

DRACONIAN AND EMOTIONS BOUND BILL: JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2014

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Juvenile Justice (Care and Protection of Children) Act, 2000

Juvenile Justice (Care and Protection of Children) Act, 2000 is the primary legal framework in India which deals with the children who are involved in any crime. Section 2(K) of the Act defines a 'juvenile' or a 'child' as a person who has not completed 18 years of age and the child offenders are referred as 'delinquents', 'Juveniles in conflict with law' or as 'children in need of care and protection'. The act provides the basic framework for protection, treatment and rehabilitation of juvenile delinquents. The act ensures provisions for dealing with juvenile in conflict with law and ensures protection of the rights of juveniles.

In India, the Indian Penal Code, 1860 (IPC) and Criminal Procedure Code, 1973 (CrPC) are the two major legislations which govern and regulate criminal system. Indian criminal justice system considers 12 years of age as the minimum age of criminal responsibility (MACR). Article 40.3 of the Convention on the Rights of the Child defines MACR as "the age below which a person is completely immune from any criminal liability due to lack of maturity and judgement to understand the consequences of one's actions."⁵²⁶ IPC adheres to MACR and cannot punish a person below the age of 7 years for any crime committed ⁵²⁷ also crime committed by a child above 7 years of age and below 12 years of age is not punishable under IPC if it seems to the judges that the accused has not attained sufficient maturity to know the consequences of his actions⁵²⁸.

Children and adult form the two different groups depending upon the physical and mental level of maturity cannot be put under the same category. Enactment of JJ Act provides special provisions for children. MACR is set as 18 years of age conforming to the definition of child as per the UN Convention on the Rights of Child. There is provision for advice/admonition,

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⁵²⁶ Stuti Bhatia, *The Minimum Age Of Criminal Responsibility In India: Is It To Be Blamed For The Increasing Youth Crime?*, Rostrums Law Review Vol II Issue I, <http://rostrumlegal.com/the-minimum-age-of-criminal-responsibility-in-india-is-it-to-be-blamed-for-the-increasing-youth-crime-by-stuti-bhatia/>.

⁵²⁷ Section 82, IPC, 1860

⁵²⁸ Section 83, IPC, 1860

counselling, community service, payment of fine and detention for maximum period of three years in reformatory centre was specially established under JJ Act in extreme cases.

16th December Case (Nirbhaya)

On 16th December, 2012, a girl was brutally assaulted and raped by six people including a juvenile in the bus running on the busy streets of New Delhi, India's capital. Victim was a 23 year old female medical student from Ballia, Uttar Pradesh. Shortly after she and her male friend boarded the bus, her male friend was beaten and hit by an iron rod on his head while she was dragged to the back of the bus and violently gang raped. Men took turn while raping her and even violated her with an iron rod. Both of the victims were beaten and thrown out of the bus naked at Mahipalpur on the outskirts of Delhi. She was admitted in Safdarjung Hospital, New Delhi with her grave injuries. Her intestine was removed as it got infected because of the vicious attack of iron rod and finally she lost the fight and died on December 29, 2012 after she was transferred to the hospital in Singapore. Dr. MC Mishra, one of the many doctors who had treated her said, "The atrocious, unbelievable injuries that she had sustained, we had never seen before"⁵²⁹ and she further added "In my almost 40 years of career, I have never witnessed such a horrific brutality by human beings."⁵³⁰

Unfortunately, what happened to victim is not uncommon in India. "The country, with a combination of conservative, male-dominated thinking and weak law enforcement."⁵³¹ "In 2012, there were 706 reported rapes in Delhi alone. Nationwide, a woman is raped every 20 minutes."⁵³² But the heinous nature of the crime in the heart of the nation concentrated media which highlighted the whole crime. "Within days, word had spread across India and around the world. The brutal nature of the attack had struck a nerve."⁵³³ Country witnessed huge public protest, both men and women took the lead against the crime committed and streets of India

⁵²⁹ Samantha Bresnahan, Sumnima Udas, And Ram Ramgopal, 'Nirbhaya,' *Victim Of India Gang Rape Fought For Justice*,

<http://edition.cnn.com/2013/12/04/world/asia/nirbhaya-india-rape/>.(last visited on 1/2/2016)

⁵³⁰ Samantha Bresnahan, Sumnima Udas, And Ram Ramgopal, 'Nirbhaya,' *Victim Of India Gang Rape Fought For Justice*,

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⁵³¹ Samantha Bresnahan, Sumnima Udas, And Ram Ramgopal, 'Nirbhaya,' *Victim Of India Gang Rape Fought For Justice*,

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⁵³² Samantha Bresnahan, Sumnima Udas, And Ram Ramgopal, 'Nirbhaya,' *Victim Of India Gang Rape Fought For Justice*,

<http://edition.cnn.com/2013/12/04/world/asia/nirbhaya-india-rape/>.(last visited on 1/2/2016)

⁵³³ Samantha Bresnahan, Sumnima Udas, And Ram Ramgopal, 'Nirbhaya,' *Victim Of India Gang Rape Fought For Justice*,

<http://edition.cnn.com/2013/12/04/world/asia/nirbhaya-india-rape/>.(last visited on 1/2/2016)

became the stage for their protest. Candle march and rallies led by youth forced Indian legal system to appoint fast track court against the accused and as the result death penalty was awarded to four accused namely Mukesh, Vinay, Pawan and Akshay by the trial court which was later confirmed by high court. Their appeals are pending before the Supreme Court. One of the accused Ram Singh committed suicide in Tihar jail on March 11, 2013 and juvenile was sentenced under section 15(1) of JJ Act for three year in reformation house which is the maximum period as per the act⁵³⁴.

Recently, again the whole event is in news as on 20th December, 2015 the juvenile will be set free on completion of his three year punishment. Mass protest is again on the street against the release of juvenile from reformation house. People are crying out "Jurm jeet gaya, hum haar gaye (Crime has won and we have lost)" criticising Indian legal system being easy on juveniles committing heinous crimes. Victim's mother Asha Devi said: "Despite all our efforts for three years, our government and our courts have released a criminal. The assurance we were given that we would get justice has not been delivered. The fight is not over. We are shattered."⁵³⁵ Plea submitted by BJP leader Subramanian Swamy seeking stay on the release of juvenile convict was rejected by Delhi High Court. Justice A.K. Goel said, "We cannot interpret the law [the Juvenile Justice Act] to curtail his [the juvenile convict's] freedom without legislative sanction. We share your concern, but we cannot go beyond the statute."⁵³⁶

Introduction to the new amendment brought in JJ Act

The government had introduced a Bill in the Lok Sabha on July 12, 2014 to amend the Juvenile Justice (Care and Protection of Children) Act, 2000 which allows treating 16-18 year old teenagers as adults, if found involved in heinous crimes. The bill was introduced by Maneka Gandhi, Women and Child Development minister. If the bill is passed and signed, then such juveniles in conflict with law will have to face a jail term, if convicted.

Other than this provision the bill also enables certain other changes in the existing JJ Act.

⁵³⁴ section 15(1) of Juvenile Justice (Care and Protection of Children) Act, 2000

⁵³⁵ Bindu Shajan Perappadan, *Crime Has Won And We Have Lost, Says Mother*, The Hindu, <http://www.thehindu.com/news/cities/Delhi/nirbhaya-gang-rape-case-mother-of-victim-asha-devi-says-crime-has-won-and-we-have-lost/article8005383.ece> (last visited 30/12/2015)

⁵³⁶ Krishnadas Rajagopal, *Apex Court Dismisses Plea Against Release Of Juvenile*, The Hindu, <http://www.thehindu.com/news/national/sc-dismisses-plea-against-juvenile-in-nirbhaya-case/article8013697.ece> (last visited 30/12/2015)

- The new amendment is more lucid in terms of role and procedure of statutory structures such as Child Welfare Committees and Juvenile Justice Boards, and strengthening punitive measures for offences committed against children.
- New offences such as corporal punishment, ragging and using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance and streamlining and strengthening measures for adoption, including providing statutory status to the Central Adoption.⁵³⁷
- The new amendment makes it a mandate for all child care institutions to get registered or pay a stringent penalty if they do not comply to the rules and procedure.

The existing JJ Act and the need to bring amendment

The Existing bill, The juvenile Justice (Care and protection of Children) Amendment Bill, 2010 was introduced in the Lok Sabha on 16th day of November, by the then minister of state Krishna Tripathi for the ministry of Women and Child Development, this bill amended the Juvenile justice(care and protection of Children) Act,2000. The new amendment that is, the Juvenile justice (care and protection of Children) Act,2014 was introduced owing to many flaws in the existing Bill, some of them being

- Failure in providing for procedural guarantees like right to counsel, speedy trial.
- The existing bill did not give any powers to SC and HCs of the country in relation to determination of age of the child.
- It vested lot of powers in the Juvenile Justice Board, like adoption rights of the child.
- The act was silent on the issues of child labor, primary education, sexual abuse, disabilities etc.

Through 2002 amendment, the Act was tailored as per CRC and international guidelines.

Laws of Foreign Land

United kingdoms

- anybody who is 17 years old or more than that is an adult
- a separate youth court for accused who are below 18 years of age.

⁵³⁷ *Juvenile Justice Act Amendment*, Hit Bulls Eye,
http://www.hitbullseye.com/currentgk/20148_cover.pdf (last visited 31/12/2015)

- A person who is below 17 years of age shall be tried as an adult in case of heinous crimes, which includes offence of sexual assault.
- If a juvenile is an accomplice with an adult, the trial will take place before a regular court.

United States of America

- In June, 2012, Supreme court had barred mandatory life sentence without parole to juveniles
- Person below the age of 18 years shall be heard before Special Juvenile Court.

France

- Person below the age of 18 years shall be heard before Special Juvenile Courts
- Serious offences committed by minors aged 16-18 years are to be tried before Special Juvenile Assize Courts

Government's reason behind the decision to bring amendment to the existing Act was to punish those who are involved in heinous acts like, rape and murder. The proposed amendment will allow the Juvenile Justice Board to let such cases be tried before a regular court, or by the board itself. The amendment is the result of large public outrage and clamor which rose after brutal rape and murder on Delhi road on the night of December 16, Nirbhaya rape case.

The Status Quo of the Bill

The amendment to the bill has now been debated and passed by both the houses of the parliament, and waits for president's assent. The bill was introduced in Lok Sabha on July 12, while in Rajya Sabha it was put before the house on 23rd of December, 2015. The bill was introduced by Maneka Gandhi, and while replying she said "We have the parents sitting here watching us, we can do nothing about that young man. He will come, he will go his own way in life and, God willing, be a decent citizen after this. But it will stop a large number of boys who have got into this."⁵³⁸

While introducing the bill, Mrs. Gandhi had called it a compassionate and nuanced one and reached out to the Congress: "This is not my bill. Not of the government. This is your bill..."

⁵³⁸ Pranav Kulkarni, *Juvenile Justice Bill: Din Of Emotion Drowns Voices Of Concern*, The Indian Express, December 23, 2015, <http://indianexpress.com/article/india/india-news-india/juvenile-justice-bill-passed-how-politicians-reacted-on-the-new-law/> (last visited 30/12/2015)

Think about what you wanna do.”⁵³⁹ the bill was passed, although the concerned one’s owing to justice Verma committee report and the Parliamentary Standing Committee wanted the bill to be send to the select Committee, and calling it a hasty decision.

Words by the leaders regarding the Amendment

Ghulam Nabi Azad, leader of the opposition had a balanced stance on the bill. He while acknowledging the fact that the December 16 gang-rape was “heart- twisting”, “scary” and “terrible incident” criticized the provision of keeping the Juveniles who are accused of heinous crimes with hard core adult criminals will expose them to bad company and thoughts, and this would in any way not reform them but turn them into criminals. He also mentioned that the criminals and terrorist get their work done by juveniles to misappropriate law and escape penalties.

Vandana Chavan, NCP expressed concerns regarding the hurry in passing bill. She vehemently opposing the bill stated it to be waste and not needed, and called the bill to be driven by emotions not by reason. The other concerned ones, Sitaram Yechury (CPM) and Kanimozhi (DMK) referred to Justice Verma Committee report and Parliamentary Standing committee Report, which was against the reduction of age.

Anu Aga (nominated) called the lowering of age of juveniles in heinous crimes a “knee-jerk reaction” and a “step backwards”

Satish Chandra Misra (BSP), called the new law redundant.

Words of Activists and Lawyers

Reacting strongly to the cabinet’s decision to pass the bill, activists and lawyers called it a “political” decision. “This decision has nothing to do with facts. We are abdicating responsibility towards our children,” said Professor Ved Kumari at Delhi University law faculty.⁵⁴⁰

⁵³⁹ Pranav Kulkarni, *Juvenile Justice Bill: Din Of Emotion Drowns Voices Of Concern*, The Indian Express, December 23, 2015, <http://indianexpress.com/article/india/india-news-india/juvenile-justice-bill-passed-how-politicians-reacted-on-the-new-law/> (last visited 30/12/2015)

⁵⁴⁰ Express News Service, *Activists And Lawyers Criticize Change In Law For Juveniles Involved In Heinous Crimes*, The Indian Express, April 23, 2015, <http://indianexpress.com/article/india/india-others/activists-lawyers-criticise-change-in-law-for-juveniles/> (last visited 31/12/2015)

The move is more dangerous to the society, the juvenile when come out of the jail would have reached 22 -23 years of age, uneducated, without a job or skills to earn his livings. And owing to the quality time he had spend in jail with other adult criminals his instinct would encourage him to choose criminal path.

According to Bharti Ali of Haq Center for Child Rights “Article 15 of the Constitution recognizes ‘specially vulnerable’ sections of society. Women and children are both especially vulnerable. Discriminating between children is violative of the Constitution,”

Human Rights Lawyer Maharukh Adenwalla says that the government was “attempting to pit women against children.”

As per NCRB data of 2013, 1.2 % of total crimes are committed by the children, and out of which only 9% crimes are rape and murder.

If we look at the recent judicial trend, in March 2014 a three judge bench of SC led by Justice P. Sathashivam, refused to lower the age of juvenility. While in a different bench led by Justice Deepak Mishra in the month of April, he said that the age of juvenility can be reconsidered with respect to heinous crimes.

Organizations stance on the bill

Organizations oppose the bill, calling it to be emotional and political move. The Mumbai Working Group on Juvenile Justice (MWGJJ) vehemently opposed and criticized it. According to the Founder of the NGO Pratham, Desai it is not justified to send youngsters to jail, the law makers have to understand the psychology of the teenagers, their hormonal changes and emotional upheavals.⁵⁴¹ This is tender age, where the person is neither an adult nor a child. Such children need reformation not imprisonment.

Jurisprudence and Rehabilitation

The basic principle underlying various juvenile systems and international convection is rehabilitation as “juveniles lack the physical and mental maturity to take responsibility for their crimes, and because their character is not fully developed, they still have the possibility of being rehabilitated”⁵⁴². In the words of Nelson Mandela “There can be no keener revelation of

⁵⁴¹ Express News Service, *Organisaions Against Proposed Amendments To Juvenile Justice Act*, The Indian Express, May 12, 2015, <http://indianexpress.com/article/cities/mumbai/organisations-against-proposed-amendments-to-juvenile-justice-act/> (last visited 31/11/2015)

⁵⁴² Aparna Vishwanathan, *Balancing The Juvenile Act*, THE HINDU, September 9, 2013, <http://www.thehindu.com/opinion/lead/balancing-the-juvenile-act/article5107620.ece> (last visited 31/12/2015)

a society's soul than the way in which it treats its children" these words are true in every sense as children are the future of any society and considering their immaturity level, they when will get rehabilitation will have better life prospects rather if thrown to regular jails with hard core criminals and by giving them criminal treatment. The rights of the child must be protected and in country like India which has the largest population of children in the entire world, their protection care should be stressed upon. "A child is a part of the society in which he/she resides. His immaturity motivates his actions whatever he sees around, it is due to the environment and social context that provokes him."⁵⁴³ The act was enacted to protect juveniles as well as protecting vulnerable members of society from the heinous crime committed by minors.

A bill to appease the mob

Now that the bill is passed in both the houses of the parliament, it has hung a sword of Damocles on the kids born after 1997, and those who are yet to be born. The BJP government's amendment Bill has reversed the existing bill. The bill passage implies that those under the age of 16-18 are under constant risk of being dumped into regular jails with harsh, violent and brutal adult criminals, if they are accused with or without any basis or are convicted under a crime punishable with more than seven years of imprisonment. The mush failed and criticized policy of us has been blindly copied and applied to India. The policy of "transferring" children to the adult criminal justice system will not in any way make people feel safe, rather they after completing their term will come out to be hardened criminals. US has one of the worst juvenile justice system in the world, the high crime rates, high incidence of violence and brutality are the proof of it. India after US has become a global laggard in juvenile justice, becoming another UN country that has not ratified the UN Convention on the rights of the child. The UN CRC (Article-40.1) states that children who are accused of offences should be tried separately from adults "in a manner consistent with the child's sense of dignity and worth". The present amendment is also not in line with the international standards like the Beijing Rules and the Riyadh Guidelines laying out procedures for the administration of juvenile justice and prevention of juvenile delinquency. And the present law is also violative of Indian constitution. This is just not the way expected from a civilized country to treat Juveniles in conflict with law.

⁵⁴³ Ms. Maharukh Adenwalla, *Child Protection and Juvenile Justice System for Juvenile in conflict with Law*, Childline India Foundation, 2006, www.childlineindia.org.in (last visited 30/12/2015)

The new law codifies our feudal, bloodthirsty tradition of revenge, of gouging out 10 eyes for every eye lost, of taking 10 lives for every life lost⁵⁴⁴. Our lawmakers seem to have been spell bound by the frenzied chant of the lynch mob — “if you are old enough to rape, you are old enough to hang”.

We have confused revenge with justice, forgetting that they are fundamentally opposite to each other. Since the Buddha age, justice has room for vengeance. Gandhi reminded us that “an eye for an eye would make the whole world blind”. Our parliament has forgotten Gandhi’s words and sanctioned vengeance against the children? How far is it correct to deny those 16-18-year-old children the chance that a juvenile justice system had given them — a chance to salvage their lives and become responsible and productive citizens — just so that the legislature can satisfy their urge for vengeance?

There is not a hint of scientific evidence that points to any proven social benefit in sending 16-18-year-old children to adult prisons. The policymakers need to remember that there can be no Make in India, unless the laws governing the land are just and humane for its youngest citizens. The huge cry for the act by the people who want to be governed under the rule of law, need to know that, now the bill is introduced and it will not have a retrospective effect on the juvenile of Nirbhaya Rape case. He will still be free. “New cognitive evidence shows that 21 or 22 is closer to the biological age of maturity than 18, and that even when teenagers’ cognitive capacities come close to those of adults, their actual decisions may differ from those of adults as a result of psychosocial immaturity.”⁵⁴⁵ Instead of hardening the law, therefore, the government should focus on strengthening the rehabilitation and reintegration processes for adolescent offenders, so that they may rejoin society as responsible citizens.

Draconian and ineffective law

In May, Lok Sabha ignoring the recommendations of its standing committee and passed an amended Juvenile Justice (Care and Protection of Children) Bill, 2014, which permitted children between 16 and 18 years of age accused of committing “heinous” crimes to be tried

⁵⁴⁴ G Mohan Gopal, *Don’t Appease The Mob*, The Indian Express, December 22, 2015, <http://indianexpress.com/article/opinion/columns/dont-appease-the-mob/> (last visited 31/12/2015)

⁵⁴⁵ G Mohan Gopal, *Don’t Appease The Mob*, The Indian Express, December 22, 2015, <http://indianexpress.com/article/opinion/columns/dont-appease-the-mob/> (last visited 31/12/2015)

as adults. The shout to impose harsher punishment on older teenagers arose after the juvenile of the December 16 gang rape was revealed to be 17 years old. According to the comprehensive new study published in the Quarterly Journal of Economics US owns the highest rate of incarceration in the world, also put behind the bars the juveniles than any other country. The study was conducted by economists at MIT Sloan School of Management and Brown University, it was found that “the children who are incarcerated are substantially worse-off later in life than those who avoid serving time for similar offences. It looked at cases involving 35,000 juveniles, who had all committed offences that provided judges with discretion in determining the appropriate sentence.”⁵⁴⁶ the reason being “offenders were assigned judges randomly, the researchers were able to examine the consequences of varying sentences for the children. They found that juvenile incarceration reduced the probability of graduating high school by 13 percentage points”⁵⁴⁷. The research also found that the it also timing of incarceration also matters: the effects are strongest for 16-year-olds; a critical period of adolescence, when dumped in jail will kill their school education.

Age and Crime

“Children may know right from wrong: proponents of adult sentences for children correctly point out that most children, even a six-year-old, can parrot the phrase that it is “wrong” to kill”⁵⁴⁸ adding to it “albeit often without any real understanding of what killing means or why it is wrong. But by virtue of their immaturity, children have less developed capacities than adults to control their impulses, to use reason to guide their behaviour, and to think about the consequences of their conduct.”⁵⁴⁹ Recent researches on adolescent brain indicate that brain matures in teen years and capability of reasoning and judging their act develops gradually till mid-20s. Laurence Steinberg, a Temple University psychology professor, says “the teenage brain is like a car with a good accelerator but a weak brake. With powerful impulses under poor control, the likely result is a crash and perhaps, a crime.”⁵⁵⁰ According to Steinberg, Children of age group 15 and 16 can understand the short term consequences and possible costs but their

⁵⁴⁶ Express News Service, *No Place For Kids*, June 22, 2015, <http://indianexpress.com/article/opinion/editorials/no-place-for-kids/> (last visited 31/12/2015)

⁵⁴⁷ Express News Service, *No Place For Kids*, June 22, 2015, <http://indianexpress.com/article/opinion/editorials/no-place-for-kids/> (last visited 31/12/2015)

⁵⁴⁸ Anonymous, *The Difference between Youth and Adults*, <https://www.hrw.org/reports/2005/us1005/6.htm> (last visited 31/12/2015)

⁵⁴⁹ Anonymous, *The Difference between Youth and Adults*, <https://www.hrw.org/reports/2005/us1005/6.htm> (last visited 31/12/2015)

⁵⁵⁰ Malcolm Ritter, *Experts Link Teen Brains' Immaturity, Juvenile Crime*, <http://abcnews.go.com/Technology/story?id=3943187&page=1> (last visited 31/12/2015)

ability to understand the long term consequences of their act and how it will be affecting their life is still developing. “A dividing line of age 18 is better than 15 and not necessarily superior to 19 or 17, but it appears good enough to be justified scientifically”⁵⁵¹ Further on the basis of research conducted by Steinberg he concluded that ninety percent of the children involved in crime in their adolescence do not become adult criminal. He says “It happens during adolescence partly as a function of the immaturity that is characteristic of the period and then it goes away without any intervention whatsoever”.⁵⁵² Dr. Jay Giedd of the National Institute of Mental Health in an interview told that “Brain scans show that the frontal lobes don't mature until age 25, and their connections to other parts of the brain continue to improve to at least that age”⁵⁵³ and he adds, “The inexplicable behaviour and poor judgments teens are known for almost always happen when teens are feeling high emotion or intense peer pressure, conditions that overwhelm the still-maturing circuitry in the front part of brain.”⁵⁵⁴

Since Mens rea is considered to be the essential ingredient coupled with actus reus for convicting any person against the crime but how can any legal system treat both juveniles and adult as same under law when they differ in their mental capacity to understand the nature of the crime and its consequences. Thus, they too differ in their mental intention to commit the crime and shall not be treated same as adult committing the same crime. Shekhar P. Seshadri, Professor in Department of Child and Adolescent Psychiatry, NIMHANS, Bengaluru explains that “adolescents are less culpable than adults because adolescent criminal conduct is driven by transitory influences that are constitutive of this developmental stage. By nature of their psycho-biological profile, adolescents are greatly influenced by their environment, and too immature to weigh the consequences of their actions.”⁵⁵⁵ Poor decision making is the result of such influence and it distinguishes adolescents from adults. Professor notes that children can be influenced positively in a same manner as they can be influenced negatively and their behaviour pattern can be guided in a right way while punishing them like adult and sending

⁵⁵¹ Malcolm Ritter, *Experts Link Teen Brains' Immaturity*, Juvenile Crime,

<http://abcnews.go.com/Technology/story?id=3943187&page=1> (last visited 31/12/2015)

⁵⁵² Emily Kaiser, *6 Facts About Crime And The Adolescent Brain*, MRP News, <http://www.mprnews.org/story/2012/11/15/daily-circuit-juvenile-offenders-brain-development>. (last visited 31/12/2015)

⁵⁵³ Malcolm Ritter, *Experts Link Teen Brains' Immaturity*, Juvenile Crime,

<http://abcnews.go.com/Technology/story?id=3943187&page=1> (last visited 31/12/2015)

⁵⁵⁴ Malcolm Ritter, *Experts Link Teen Brains' Immaturity*, Juvenile Crime,

<http://abcnews.go.com/Technology/story?id=3943187&page=1> (last visited 31/12/2015)

⁵⁵⁵ Arlene Manoharan Et.Al, *Juveniles Need Reform, Not Prison*, The Hindu

<http://www.thehindu.com/opinion/op-ed/juveniles-need-reform-not-prison/article7134888.ece>(last visited 31/12/2015)

them to prison would be violation of their right. In the landmark case of *Roper v. Simmons*, US Supreme Court outlawed the juvenile death penalty considering death penalty as inappropriate for youth under age 18. Justice Anthony Kennedy while authoring the majority opinion noted that “juveniles are more vulnerable or susceptible [than adults] to negative influences and outside pressures, including peer pressure... This is explained in part by the prevailing circumstance that juveniles have less control, or less experience with control, over their own environment.”⁵⁵⁶

Conclusion

The act was amended to initiate punitive actions against the “youthful offenders”. But our law makers need to recollect the essence of IPC, it is to punish the crime, not the criminal. All the penal laws have to be reformatory in character. The new amendment is nothing but emotions bound political step. The amendment has weakened the existing law; rather the need was to strengthen it by hitching up administration, and introducing better reformatory provisions. Juveniles are more influence and susceptible to negative influences, they need better ambience and education not criminal treatment by dumping them in adult jails and exposing them to regular courts.

⁵⁵⁶ *Roper V. Simmons*, 543 U.S. 551 (2005), http://www.npr.org/documents/2005/mar/scotus_juvenile.pdf (last visited 31/12/2015)