried as an adult in a Children's Court. This provision marks a departure from the earlier uniform treatment of juveniles and reflects an attempt to introduce a degree of accountability in serious cases.

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<sup>14</sup> Juvenile Justice (Care and Protection of Children) Act, 2015

At the same time, the Act continues to emphasize the importance of rehabilitation and social reintegration. It strengthens institutional mechanisms such as Juvenile Justice Boards and Child Welfare Committees and provides for specialized institutions, including Observation Homes, Special Homes, and Places of Safety, to ensure that children are not exposed to the negative influences of adult offenders. The law also expands its scope beyond criminal justice by addressing issues such as adoption, child protection, and safeguards against exploitation, trafficking, and abuse, thereby adopting a more holistic approach to child welfare.

The constitutional validity and interpretation of the provisions of the 2015 Act have been examined in important judicial decisions such as *Barun Chandra Thakur v. Bholu and Shilpa Mittal v. State*<sup>15</sup> (NCT of Delhi). In the former case, the Court upheld the validity of Section 15, recognizing the legislature's authority to create a distinction between different age groups based on varying levels of maturity and culpability. The Court emphasized that the provision does not automatically subject children to adult trial but requires a careful and individualized assessment. In the latter case, the Court clarified the interpretation of the term "heinous offences," holding that offences which do not meet the statutory definition cannot be included within its scope. This decision reinforced the principle that criminal statutes, particularly those affecting children, must be interpreted strictly to prevent undue hardship.

Despite its progressive features, the 2015 Act has been subject to critical scrutiny. The rigid age-based classification at sixteen years has raised concerns regarding its consistency with constitutional principles of equality, as it may fail to account for variations in individual maturity. Critics argue that the provision risks reintroducing punitive elements into a system that was traditionally reformatory in nature. At the same time, supporters contend that it reflects a pragmatic response to changing social realities and the need to address serious offences effectively.

In conclusion, the evolution of juvenile justice in India demonstrates a continuous effort to balance the goals of rehabilitation and accountability. From the colonial emphasis on punishment to the modern recognition of child rights, the legal system has undergone significant transformation. However, the introduction of differentiated treatment for older adolescents has added a new layer of complexity, raising important constitutional and policy questions. The

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<sup>15</sup> *Shilpa Mittal v. State (NCT of Delhi)*, (2020) 2 SCC 787.

future of juvenile justice in India lies in developing a more nuanced and individualized approach that harmonizes the principles of child protection with the demands of justice and societal interests.

## **AGE OF CRIMINAL RESPONSIBILITY**

The determination of the age of criminal responsibility is one of the most complex and philosophically contested issues in criminal jurisprudence. It lies at the intersection of law, morality, psychology, and public policy, requiring a careful balance between protecting society and recognizing childhood as a stage of incomplete development. The central question underlying this concept is at what point a child can be said to possess sufficient mental capacity and moral awareness to be held criminally liable. Historically, legal systems have addressed this issue through evolving standards, initially grounded in moral assumptions about innocence and incapacity and later refined through structured doctrines such as *doli incapax*. In contemporary discourse, these traditional legal principles are increasingly informed by developments in psychology and neuroscience, which demonstrate that cognitive maturity, impulse control, and decision-making abilities develop gradually and vary significantly among individuals.

In India, the framework governing criminal responsibility is shaped by statutory law, judicial interpretation, constitutional principles, and international obligations. The Indian Penal Code, 1860 laid the foundation by incorporating the doctrine of *doli incapax* under Sections 82 and 83, thereby recognizing that children below a certain age lack the capacity to form criminal intent. However, modern juvenile justice is primarily governed by the Juvenile Justice (Care and Protection of Children) Act, 2015<sup>16</sup>, which introduces a hybrid model combining reformatory principles with a limited scope for accountability in cases involving serious offences. A defining feature of the current framework is its reliance on chronological age as the primary determinant of criminal liability, particularly the statutory demarcation at sixteen years under Section 15 of the Act. While this approach ensures clarity and uniformity, it raises important questions regarding whether age alone adequately reflects the complexities of adolescent development.

The issue of criminal responsibility must also be examined within the constitutional framework. Articles 14, 15(3), and 21 of the Constitution of India require that any classification based on age

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<sup>16</sup> Juvenile Justice (Care and Protection of Children) Act, 2015

must be reasonable, non-arbitrary, and consistent with principles of dignity and fairness. The law presumes a clear distinction in maturity between children below sixteen and those above, yet scientific research suggests that such distinctions are neither rigid nor universally applicable. This creates a tension between legal certainty and individualized justice. International standards, particularly the United Nations Convention on the Rights of the Child and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, further influence this discourse by emphasizing rehabilitation, proportionality, and the best interests of the child, while allowing states flexibility in determining age thresholds.

The debate surrounding age of criminal responsibility has gained renewed significance in India due to increasing public concern over juvenile involvement in serious crimes and the introduction of stricter penal provisions under the Bharatiya Nyaya Sanhita, 2023. These developments have intensified the tension between reformative justice and demands for accountability. Against this backdrop, the chapter examines the conceptual foundations of criminal liability, the evolution of the doctrine of *doli incapax*, the debate between biological age and mental maturity, insights from neuroscience, and the influence of international standards.

The doctrine of *doli incapax*, meaning “incapable of crime,” originated in English common law and represents one of the earliest attempts to address the issue of juvenile culpability. It is based on the understanding that children, due to their developmental immaturity, cannot form criminal intent in the same way as adults. Under traditional common law, children below seven years were considered absolutely incapable of committing a crime, while those between seven and fourteen were presumed incapable unless it could be proven that they understood the wrongfulness of their actions. This doctrine reflects a fundamental principle of criminal law that liability requires both a guilty act (*actus reus*) and a guilty mind (*mens rea*). Where mental maturity is absent, culpability is correspondingly diminished.<sup>17</sup>

In India, this principle is codified in Sections 82 and 83 of the Indian Penal Code, 1860 (now Sections 20 and 21 of the Bharatiya Nyaya Sanhita, 2023). Section 82 provides absolute immunity to children below seven years, while Section 83 introduces a conditional standard for children aged seven to twelve, requiring proof of sufficient maturity. This framework reflects an individualized approach, allowing courts to assess the mental capacity of the child rather than

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<sup>17</sup> Dr. V.K. Bansal, *Juvenile Justice in India* (3rd ed., 2020).

relying solely on age. The doctrine thus establishes that moral blameworthiness is developmental, criminal intent depends on cognitive capacity, and individualized inquiry is essential. However, modern juvenile legislation increasingly departs from this flexible approach in favor of fixed age thresholds, prioritizing administrative clarity over individualized assessment. This shift highlights a fundamental tension in juvenile justice: while the philosophical basis of criminal responsibility is rooted in mental maturity, statutory frameworks often rely on chronological age.

A key debate in this context is whether biological age should be the sole determinant of criminal responsibility or whether mental maturity should play a greater role. The biological age approach assumes that individuals below a certain age lack the developmental capacity for criminal liability and therefore prioritizes legal certainty, uniformity, and protection against arbitrary prosecution. Under the Juvenile Justice (Care and Protection of Children) Act, 2015, children below sixteen are completely shielded from adult trial, while those aged sixteen to eighteen may be subjected<sup>18</sup> to a preliminary assessment in cases involving heinous offences. This creates a rigid statutory demarcation that simplifies legal processes and reduces the burden of psychological evaluation in every case.

In contrast, the mental maturity approach emphasizes individualized assessment and recognizes that adolescents develop at different rates influenced by social, educational, and environmental factors. It acknowledges that some younger adolescents may possess a level of understanding comparable to adults, while some older adolescents may not. Section 15 of the 2015 Act incorporates elements of this approach but limits it to the sixteen to eighteen age group. The exclusion of children aged twelve to fifteen from such assessment raises important constitutional concerns, particularly regarding arbitrariness under Article 14. In *Barun Chandra Thakur v. Bholu*, the Supreme Court upheld the validity of the preliminary assessment mechanism, recognizing the legislature's intent to balance child rights with societal interests. However, the Court did not address whether excluding younger adolescents from similar assessment is constitutionally justified.

Modern neuroscience provides valuable insights into this debate by demonstrating that adolescent brains differ significantly from adult brains in both structure and function. The

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<sup>18</sup> National Crime Records Bureau, *Crime in India Report* (latest edition).

development of the prefrontal cortex, which governs impulse control, rational decision-making, and long-term planning, continues into early adulthood. At the same time, the limbic system, associated with emotions and reward-seeking behavior, is highly active during adolescence, leading to increased risk-taking and emotional volatility. Adolescents are also more susceptible to peer influence, which can significantly affect their behavior in group settings. These findings support the argument that juveniles should be treated differently from adults, reinforcing the reformative approach of juvenile justice. However, neuroscience also highlights significant variability in development, suggesting that rigid age-based classifications may not adequately capture individual differences. From a constitutional perspective, this raises concerns regarding proportionality, as punishment should correspond not only to the offence but also to the offender's mental capacity.

International standards further shape the discourse on age of criminal responsibility. India ratified the United Nations Convention on the Rights of the Child in 1992, which establishes principles such as the best interests of the child, dignity, and rehabilitation. The Convention requires states to set a minimum age for criminal responsibility but does not prescribe a specific age, allowing flexibility in implementation. It discourages punitive approaches and emphasizes that detention should be used only as a last resort. Similarly, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice<sup>19</sup> promote proportionality, diversion from formal judicial proceedings, and the well-being of the child. These international frameworks encourage individualized assessment and caution against rigid systems that prioritize punishment over rehabilitation.<sup>20</sup>

The constitutional dimensions of age-based liability further complicate the issue. Article 14 requires that any classification based on age must have a rational nexus with the objective of the law. The rigid demarcation at sixteen must therefore be justified as reasonable and non-arbitrary. Article 15(3) permits special provisions for children, but such protection must remain proportionate. Article 21 guarantees dignity and fair procedure, requiring that juvenile justice systems respect both the rights of child offenders and the interests of victims. The current framework represents a legislative compromise, but its rigidity invites scrutiny, particularly in cases involving serious offences committed by younger adolescents.

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<sup>19</sup> Dr. V.K. Bansal, *Juvenile Justice in India* (3rd ed., 2020).

<sup>20</sup> National Crime Records Bureau, *Crime in India Report* (latest edition).

In conclusion, the concept of age of criminal responsibility reflects a delicate balance between developmental psychology, legal principles, and societal expectations. The doctrine of *doli incapax* underscores the importance of mental capacity, while modern statutory frameworks emphasize administrative clarity through age-based classification. Neuroscientific research supports differentiated treatment but also highlights the need for flexibility and individualized assessment. International standards reinforce rehabilitation and proportionality as guiding principles. Within this context, the rigid age threshold of sixteen under Indian law raises significant constitutional and jurisprudential concerns. Whether this framework adequately balances reformative ideals with the demands of accountability, or whether a more nuanced and graduated model is required, remains a central question in the evolution of juvenile justice in India.

#### **SECTION 15 OF THE JUVENILE JUSTICE ACT, 2015: LEGAL FRAMEWORK ANALYSIS:**

Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 represents one of the most significant developments in contemporary Indian juvenile jurisprudence. The provision introduced a limited mechanism through which certain juveniles may, in exceptional situations, face proceedings resembling adult criminal accountability. This marked a departure from the earlier approach under Indian juvenile law, which uniformly prioritized rehabilitation and reform irrespective of the nature of the offence. The introduction of Section 15 reflects the legislature's attempt to reconcile two competing objectives: the constitutional commitment toward protection and rehabilitation of children, and the increasing public demand for accountability in cases involving grave offences committed by adolescents.

The enactment of this provision must be understood against the socio-legal background that followed the 2012 Delhi gang rape case. Public concern regarding the role of a juvenile offender in that incident generated widespread debate on whether the existing juvenile justice framework adequately addressed serious crimes committed by older adolescents. Although several experts and committees cautioned against abandoning the reformative philosophy of juvenile justice, Parliament ultimately adopted a middle approach. Instead of reducing the age of juvenility below eighteen years, the legislature introduced a differentiated framework permitting preliminary

assessment in cases involving children between sixteen and eighteen years accused of heinous offences.

Section 15 establishes a preliminary assessment procedure to be conducted by the Juvenile Justice Board where a child aged between sixteen and eighteen years is alleged to have committed a heinous offence. The purpose of this process is not to determine guilt but to evaluate whether the child should continue within the juvenile justice system or be transferred to the Children's Court for trial as an adult under Section 18(3) of the Act. The assessment requires consideration of several factors, including the child's mental and physical capacity to commit the offence, the ability to understand the consequences of the act, and the circumstances surrounding the alleged conduct. In this manner, the law attempts to incorporate an element of individualized assessment while retaining the broader reformative structure of juvenile justice.

Judicial interpretation has significantly influenced the practical understanding of Section 15. In *Barun Chandra Thakur v. Master Bholu*, the Supreme Court primarily examined the procedural fairness governing preliminary assessments under the Act. The Court clarified that the process under Section 15 cannot be treated as a routine or mechanical exercise because the outcome may substantially affect the future and liberty of the child. It emphasized that Juvenile Justice Boards must conduct the assessment with due care, sensitivity, and professional assistance. The judgment highlighted the importance of involving psychologists, psychiatrists, or other experts while evaluating the mental capacity and understanding of the child. The Court further observed that expert assistance should effectively function as a necessary safeguard to ensure fairness and reliability in the assessment process. In addition, the Court stressed the need for uniform standards and directed attention toward framing structured guidelines for preliminary assessments. However, the decision did not pronounce upon the constitutional validity of the sixteen-year age threshold under Section 15. The Court neither examined the doctrine of intelligible differentia nor ruled that the statutory classification between children below sixteen years and those between sixteen and eighteen years satisfied Article 14 of the Constitution. Consequently, arguments supporting the constitutional validity of the classification remain matters of academic and constitutional analysis rather than settled judicial determination arising from this case.

The Supreme Court's decision in *Shilpa Mittal v. State (NCT of Delhi)*<sup>21</sup> further clarified the interpretation of Section 15. The Court adopted a strict reading of the expression "heinous offences" and held that only offences clearly falling within the statutory definition could trigger the preliminary assessment mechanism. The judgment emphasized that provisions potentially exposing juveniles to adult criminal proceedings must be interpreted cautiously and narrowly. Through this approach, the Court reinforced the principle that juvenile justice legislation should continue to prioritize child protection and avoid unnecessary expansion of punitive exposure for children in conflict with law.

Despite these judicial safeguards, Section 15 continues to generate substantial constitutional and jurisprudential debate. One of the principal concerns relates to the rigid age classification embedded within the provision. The law creates a strict distinction between children below sixteen years and those between sixteen and eighteen years in cases involving heinous offences. Children below sixteen remain completely outside the scope of preliminary assessment irrespective of the seriousness of the offence, while older adolescents may face possible transfer to the adult criminal justice system. Critics argue that this rigid distinction may produce unequal outcomes because chronological age alone may not accurately reflect psychological maturity, cognitive development, or moral understanding.

From the perspective of Article 14 of the Constitution, any statutory classification must satisfy the requirement of reasonable classification and must possess a rational connection with the object sought to be achieved. Supporters of Section 15 contend that the legislature is entitled to recognize distinctions in maturity levels among adolescents and to create special procedures for older juveniles accused of grave offences. According to this view, the classification aims to balance rehabilitation with accountability and therefore bears a rational relationship with the objectives of the law. However, opposing perspectives argue that the strict age threshold may create arbitrariness because individuals with comparable levels of maturity could receive entirely different legal treatment solely because of a marginal age difference. The exclusion of the fourteen-to-sixteen age group from any form of individualized assessment remains one of the most contested features of the framework.

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<sup>21</sup> *Shilpa Mittal v. State (NCT of Delhi)*, (2020) 2 SCC 787.

The constitutional debate also involves Article 15(3), which permits the State to enact special protective measures for children. The juvenile justice system derives much of its legitimacy from this constitutional commitment to child welfare and rehabilitation. Nevertheless, such protection must remain proportionate and consistent with broader constitutional principles. Excessive rigidity within the framework may generate tension between child protection and the competing demands of accountability, particularly in cases involving serious harm to victims.

Article 21 introduces an additional dimension by emphasizing fairness, dignity, and procedural justice. Subjecting a juvenile to processes resembling adult criminal prosecution may have profound consequences for psychological well-being, rehabilitation, and social reintegration. Exposure to punitive systems at an early age risks long-term stigmatization and may undermine the very objective of reformative justice. At the same time, constitutional jurisprudence increasingly recognizes the dignity and rights of victims as integral components of the justice system. Consequently, the law must maintain a delicate balance between safeguarding children and ensuring that victims are not excluded from the constitutional vision of justice.

Another important challenge concerns the practical implementation of the preliminary assessment process. Effective evaluation requires trained psychologists, social workers, psychiatrists, and child welfare experts. However, institutional limitations across several jurisdictions continue to affect the consistency and quality of assessments. Inadequate infrastructure, shortage of trained personnel, and absence of standardized procedures may result in subjective or inconsistent outcomes. Without sufficient safeguards, the process risks becoming arbitrary, thereby undermining both constitutional fairness and the reformative objectives of juvenile justice.

The enactment of the Bharatiya Nyaya Sanhita, 2023 and related criminal law reforms has further intensified these concerns. The new criminal law framework introduces stricter punishments for several serious offences and reflects a more deterrence-oriented approach toward criminal justice. Although the Bharatiya Nyaya Sanhita does not directly alter the Juvenile Justice Act, it indirectly affects the operation of Section 15 because the expansion of offences carrying punishment of seven years or more increases the range of offences classified as “heinous.” As a result, a larger number of adolescents between sixteen and eighteen years may potentially become subject to preliminary assessment and possible transfer to Children’s Courts.

This development has created a visible tension between the increasingly punitive orientation of substantive criminal law and the reformatory philosophy underlying juvenile legislation. While the broader criminal justice framework now places stronger emphasis on victim rights, deterrence, and accountability, juvenile law continues to prioritize rehabilitation and reintegration. The contrast becomes especially pronounced where identical offences attract entirely different consequences depending solely on the age of the accused.

The continuing debate surrounding Section 15 demonstrates the complexity of balancing constitutional morality, scientific understanding of adolescence, and societal expectations of justice. Neuroscientific studies indicate that adolescent development does not occur uniformly and that cognitive maturity varies significantly among individuals. These findings strengthen arguments in favor of a more individualized approach rather than an inflexible age-based classification. At the same time, any movement toward increased accountability must remain consistent with international obligations under instruments such as the United Nations Convention on the Rights of the Child, which emphasizes rehabilitation, reintegration, and the best interests of the child.

Ultimately, Section 15 represents an attempt to create a middle path between complete immunity and unrestricted punitive treatment of juveniles. The provision seeks to preserve the reformatory foundation of juvenile justice while introducing limited accountability in exceptional situations involving heinous offences. Nevertheless, the rigid distinction at sixteen years continues to generate constitutional, practical, and moral concerns. The future evolution of juvenile justice in India may therefore require a more nuanced framework that incorporates individualized assessment, procedural safeguards, expert involvement, and rehabilitative mechanisms while remaining faithful to constitutional principles of equality, dignity, and fairness.

## **JUVENILE JUSTICE IN INDIA: LAW, DEBATE & REFORM**

The question of juvenile criminal responsibility remains one of the most debated subjects in modern criminal jurisprudence because it involves balancing child protection, public safety, constitutional morality, and the rights of victims. The law must determine the point at which a child acquires sufficient mental maturity and understanding to be held legally accountable for criminal conduct. Historically, most legal systems recognized that children differ from adults in

emotional, intellectual, and psychological development, and therefore require a distinct legal framework emphasizing reform rather than punishment.

The foundation of juvenile criminal responsibility developed through the doctrine of *doli incapax*, a principle originating in English common law. The doctrine is based on the idea that young children lack the mental capacity necessary to form criminal intent. Traditionally, children below a specified age were presumed incapable of committing offences, while older children could only be held liable if sufficient maturity and understanding were established. In India, this principle was incorporated into the Indian Penal Code, 1860 through Sections 82 and 83 (now Sections 20 and 21 of the Bharatiya Nyaya Sanhita, 2023). Section 82 provided absolute immunity to children below seven years of age, while Section 83 recognized conditional criminal liability for children between seven and twelve depending upon their maturity and understanding of the consequences of their conduct. These provisions reflected the broader principle that criminal liability should correspond with mental capacity and moral awareness.

Over time, Indian juvenile law evolved from a purely punitive colonial structure toward a reformatory and welfare-oriented framework. This transformation became more visible with the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015, which currently governs juvenile justice in India. The legislation retains rehabilitation and reintegration as its primary objectives but also introduces a limited mechanism for enhanced accountability in cases involving heinous offences committed by older adolescents. The Act therefore represents a hybrid model attempting to balance child rights with societal concerns regarding serious offences.

A major feature of the 2015 legislation is Section 15, which permits a preliminary assessment in cases where a child between sixteen and eighteen years of age is accused of committing a heinous offence. The Juvenile Justice Board is required to evaluate the child's mental and physical capacity, ability to understand the consequences of the offence, and the surrounding circumstances before deciding whether the matter should remain within the juvenile justice framework or be transferred to a Children's Court. This provision was introduced following widespread public debate after the 2012 Delhi gang rape case, where public dissatisfaction emerged regarding the limited consequences available under juvenile law for older adolescents involved in grave offences.

The introduction of Section 15 marked a significant departure from earlier juvenile justice principles because it created a distinction within the category of children below eighteen years. Children below sixteen remain entirely within the juvenile justice framework, whereas those between sixteen and eighteen may, in certain exceptional situations, face proceedings similar to adult criminal accountability. Supporters of the provision argue that the law recognizes changing social realities, increased exposure of adolescents to violence and technology, and the need for accountability in cases involving serious crimes. Critics, however, contend that the framework weakens the reformative philosophy traditionally associated with juvenile justice and risks introducing punitive elements into a system designed primarily for rehabilitation.

Judicial interpretation has played an important role in clarifying the operation of Section 15. In *Barun Chandra Thakur v. Master Bholu*<sup>22</sup>, the Supreme Court primarily focused on the procedural safeguards governing the preliminary assessment mechanism under the Juvenile Justice (Care and Protection of Children) Act, 2015. The Court emphasized that the assessment process cannot be treated as a routine formality because the outcome may significantly affect the liberty, rehabilitation, and future of the child. It highlighted the importance of expert assistance from psychologists, psychiatrists, and child specialists in evaluating the child's mental capacity and understanding of consequences. The Court also stressed the necessity of fairness, careful evaluation, and standardized procedures while conducting preliminary assessments. Furthermore, attention was drawn to the need for structured guidelines to ensure consistency across jurisdictions. However, the judgment did not examine or decide the constitutional validity of the sixteen-year age threshold under Section 15, nor did it uphold the classification as a reasonable classification under Article 14 of the Constitution. Consequently, debates concerning the constitutional justification of the age-based distinction continue to remain matters of legal interpretation and academic discussion.

In *Shilpa Mittal v. State (NCT of Delhi)*<sup>23</sup>, the Supreme Court clarified the interpretation of the expression "heinous offences" under the Juvenile Justice Act. The Court adopted a strict statutory interpretation and held that only offences clearly falling within the definition prescribed by the legislation could trigger the preliminary assessment mechanism. The judgment reinforced

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<sup>22</sup> *Barun Chandra Thakur v. Master Bholu*, 2022 SCC OnLine SC 870.

<sup>23</sup> *Shilpa Mittal v. State (NCT of Delhi)*, (2020) 2 SCC 787

the principle that provisions potentially exposing juveniles to adult criminal consequences must be interpreted cautiously and narrowly to prevent arbitrary extension of punitive treatment.

Despite these judicial safeguards, the present framework continues to generate substantial constitutional and policy debate. One of the central criticisms concerns the rigid distinction at sixteen years of age. The law assumes that children above sixteen possess a level of maturity different from those below sixteen, thereby permitting preliminary assessment only for the older group. Critics argue that such a strict classification may produce unequal outcomes because psychological maturity does not develop uniformly among adolescents. Two individuals separated by only a few months in age may possess similar mental understanding yet face entirely different legal consequences under the current framework.

The issue acquires constitutional significance under Article 14 of the Constitution, which prohibits arbitrariness and requires reasonable classification. While the legislature possesses authority to create age-based distinctions, such classifications must maintain a rational connection with the objectives of the law. Supporters of the present framework argue that the distinction seeks to balance rehabilitation with accountability and therefore satisfies constitutional standards. Opposing views contend that rigid reliance on chronological age may fail to account for individual maturity, thereby creating disproportionate and inconsistent outcomes in serious cases.

Article 15(3) further complicates the debate by permitting special protective measures for children. The reformative nature of juvenile justice derives constitutional legitimacy from this provision because children are recognized as requiring additional safeguards and opportunities for rehabilitation. However, excessive rigidity within the framework may raise concerns when applied to exceptional cases involving grave offences and severe harm to victims.

Article 21 introduces another dimension by emphasizing dignity, fairness, and procedural justice. The juvenile justice system must protect the dignity and developmental interests of children while simultaneously recognizing the constitutional rights and dignity of victims. Subjecting adolescents to punitive criminal procedures may negatively affect rehabilitation, reintegration, and long-term psychological development. Conversely, the complete absence of individualized assessment for certain age groups may create dissatisfaction regarding accountability and proportional justice.

Modern neuroscience has significantly influenced contemporary debates on juvenile justice. Scientific studies indicate that adolescent brains continue developing into early adulthood, particularly in areas associated with impulse control, judgment, emotional regulation, and long-term decision-making. Adolescents are generally more susceptible to peer pressure, emotional influence, and impulsive behavior than adults. These findings strengthen arguments supporting rehabilitative approaches rather than purely punitive treatment. At the same time, neuroscience also demonstrates considerable variation in developmental maturity among individuals, thereby supporting demands for more flexible and individualized assessment models.

International standards similarly emphasize rehabilitation and proportionality. Instruments such as the United Nations Convention on the Rights of the Child encourage states to prioritize reintegration, dignity, and the best interests of children within justice systems. International juvenile justice principles discourage excessive criminalization and emphasize that detention and punitive measures should remain measures of last resort. These standards have strongly influenced the development of juvenile law in India and continue to shape debates surrounding reform.

The enactment of the Bharatiya Nyaya Sanhita, 2023 has intensified the tension between reformatory juvenile law and deterrence-oriented criminal law. The new criminal framework introduces stricter punishments for several offences, particularly offences involving violence and sexual crimes. Although the Bharatiya Nyaya Sanhita does not directly alter the Juvenile Justice Act, its harsher sentencing structure indirectly expands the category of offences classified as “heinous,” thereby increasing the likelihood of preliminary assessments for older adolescents. This development highlights the growing divergence between a stricter adult criminal justice system and a comparatively protective juvenile justice structure.

Practical implementation also remains a major challenge. Effective preliminary assessment requires trained psychologists, social workers, psychiatrists, child welfare experts, and specialized institutional infrastructure. In several regions, however, inadequate resources and lack of standardized procedures create inconsistency in assessments. Without sufficient safeguards and professional expertise, the process may become subjective and arbitrary, undermining constitutional fairness and the reformatory purpose of juvenile justice.

The continuing debate demonstrates that juvenile justice involves far more than statutory interpretation. It raises deeper moral and constitutional questions concerning childhood, accountability, social protection, and the nature of justice itself. Excessive emphasis on punishment may undermine the developmental rights of children, while complete rigidity may create concerns regarding proportionality and public confidence in the justice system.

A balanced and constitutionally sustainable approach may therefore require gradual reform rather than extreme change. One possible solution involves introducing limited maturity-based assessments for exceptional cases involving younger adolescents while retaining rehabilitation as the central objective of juvenile justice. Such assessments must remain strictly regulated, supported by expert involvement, judicial safeguards, and appellate review to prevent misuse. Simultaneously, greater investment is necessary in counselling, education, vocational training, rehabilitation centres, and reintegration programs to ensure that juvenile justice remains genuinely reformative in practice.

Ultimately, the future of juvenile justice in India depends upon achieving a careful balance between compassion and accountability. The law must recognize the developmental vulnerability of children while also ensuring fairness, proportionality, and societal confidence in the justice system. A nuanced and evidence-based framework grounded in constitutional principles, scientific understanding, and human dignity offers the most effective path forward for the continued evolution of juvenile justice in India.

## **CONCLUSION**

The evolution of juvenile justice in India reflects a continuing constitutional effort to balance child protection with societal accountability. From the early recognition of the doctrine of *doli incapax* under the Indian Penal Code, 1860 (now Sections 20 and 21 of the Bharatiya Nyaya Sanhita, 2023) to the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015, Indian law has consistently acknowledged that children in conflict with law require treatment different from adult offenders. This approach is rooted in constitutional principles contained in Articles 14, 15(3), and 21 of the Constitution of India, which collectively recognize equality, dignity, fairness, and the need for special protection of children.

The present study demonstrates that the Juvenile Justice Act, 2015 represents a significant transition in Indian juvenile jurisprudence. By introducing Section 15, the legislature attempted to create a limited mechanism for accountability in cases involving heinous offences committed by children between sixteen and eighteen years of age. The provision reflects a compromise between two competing objectives: preserving the reformatory philosophy of juvenile justice while responding to growing societal concern regarding serious crimes committed by older adolescents.

A major turning point in this debate emerged after the 2012 Delhi gang rape incident, popularly known as the Nirbhaya case, in which a juvenile offender was among the accused. Public dissatisfaction regarding the limited consequences available under the juvenile justice framework contributed significantly to legislative reform. However, the subsequent Supreme Court decision in *Mukesh & Anr v. State (NCT of Delhi)* related only to the adult convicts in the incident and did not concern the proceedings involving the juvenile offender, which were conducted separately under juvenile law. The broader incident nevertheless became a catalyst for national debate on the adequacy of India's juvenile justice system.

The research further establishes that the rigid age threshold at sixteen years remains one of the most controversial aspects of the present framework. Children below sixteen years are entirely excluded from preliminary assessment irrespective of the gravity of the alleged offence, while children between sixteen and eighteen years may potentially face transfer to a Children's Court. This distinction creates a sharp legal divide based exclusively on chronological age. Although age-based classification may provide administrative certainty and legislative clarity, it does not always correspond with actual psychological maturity, cognitive development, or moral understanding.

Modern neuroscientific research demonstrates that adolescent development occurs gradually and unevenly. The prefrontal cortex, associated with judgment, impulse control, and rational decision-making, continues developing into early adulthood. Adolescents are more vulnerable to emotional influence, impulsive conduct, and peer pressure than adults. These findings support the reformatory basis of juvenile justice while simultaneously indicating that rigid age classifications may fail to accommodate individual differences in maturity and understanding.

The study also highlights the constitutional dimensions of juvenile liability. Article 14 permits reasonable classification but prohibits arbitrariness. The distinction between children below sixteen years and those between sixteen and eighteen years must therefore maintain a rational nexus with the objectives of the legislation. While Parliament possesses authority to create protective classifications, the complete exclusion of the fourteen-to-sixteen age group from any form of individualized assessment raises questions concerning proportionality and equal treatment in exceptional cases involving grave offences.

Article 15(3) constitutionally legitimizes protective discrimination in favor of children and reinforces the welfare-oriented character of juvenile justice. At the same time, Article 21 requires fairness, dignity, and balanced justice for both child offenders and victims. Excessive punitive treatment may undermine rehabilitation and reintegration, whereas complete rigidity may weaken public confidence and perceptions of proportional accountability. The challenge therefore lies in harmonizing child rights with victim dignity and societal interests without abandoning constitutional morality.

Judicial interpretation has significantly shaped the operation of Section 15. In *Barun Chandra Thakur v. Master Bholu*, the Supreme Court emphasized procedural fairness, expert involvement, and the need for careful assessment while conducting preliminary inquiries under Section 15. The Court stressed that psychologists and child experts should assist Juvenile Justice Boards in evaluating mental capacity and understanding of consequences. However, the judgment did not decide the constitutional validity of the sixteen-year classification under Article 14. Consequently, debates regarding the constitutional justification of the age threshold continue to remain matters of academic and constitutional analysis rather than settled judicial determination.

Similarly, in *Shilpa Mittal v. State (NCT of Delhi)*, the Supreme Court adopted a strict interpretation of the expression “heinous offences” and held that offences carrying a maximum punishment exceeding seven years, but without a minimum prescribed sentence of seven years, could not automatically be classified as heinous offences. The Court thereby demonstrated judicial caution in extending juvenile exposure to adult criminal consequences. Importantly, the Court also exercised its powers under Article 142 of the Constitution and directed that such “fourth category” offences should temporarily be treated as “serious offences” until Parliament enacted legislative clarification. This exercise of extraordinary constitutional jurisdiction

reflected judicial restraint as well as an attempt to address statutory ambiguity without unnecessarily expanding punitive consequences for juveniles.

The enactment of the Bharatiya Nyaya Sanhita, 2023 has further intensified the tension between deterrence-oriented criminal law and reformatory juvenile law. While the new criminal law framework introduces stricter punishments for several serious offences, juvenile law continues to prioritize rehabilitation, particularly for children below sixteen years. This divergence has increased constitutional and policy debate regarding whether the present framework adequately balances accountability with child protection.

The research ultimately concludes that a blanket reduction in the age of juvenility would undermine international obligations and weaken the reformatory foundation of juvenile justice. At the same time, maintaining complete rigidity within the existing framework may create disproportionate outcomes in exceptional cases involving severe offences committed by younger adolescents. The present system therefore requires careful reform aimed at introducing greater flexibility without abandoning constitutional commitments toward child welfare and rehabilitation.

A balanced juvenile justice framework must recognize that compassion and accountability are not mutually exclusive. The legitimacy of the system depends upon its ability to ensure fairness, rehabilitation, proportionality, and societal confidence simultaneously. The future of juvenile justice in India lies in adopting a more nuanced and evidence-based approach that harmonizes constitutional principles, scientific understanding of adolescent development, and the broader objectives of justice.

### **Final Observations**

The debate on juvenile justice ultimately transcends legal doctrine. It is a moral and constitutional inquiry into how society defines childhood, responsibility, and justice. The current framework prioritizes certainty and protection, but may produce dissatisfaction in extreme cases.

A nuanced, evidence-based reform—grounded in constitutional values and supported by expert evaluation—offers the most sustainable path forward. Juvenile justice must remain humane without becoming indifferent to harm, and protective without becoming inflexible.

The legitimacy of the system depends on its ability to balance compassion with accountability, ensuring that justice in India remains both constitutionally sound and socially responsive.

## **SUGGESTION**

The Juvenile Justice (Care and Protection of Children) Act, 2015 should be amended to introduce a more balanced and flexible approach toward determining criminal responsibility in heinous offences. Instead of relying solely on the rigid age threshold of sixteen years, the law should permit limited psychological and maturity-based assessments for children between fourteen and sixteen years of age in exceptional circumstances. Such assessments must be conducted carefully by trained psychologists, social workers, and Juvenile Justice Boards to ensure that the child's mental capacity, understanding of consequences, and surrounding circumstances are properly evaluated. At the same time, rehabilitation and reintegration should remain the central objective of juvenile justice, ensuring that children are not exposed unnecessarily to harsh punitive systems. This approach would create a fair balance between child protection, constitutional equality, and the interests of victims and society.

## **RECOMMENDATION**

The present research recommends that India adopt a graduated responsibility model within its juvenile justice framework. The existing rigid distinction between children below sixteen years and those between sixteen and eighteen years creates legal and constitutional concerns, particularly in cases involving serious offences. A more individualized system based on psychological maturity, mental capacity, and proportional accountability would better reflect modern neuroscientific understanding and constitutional principles under Articles 14 and 21 of the Constitution of India. The study further recommends strengthening rehabilitation mechanisms through counselling, education, vocational training, and family-based reintegration programmes. Additionally, specialized training should be provided to Juvenile Justice Boards and child welfare authorities to ensure informed and child-sensitive decision-making. Such reforms would help harmonize the objectives of reformative justice, victim justice, and societal protection while preserving the fundamental rights and dignity of children in conflict with law.

1. India should adopt a graduated responsibility model that considers both age and mental maturity while determining criminal liability in serious offences.

2. Specialized training should be provided to Juvenile Justice Boards, psychologists, and child welfare authorities to ensure fair, child-friendly, and constitutionally balanced decision-making.

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