



Efficacy of Juvenile Justice Regime in India

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History

The measure was enacted amid heated discussion from all walks of life. 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.

Conditions that allow a juvenile to be tried as an adult

The law introduced the concept of three categories of offenses.

1. Misdemeanors include offenses for which the maximum penalty under the IPC or other currently applicable law is imprisonment not exceeding her three years.
2. Serious offenses include offenses for which the penalty under the IPC or other legislation is currently 3 to 7 years imprisonment.
3. Violent crimes include crimes for which the minimum penalty under the IPC or other currently applicable law is imprisonment for seven years or more.

Heinous Crimes

The Act defines 'heinous crimes' as those for which the minimum punishment under the IPC or any other law for the time being in force is *imprisonment for seven years or more*. Because the phrase encompasses 'any other law in effect at the moment,' this can also include the following acts:

1. The Commission of Sati (Prevention) Act, 1987
2. The Narcotic Drugs and Psychotropic Substances Act, 1985
3. The Arms Act, 1959
4. The Unlawful Activities (Prevention) Act, 1967
5. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
6. The Maharashtra Control of Organised Crime Act, 1999
7. Protection of Children from Sexual Offences Act, 2000
8. Terrorist and Disruptive Activities (Prevention) Act, 1987
9. Food Safety and Standards Act, 2006

Therefore, under the law, juvenile offenders between the ages of 16 and 18 may be tried as adults with a minimum term of imprisonment of not less than seven years for any of the above crimes and any other crime under applicable law.

Can juveniles be punished for offences, where the minimum punishment under IPC or applicable law can extend to 7 years?

Following a psychological evaluation of three 17-year-old boys and subsequent encounters with the boys, a Board in Sangli ruled that the boys were adults who recognised and appreciated the implications of their behaviour. The three boys were charged under section 307 of the IPC, attempt to murder.

The case was then referred to the Children's Court by the Board. The stated ruling was challenged in the Bombay High Court, and the Bombay High Court made the following observations:

1. that the IPC or any other applicable law, should prescribe the minimum punishment for a crime as seven years for the offence to be classified as '*heinous crime*'. Under section 307 of the IPC (Attempt to murder), no minimum punishment is prescribed but the punishment may extend to 10 years and fine.

Section 307 of the IPC has been reproduced below:

Whoever commits any act with such intent or knowledge, and under such circumstances, that if he caused death by that act, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if such act causes harm to any person, the offender shall be liable either to 104 [life imprisonment], or to such punishment as is herein before mentioned.

2. Justice Bhatkar concluded that "*Due to the benchmark of minimum punishment of 7 years or more, section 307 of the IPC cannot fall within the ambit of heinous crimes.*"

Procedure for trying a juvenile as an adult By law, the state government establishes a Juvenile Court Commission ("Commission") in each county. The Board shall consist of a Metropolitan Magistrate or First Class Judicial Magistrate or Supreme Judicial Magistrate with at least three years of experience and her two Social Her workers, at least one of whom is a woman. .

Under Section 15 of the Act, juvenile offenders between the ages of 16 and 18 who have committed a heinous crime may be tried as adults by being brought to trial. However, juvenile offenders will be tried as adults under the law after the Tribunal (with the help of a psychologist, mental health worker, or other professional) assesses the juvenile offender as: can do.

1. The boy's ability to kill (common sense and physical ability)
2. His ability to understand the consequences of the crimes he commits.
3. The circumstances in which the crime was committed.

The commission's responsibility is to determine whether child offenders are likely to commit heinous crimes and whether they understand the consequences of the crimes they commit. The board must complete the evaluation within three months from the date the child is submitted to the board. After an assessment, the court can order the case transferred to children's court if it concludes that the juvenile offender committed a crime with the necessary knowledge and intent to commit a heinous crime. Based on the Commission's recommendations, the Children's Court may decide whether the child must be tried as an adult under the provisions of the Criminal Procedure Code 1973. When a children's court determines that a child should be tried as an adult, it will issue an appropriate order while maintaining a child-friendly atmosphere, taking into account the principles of fair trial.

Tried as an adult around the world

England and Wales

A separate youth court tries juveniles. Juveniles may be tried as adults in a limited number of serious offences like sexual assault, child sex offences committed, prohibited firearms offences [Powers of Criminal Courts (Sentencing) Act 2000]. Whoever commits any act with such intent or knowledge, and under such circumstances, that if he caused death by that act, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if such act causes harm to any person, the offender shall be liable either to 104 [life imprisonment], or to such punishment as is herein before mentioned.

Germany

The youth court hears cases involving children aged 14 to 18. It is assumed that children in this age group comprehend their acts and the repercussions of their behaviours. Juveniles cannot be imprisoned for more than ten years or for less than six months. However, if the juvenile is deemed to be a particularly dangerous young offender, indefinite custody is permitted [Children's Rights, Germany].

USA

Anyone above the age of 13 in the United States can be prosecuted as an adult if he or she has a history of violating the law or commits a major offence. Certain offences, including as murder, serious criminal sexual assault, and armed robbery with a firearm, are tried as adults to children between the ages of 15 and 16.

France

While France does not have the same system as the United States for transferring minors to adult criminal courts, French judges can utilise the gravity of the offence committed by a child to determine the juvenile offender's punishment.

Netherlands

In Netherlands, young offenders aged 16 to 22 can be tried either as a juvenile or as an adult, under adolescent criminal law.

However, no country has a provision for the death sentence for juveniles.

Juvenile Tried as an adult – Need for Legislation

Society has changed a lot in terms of its ideologies, perspectives, moral and ethical standards. What was considered immoral ten years ago is no longer seen in the same way today. In fact, the pursuit of better opportunities, better lives and comfort has opened new doors for development. But the same aspirations have led us to a fast-paced lifestyle, without spending time on ourselves or on personal introspection. This social change also affects children. You are now under stress to perform better in this fast-growing variety, competition, and each pasture that has brought with it many complications. The coin has both divine and evil sides. There are laws protecting children and their rights on one side, and child offenders and hoodlums written on the other.

The coin should not face right, but it must also face the common evils when tossing. Under our juvenile court system in India, if a minor commits a crime, it is of course not borne by him, but due to the sudden power inherent in all minors, or presumed to be due to his stupidity or lack of discipline. Nor does the judicial system understand the consequences of committing crimes directed at the humanity and personal liberty of others (victims). Therefore, by treating every young person in line rather than giving a rationale, as ignorance and stupidity can endanger others around him in criminal situations. The downside of the coin should also be dealt with equally. Adult or minor should therefore be judged on the basis of the seriousness and nature of the crime committed, not solely because of being a minor.

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

The total number and age of minors who committed crimes 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 criminal activity decreased by 20%, according to the survey. Most juvenile offenders are classified as illiterate, although NCRB data, which is a year late, suggests otherwise. According to the National Crime Report Bureau 2018, the number of 'illiterate' juvenile delinquents decreased from 5,412 in 2016 to 4,324 in 2017.

The NCRB report 2018

This report shows that more than social and economic situation, other factors contribute the Juvenile to commit an offence which should be controlled in strict laws. Because juveniles involved in tiny offences as a result of his family can be rehabilitated and reformed in care homes. The age of a juvenile but 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 offence 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).

Shockingly, in these cases, majority of accused was a juvenile. 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 in total, 42% of Indian population are under the age of 18 years, who should be wisely monitored rather giving privilege in committing a crime. Despite the fact that the criminal amendment of 2016 reduced the juvenile age to 16-18 years for severe actions, this may not provide a good remedy but rather enmity 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 criminal should be prosecuted as an adult based on the seriousness and character of the offence. The Crime Report clearly reveals that the number of juveniles committing crimes because of socioeconomic factors is lower than the number of indented offences.

Opinion Of The Hon'ble Supreme Court

The Juvenile Justice (Care and Protection of Children) Act of 2000 has been widely condemned. Whereas, the court while hearing a case in 2014, with respect to Juvenile Justice Act, 2000, it was viewed, by the Divisional Bench of Justice Dipak Misra and according to U.U. Lalit, the law is necessary to serve societal desires, and punishment is necessary to diminish the intensity 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.

International Perceptive On Juvenile Laws

The United States has a comparatively high juvenile delinquency rate. In 2011, there were 129,456 juvenile delinquents out of a population of 250 million. Although the conventional age of majority is 18, practically all states allow people under the age of 18 to be tried as adults.

In the state of California, people beyond the age of 14 can be prosecuted as adults if they commit major crimes (such as rape, robbery, or murder). The state of New York condensed the age of juvenility at 18 to 16 years, and permits the prosecution of persons aged between 13-16 years as adults in case of serious crimes. Due to the concurrent jurisdiction of the juvenile and adult criminal courts in Florida, the prosecutor has discretionary authority to decide whether the juvenile should be handled as such or as an adult.

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985, the Convention on the Rights of the Child, 1990, and the United Nations Rules for the Protection of Juveniles Deprived of Liberty, 1990, are all examples of international treaties. India's international commitments obligate it to establish a specific framework to deal with juvenile offenders, and such responsibilities may be more completely addressed and implemented by comprehending the Act in the aforementioned manner.

For adjudicating juvenile offenders' criminal culpability, numerous international jurisdictions, particularly the United Kingdom, the United States, and Canada, as well as European nations, have severe practises. In particular,

the use of statutory exclusion, which ensures that perpetrators of certain serious offences are tried as adults; 'judicial waiver,' which allows juvenile courts to waive jurisdiction and transfer the case to an ordinary court of law; and the policy of concurrent jurisdiction of both courts, which allows the prosecutor to initiate proceedings in the appropriate court based on such jurisdictions.

Some instances involving juvenile offenders are serious enough that they are moved to an adult criminal court procedure. Most minors must be at least 16 years old to be eligible for a waiver into an adult court, thereby eliminating the safeguards provided by the juvenile justice system. Some children who have been arrested several times in the past and meet the age requirements may also have their case transferred.

When adolescents are tried in an adult court, they are afforded additional constitutional rights. This waiver also opens the door to the prospect of a harsh penalty being imposed for their actions. It also opens up the idea of teenagers doing time in an adult-only correctional facility.

Several more reasons may result in a waiver into adult court for some minors. Minors as young as 13 may be eligible for a transfer if previous rehabilitation efforts have failed or when juvenile services would need to engage with the individual for an extended period of time.

The benefits and drawbacks of minors being tried as adults must be considered in each case to determine whether a waiver into adult court is the best choice.

List of the Benefits of Trying Juveniles as Adults

1. Remove the youth threshold for the impact of serious crime.

In most countries, most juvenile offenders can have their records erased or sealed once they reach the age of 18, 21 or 25. If there is surrender in adult court, the conviction is less veiled. More than 300 people die each year in the United States as a result of the actions of people under the age of 18. This is her one of the countries with the highest percentage of such activities in the world today. Eliminating tolerance as children move into adulthood creates an incentive to avoid criminal behavior in the first place.

2. Less chance of committing a felony.

Lee Boyd Malvo petitioned the Supreme Court in October 2019 to reconsider his conviction after terrorizing the Washington area in 2002. He joined John Allen Muhammad in a sniper rampage that killed 10 people, wounded others, and paralyzed the area with terror. Malvo was sentenced to four life terms for his actions at the time.

Exemption from the adult justice system when older young people commit serious and violent crimes makes society safer because they cannot continue to make the same choices.

3. Some children are mature enough to commit premeditated crimes.

A 10-year-old babysat at a home daycare in Wisconsin. She accidentally dropped her 6-month-old baby and the baby started crying. She panicked because she thought the girl was going to be in big trouble, so she decided to step on the baby's head to shut her up. Authorities say the girl was able to control her own actions, indicating that certain decisions were made to avoid consequences if she took these actions.

A judge ruled in March 2019 that the girl was unfit to stand trial for manslaughter, but that doesn't mean the case will be dismissed. It will be suspended indefinitely until it is determined that it is suitable for the process. Reviews are conducted quarterly. Some kids are more mature than others. So the judicial system needs to take this into consideration.

4. Provide a consistent structure within the judicial system.

If a child commits a horrific crime, he or she can return to society without the same notice that an adult offender has to provide. Jasmine Richardson killed her parents and siblings so she could stay with her then-boyfriend — and she was just 12. Investigators believe her older boyfriend, who was 23 at the time of the incident, was determined that she stabbed the boy in the chest multiple times while slitting his throat.

Richardson's verdict was completed after a final hearing on May 6, 2016. The maximum sentence at that time was 10 years in prison. Now she can live anywhere, even though she's a triple murder prisoner. You can prevent this problem by abstaining from adult meals.

5. Youth now have access to services that were previously unavailable in the youth system.

As a convicted adult criminal, adolescents have two key advantages: access to education and occupational skill development. Youth services will also provide some of these services, but from an educational standpoint rather than attempting to build a life skill. Some adult facilities get more financing for mental health assistance than juvenile ones. There may be specialised therapy for addictions, learning difficulties, or other issues that may have contributed to the initial criminal behaviour.

6. It provides a chance for society to teach youngsters about accountability.

Criminal behaviour is not usually a learnt behaviour, although it might be accepted in some homes. Illegal conduct should always have repercussions, whether it's a parking ticket or appearing in front of a jury to answer accusations. Unless there are exceptional circumstances, most repercussions imposed by the youth system end at the age of 21. If Malvo had been prosecuted as a juvenile, he would have gotten a four-year term for his involvement in ten killings rather than four life sentences.

When there is a structure in place that allows for a waiver into the adult justice system, juveniles can learn more about accountability. It teaches them the expectations that society has for their decisions and conduct.

7. Adult court waivers address serious crime in a proper manner.

Lionel Tate is the youngest American citizen ever sentenced to life in prison with no chance of release. He was convicted of first-degree murder when he was 13 for the bashing death of a six-year-old girl. Tate was left alone with her while his mother looked after the children. When her mother found the event, the youngster claimed that they had been wrestling and that she had struck her head while he was in a headlock on her. His conviction was reversed on appeal, and he was sentenced to ten years of probation and one year of house arrest.

The prosecution advocated leniency in the case, but the court chastised them for prosecuting the youngster in the first place. Tate was subsequently sentenced to 30 years in prison for breaking his probation and additional 10 years for robbery of a pizza deliveryman.

List of the Drawbacks of Juveniles Tried as Adults

1. Most adult sanctions apply to juveniles.

The United States Supreme Court has held that life sentences for children under the age of 18 are excessively harsh. That is not to say that a sentence of several decades cannot be imposed. When a waiver into adult court happens, the punishments in a case are more severe than what they would receive at the youth level. Adult court judges do not have the same treatment or punishment options, such as ordering counselling or setting a curfew. Adult court doesn't take into account the maturity of the child.

2. Adult court doesn't take into account the maturity of the child.

Children's physical and psychological development predisposes them to make specific judgements. Because of this, teenagers are prone to taking rash risks. When youngsters are under the age of 15, they may not grasp the repercussions of their unlawful behaviour. Some children may be unaware that they have breached the law.

In October 2019, a 9-year-old boy from Illinois appeared in court to confront murder charges stemming from a fire he started in a mobile home. According to the boy's counsel, the kid did not grasp the meaning of the words "arson" or "alleged."

3. Adult criminal records are more harder to seal than minor ones.

When minors commit crimes, their records are generally sealed as they grow older to offer them a better chance in life. That implies that until they reach a certain age, usually 18 or 21, most offenders are not required to record previous convictions.

If a child is convicted in adult court, expunging that record becomes more difficult. Unless there are certain norms or laws in place that enable this behaviour, their behaviour will be made public throughout their lives. Several requirements must be completed, even though they may be difficult for young people to meet.

4. In adult court, there are fewer prospects for rehabilitation.

Juveniles sentenced in adult court are typically sentenced to severe jail terms or long-term therapy that limits their independence far into their adult years. An incident in Wisconsin in which two 12-year-old girls stabbed a classmate resulted in penalties of 25 and 40 years in a mental hospital, respectively. Both adolescents chose to enter guilty pleas in the case. That implies that when their time in these facilities is over (one female will be 52), they will have few alternatives for starting a new life.

5. Placing youth in an adult prison cell creates significant risks.

The majority of young people who are given a lengthy prison sentence as adults are held in solitary confinement until they are old enough to be released. The psychological effects of spending several years by himself in this way led to Kalief Browder's suicide. When compared to adults or juveniles committed to a youth facility, teens who receive an adult sentence are about 40 times more likely to successfully commit suicide while incarcerated. Now, 10,000 children and teenagers under the age of 18 are being detained in adult jails around the country.

6. Standardized sentencing occurs in adult courts.

Those who were found guilty of the offences they were charged with under the "get tough" laws of the 1990s received harsh, standardised punishments. When a person is found guilty or enters a guilty plea, judges have minimal discretion over the punishment they will impose. After a waiver into adult court happens, these laws are applicable to kids as early as 10. The only exception would be if the sentence was life in prison or equivalent to the death penalty. That implies the long-term effects of a harsh sentence for something as minor as stealing a backpack or using a certain narcotic could affect the entire family.

7. Juveniles with adult sentences have greater recidivism rates.

Recidivism rates rise sharply when adolescents are tried as adults, found guilty, and transported to an adult jail. Only 15 states in the United States have supplied data on this exact outcome, but the data reveals a 6 times greater recidivism rate for children who are treated as adults. Adults are twice as likely to return to jail or prison if children are sentenced to youth facilities instead.

After a year, some adolescent facilities record a recidivism rate of 0%, and after five years, they report a rate of 40%. Adult rates range from 7% after a year to 80% after seven years from the date of release.

8. It imbues a youngster with an adult awareness of illegal behaviour.

According to juvenile defence attorney Gus Kostopoulos, a kid is generally too young to be charged with murder if he or she is too immature to comprehend judicial proceedings. Prior to the 9-year-old receiving five charges for allegedly starting a fire, a kid in the United States had not been charged with multiple counts of murder since at least 2006.

This shortcoming has the issue that adults frequently try to extrapolate their own thought processes from children's behaviour. Criminal behaviour is seen by investigators and prosecutors as an adult response when a person may not fully understand what is happening to them.

9. Trying juveniles as adults does not give them with the assistance they require.

Older teenagers occasionally stray into the adult system and receive particular services, including GED programmes, that might aid them in the recovery process. When transported to an adult facility, younger children are never given this choice. There are no youth-specific choices available for correctional personnel to use because the majority of jails and prisons are not designed to house juvenile offenders in the first place. This implies that these people may never have the chance to acquire the vital skills and life competencies that could pave the way for their success in the future.

In some circumstances, the opposite may really take place. Adult criminals become the "replacement" instructors, parents, and idols when children are exposed to them. Youth may discover the true meaning of what it means to commit a crime in prison.

10. Minority kids are more likely than other groups to enter the adult system in the United States.

According to data released in 2016, over 80% of the defendants in robbery cases in the Seattle region were under

the age of 18. In the same research, it is also mentioned that half of the teenagers used a gun to perpetrate the crime. In spite of the fact that just roughly 6% of the city's population is African-American, the juvenile justice report's analysis of racial statistics revealed that over 40% of the adolescents who were charged were of that race. When there is such a big difference in criminal behaviour, the problem has more of a society than an individual explanation. Long-term incarceration of teens may be a "feel good" measure that suggests a safer society, but it doesn't solve the problem for next generation.

11. In adult court, juveniles may not obtain a fair jury trial.

Youth and teenagers who are granted a waiver into adult court do benefit from a jury trial. A panel that is representative of their age group is not provided for them. An adult jury will decide the fate of the juvenile when children as young as 9 can be tried for serious offences. A fair trial may not come from having a judge who views the case's material from a different angle because the United States requires jurors to be at least 18 years old.

12. When minors are transferred to adult court, parental duty is removed.

Parents are often expected to obtain suitable care and counselling for their children when they are charged in the juvenile justice system to help with rehabilitation. Civil liabilities associated with that activity may fall on the household. These restrictions may be waived for young people entering the adult system. There are fewer options for making victims whole again after the incident because the state takes custody of the child.

Conclusion

The law specifies the offences that it punishes in such a manner that the offender's state of mind or will is aware that such a course of conduct would result in such a violation of law and a penalty will follow. The same offence should attract same punishment and hence a child if he/she have sufficient maturity to understand the nature of the act committed to forming mens rea and should not be taken to be too innocent. If the status quo persists, it demonstrates that we are acting in the interests of the law rather than in the interests of justice. It is hoped that this paper would help research scholars and students to understand that all the juveniles should not be treated in the same line. Recent years have seen an evolution in the benefits and drawbacks of using minors as adults. Teenagers and young people now have more opportunities to build a future for themselves outside of prison. To lower recidivism rates, we must continue to keep children away from adult offenders despite the fact that the system is not perfect. We can find more ways to assist those involved in the justice system if we keep investigating it.