

# **Defining Juvenile in Conflict with Law: Limits of 'Objective Definition' under Juvenile Justice (Care & Protection of Children) Act, 2000**

Research Project

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### **CONCEPT NOTE**

The criminal justice system makes a distinction between a mature offender and an immature offender. Mature offender is a person who is mature enough, mental maturity & physical maturity, both, to comprehend & understand the consequences of his act. A juvenile is considered to be a child who is immature enough to comprehend & understand the consequences of his act. That's why a juvenile offender is dealt differently from an adult offender under modern day criminal justice system. Furthermore, to provide an alternative framework of criminal justice system for juvenile offenders, there is a unique & distinct system for them in our country, supported by different rules, provisions, & procedures.

While the Indian Penal Code uses 'cut-off age' and 'concept of maturity of mind', both, to decide whether a person should be held responsible for his act or not; but, the Juvenile Justice Act uses the first method only, i.e., 'cut-off age'. Hence, an important issue is to decide the 'cut-off age' to declare a person to be a juvenile. Implications of this are very deep & grave for 'that person' and 'the State', both.

We, at Symbiosis Law School, NOIDA had been working on this issue since April, 2012. It was an empirical project wherein all the stakeholders, i.e., 'police officials' (176 respondents), 'officials at juvenile homes' (20 respondents), 'juveniles admitted in juvenile homes' (74 respondents) and 'juveniles not in conflict with law' (753 respondents) were made part of this project.

### **ABSTRACT OF THE REPORT**

The 'juvenile delinquency' has become a major 'law & order' problem for the law implementing agencies, especially for the 'police officials' and 'officials of juvenile homes'. The existing legal provisions seem to be ineffective in controlling the rising trend of juvenile delinquency. It was further fuelled by the amendment Act of 2000 through which the cut-off age for a male juvenile was increased from 16 years to 18 years. The said amendment was carried on the basis of a consideration that a male person of 17-18 years is immature enough to be called an adult; but, it seems to have backfired when we see the present day ground realities.

The attainment of age of maturity by a male person in our society has decreased in last few decades; and the reasons for this are: 'spread of education', 'role played by media', 'change in living standards', 'cultural transformation', etc. Now, a male person of 15-16 years of age is considered mature enough to comprehend and understand the consequences of his acts. The issue of settling the cut-off age for a male juvenile in our criminal justice system must be re-examined while taking care of the present day ground realities; and views of those who actually deal with juvenile offenders must be made part of this task.

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