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JUVENILE OFFENDERS AND JUVENILE JUSTICE! IS JUSTICE SERVED?

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Abstract:

In the words of Mahatma Gandhi, “*if you want real peace in the world, start with the children.*” Children are the future of any country, and India, with approximately 440 billion children below 18 years of age, is home to 19% of the world’s children.¹ When these future kids become offenders instead of becoming law-abiding citizens, the country’s situation turns grim. The number of these offenders is increasing, and it isn’t reassuring. Juvenile offenders need different treatments than adults, and their age criteria previously were 18 years.

According to the NCRB crime report of 2020, “*the genesis of the crime can be traced to the interplay of various social, eco., demographic, local and institutional factors.*”

The outrage and uproar after the “*Nirbhaya gang-rape case on Dec 16, 2012,*”² led to the redefinition of juvenile offenders. The Court shall try juveniles below 18 and above 16 committing heinous crimes like rape and murder as adults. If we talk about the impact of doing so, we conclude it didn’t act as a deterrent which the societal response thought off. Thus, lowering the age of juveniles from 18 to 16 for heinous crimes reflects social demand fulfillment. The State has done nothing big post such changes on Reformation of the offender. It also

¹ Anubhav Pandey, “Challenges to juvenile justice laws in India”, available at <http://www.google.com/amp/s/blog.ipleaders.in/juvenile-justice-02/%3famp=1> (last accessed on Oct 3, 2021).

² “Delhi bus gang rape: Uproar in Indian Parliament”, Dec 18, 2012, available at <http://www.google.com/amp/s/www.bbc.com/news/world-asia-india-20766330.amp> (last accessed on Oct 3, 2021).

didn't result in a deterrent for prospective offenders. The data shows such youngsters turn out to be habitual offenders or hardened criminals. The author would try to understand the causes of juveniles entering the crime world. The author would also try to know how to deal with "child in conflict with the law," with a particular focus on 16-18 years age group committing heinous crimes. The author would try to highlight the role played by various stakeholders in ensuring the reintegration of juvenile offenders.

INTRODUCTION:

“Teens are immature, irresponsible, and receptive to their surroundings. Home, family, society, school all play their role in shaping a child. Further, a child will be the future father, so nurturing a child in the best possible way can help shape a cyclical process.”

Juvenile offenders are those delinquent persons of age less than 18 years who have committed the crime but whose mental ability is not as mature as an adult. So, it requires a different approach from the criminal justice system. Sec 2(13) of the juvenile justice care and protection Act (from now on cited as JJ Act), 2015 defines a child in conflict of law, i.e., a child who is either alleged or found to have committed any offense and was below eighteen years of age when he has committed the crime. The JJ Act of 2000 considered all below 18 years of age as a juvenile. However, in the 2015 Act, the amendment considered the crime of heinous nature conducted by children above 16 and below 18, where the juvenile justice board will decide the offender's trial as an adult. But the child, as given under section 21 of the JJ act 2015, has no order of capital punishment or life imprisonment where there is no possibility of release will be passed against the offender. Section 15 of the JJ act 2015 discusses the preliminary assessment the Board must do regarding the heinous offenses. The experienced psychologists, psychosocial workers, or any other expert on demand of the Board must assist them. This assessment assesses the child's capacity to commit and understand the consequences of the offense. Section 18(3) says after the evaluation of the child, the Board may order the transfer of the trial of the case to a Court having the said jurisdiction for trial as an adult.

The above approach to dealing with heinous crimes was not present under the JJ Act of 2000.

The provisions under the Indian Constitution confer powers and impose duties on the State as given under Articles 15(3), 39(e)(f), 45, and 47 that all the needs of the children are fulfilled, and human rights are fully protected.

India is a signatory to the Convention on The Rights of The Child adopted by the United Nations General Assembly, which prescribes standards that all State Parties should follow to secure the child's best interest. India also considered the guidelines set in The United Nations Standard Minimum Rules for Administration of

Juvenile Justice 1985 (Beijing Rules), United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990, and other international instruments.

The offenses that allow the Juvenile's trial as an adult are heinous crimes like murder, rape, and other forms of sexual assault. The criminal justice system mainly focuses on the Reformation of the accused or other criminals. The other aspect is to act as a deterrent for prospective criminals. When we look at the NCRB data, we find that nothing works as a deterrent even after enhancing the punishment and lowering the juvenile age from 18 to 16 for the heinous crime. When we talk about the Reformation, the minors released after their sentence gets over become repeat offenders or hardened criminals, as reflected by prison statistics report that shows the same. The environment they get inside the jail is conducive to enhancing the criminality in their minds by being in touch with criminals. That is, instead of reforming the child, it makes the situation worse. The amendment was brought out owing to pressure, an uproar from the society is not able to tame the mind of the offenders in thought out ways.

The author aims to understand the concept of Juvenile Offenders and understand the factors causing the increase in numbers of Juvenile Offenders- social, economic, etc. The author would further try to understand the Juvenile Justice System by assessing leading Case Laws dealing with juveniles, whether acquitted or convicted. The author would like to evaluate the role of family, society, school, and all possible stakeholders in increasing crime committed by juveniles in Reformation and rehabilitation. The author would try to address the legal issues involved in these cases. The author would further try to suggest a possible solution to this issue. The author would limit the project's scope to lowering the age of the Juvenile Offenders for the heinous crime and its effect on prospective offenders. The author will also investigate the reformatory justice system in India. However, International Conventions may be used in the analysis of the arguments.

JUVENILE OFFENDERS AND JUVENILE JUSTICE SYSTEM: A BROAD CONCEPT

As a broader term, juvenile offenders mean that maturity can't be the same as an adult or, simply put, who is not an adult—Juvenile, when considered in terms of age, is below 18 years. Although the Legislature has reduced the age of the offenders committing heinous crimes, the term juvenile still being used reflects a half-baked approach³ to dealing with the problematic situation. The reduction in the age of offenders from 18 to 16 was possible after a Private Member Bill was brought to Parliament by Maneka Gandhi. Her words reflected

³ Ritwik Tyagi, "The Juvenile Justice (Care and Protection of Children) Act, 2015-Critical analysis" available at, <http://medium.com/legal-jumble/the-juvenile-justice-act-e3870ce5fd3d> (last visited on Nov 23, 2021).

the sentiments of the protesting masses. She remarked, “*an adult crime by a juvenile required adult punishment, not leniency.*”⁴

Juvenile Justice Act has evolved from the 1986 Act, which clarified the prevailing confusion on dealing with juveniles being addressed differently in different States. However, it was an honest attempt to address the issue but not the comprehensive one. There were various shortcomings in the 1986 Act, like it was not child-friendly and not even time-bound manner of disposal of cases of three months were not adhered to by the Courts.⁵ The JJ Act, 1986 was marred by the non-distinction of children who had violated the law and those who required care and protection. Even the different age criteria of girls and boys for determining majority or minority for offenses were not doing any good and instead created a confusing situation. This Act instead failed on many fronts.

Then came the JJ Act of 2000. The Parliament brought this Act to plug in all the loopholes left by the 1986 Act. The different age criteria for boys and girls under the 1986 Act were done away with in the new Act. This age criteria of 18 uniformly for both the boys and the girls were at par with UNCRC (the UN Convention on Rights of the Child). This convention became the most widespread human rights treaty to be ratified and helped transform the lives of children across the globe.⁶ This Act further distinguished the children who had violated the law and those who required care and protection and needed the State to play a proactive role. This Act also addressed the ambiguity in deciding the date of determining whether an offender would qualify as an adult or as a child, and it was agreed as the date of commission of the offense.

The Supreme Court finally led to fixing the age determination criteria through judicial pronouncements. In *Pratap Singh v. the State of Jharkhand*,⁷ the Constitution Bench of SC held that the JJ Act of 2000 would be applicable in cases where the person has not attained the age of maturity, i.e., eighteen years on Apr 1, 2001, the date of enforcement of the JJ Act 2000, even if proceedings were pending under JJ Act of 1986. This Act had a prospective effect.

According to NCRB (National Crime Records Bureau) data, the previous JJ Act 2000 was not equipped well enough to deal with the increasing crime rate by the age group of 16-18 years, and so it was felt to revisit JJ Act 2000 and as a result, came JJ Act, 2015. It came to act as a deterrent for prospective criminals and check the increasing crime rate. It was more of a demand fulfillment towards the society that turned outrageous post Nirbhaya Rape Case.

⁴ Rashmi Segal, “Does the Juvenile Justice Act Need Amendment?” available at, <http://www.rediff.com/news/column/does-the-juvenile-justice-act-need-amendment/20140728> (last visited on Nov 23, 2021)

⁵ Ved Kumari, “Current Issues in Juvenile Justice in India, 41 Jili (1999), pg.393”, available at <http://www.jstor.org/stable/43953338> (last visited on Nov 23, 2021)

⁶ “Convention on Rights of The Child, for every child, every right.” available at , <http://www.unicef.org/child-rightsconvention#:~:text=They%20made%20a%20promise%20to,the%20Rights%20of%20the%20child.&?text=The%20Convention%20went%20on%20to,has%20helped%20transform%20children's%20lives> (last visited on Nov 20, 2021)

⁷ Pratap Singh v. State of Jharkhand, (2005) 3 SCC 551

The juvenile justice system is based on the restorative justice system, and children are primarily focused on Reformation. This System must ensure better adults in the future. However, the scene is different from the theoretical vision. The NCRB reflects the data, which is not so pleasing; instead, it's disturbing. When we see data, Maharashtra faces hard crimes (for example, murder and burglary) committed by juveniles⁸; the number of children accused of murder in Maharashtra in 2017 was 116, while in 2016, it was 130. Similar disturbing data is available from other states like Madhya Pradesh, Delhi, and the rest. The State must ensure rehabilitation with empathy, a good environment during incarceration, moral education, and skill development during the sentence.

FACTORS CAUSING JUVENILES TO COMMIT OFFENCES:

In the words of Fredrick Douglass, “*it's easier to build the strong children than to repair the broken men.*”⁹ The young generation is an asset to the country. With a robust demographic dividend leaning towards the youth population, India must be healthy physically and mentally and contribute to the country's productivity. If these youth are involved in delinquency, then the future of the country will be in peril. Juvenile offenders are those minors who participate in crimes. These offenders deviate from the usual accepted societal norms and behavior. We may also say they may be dangerous to society as their behavior has turned deviant.

Before addressing the issue of juvenile offenders and their rehabilitation and Reformation, we should first try to analyze the factors that can lead to juveniles turning into offenders. There are various factors that, instead of shaping the child into law-abiding citizens, make them delinquents. The elements may work at the individual level, and the family, school, society, and economic factors also play a role.

Elements at individual and family level:

The individual may have impulsive behavior, aggression, and any other mental health condition, which are conducive factors for future criminals—the strict family where severe punishments are given even for petty things. There may be neglect and abuse or the absence of proper parental supervision. Children copy their parents, so if parents show a lack of respect for the laws, the chances of their children doing the same are high.

On May 10, 2019, eight-year-old Ajay Menariya¹⁰ killed an eighteen-month-old baby, and while talking with observational home officers, he spoke about how badly his father treated him. He was hardly tied at his ankle

⁸ “Maharashtra ranks no. 1 in India in hard times by juveniles”, Dec 23, 2019, available on http://m.timesofindia.com/city/mumbai/state-ranks-no-1-in-india-in-hard-crimes-by-juveniles/amp_articleshow/72930667.cms (last accessed on Nov 20, 2021).

⁹ Kashish Mathur, “Juvenile Delinquency in India Causes and Prevention”, available on, <http://www.legalserviceindia.com/legal/article-1724-juvenile-delinquency-in-india-causes-and-prevention-html> (last accessed on Nov 25, 2021).

¹⁰ Sonal Matharu, “children who murder: why we are guilty” May10, 2019, available at <http://www.google.com/amp/s/www.firstpost.com/india/children-who-murder-6607411.html/amp> (last accessed on Nov 25, 2021)

whenever he used to leave for work. The mental state turned such that after killing the baby, he went to sleep and played like a normal kid the next day. He had no remorse; instead, he told somebody must do justice. There are numerous examples where a child cannot distinguish between right and wrong because of their environment. Being just eight years old, he will get lesser punishment, but in all probability, his future is not at all bright.

A broken family, a family with an abusive environment, hamper the child's mental development and become prone to criminal activities surrounding them. They become an easy target for the crime world, which wants to recruit them for unlawful activities.¹¹

The children who are least attached to the family are more prone to engaging in criminal activities. The broken family is paving the way for child delinquency.¹²

Substance Abuse:

Teens use these days drugs and alcohol to reach a fantasy world and urge them to try everything before time. These teens get lower mental capacity under the influence of psychotropic substances and are prone to commit crimes. According to medical experts, after proper study and observation, those involved in substance abuse become more severe in violence and criminality.¹³

IHBAS (Institute of Human Behaviour and Allied Sciences) reviewed over five hundred inmates at Prayas observation homes. A detailed study was done, and it was then concluded that almost 87 percent of the inmates were associated with substance abuse. Cannabis consumptions were prevalent among them.¹⁴ There was found to be a direct relationship between consumption of cannabis with murder; rape was associated with inhalants, while snatching was found to be high among those consuming opioids.¹⁵

¹¹ "How will the new juvenile justice Act factor in children recruited by naxals for 'heinous crimes?'" Jan 12, 2016, available at, <http://www.firstpost.com/india/how-will-the-new-juvenile-justice-act-factor-in-children-recruited-by-naxals-for-heinous-crimes-2580330> (last accessed on Nov 27, 2021)

¹² Patrick Fagan, "The Real Root Causes of Violent Crime: The Breakdown of Marriage, Family, and Community" mar 17, 1995, available at, <http://www.heritage.org/crime-and-justice/report/the-real-root-causes-violent-crime-the-breakdown-marriage-family-and> (last accessed on Nov 26, 2021).

¹³ "juvenile crimes directly linked to drug abuse", Aug 17, 2016, available at <http://www.indiatoday.in/mail-today/story/juvenile-crime-drug-abuse-delhi-335571-2016-08-17> (last accessed on Nov 23, 2021).

¹⁴ ibid

¹⁵ id

Role of society that pushes children into the crime world:

The kind of interaction of children and adolescents with their peers influences them and has a long-lasting effect. Poor socialization norms and practices lead to disrupted neighborhood influence child behavior.¹⁶ So the influence of the neighborhood shapes the accepted behavior. Communities that engage in criminal activities promote delinquency.¹⁷ Even when society tolerates gang activities, the child agrees with the illegal things or is against the law (Curry and Spergel,1988; Horowitz,1987).¹⁸ The Crimes committed by youth and differences in their social, ethnicity, and class¹⁹ have a linear relationship.

Economic factors that encourage child delinquency:

The economic factors or financial strain act as contributing factors to criminal and deviant behavior²⁰. Low socio-economic conditions existing in the family lead to low education or school dropouts. These factors again negatively affect the child's upbringing, who are more prone to deviant behavior. So, the economic stress and strain concept triggers child delinquency.

A child is wet soil that can take any shape according to the surroundings he gets. "Family is said to be the first school," and the atmosphere the child gets there decides his maturity. The initial mental state develops even before going to school. We study various phases of development like Jean Piaget's moral development theory from birth to 2 years, from 2 years to 7 years, seven years to 12 years, and 12 years and above. Similarly, there is a multistage theory of moral evolution as propounded by American Psychologist Lawrence Kolberg. So, there are various stages of development, and it gets influenced by many stakeholders at different levels. The broken family with difficult economic conditions faces hardship, creating a conducive environment for future criminals. So, there must be a proactive role in preventing children from turning into lawbreakers. Similarly, schools and society should play an active role in turning them into prospective citizens

Thus, many factors play a role in shaping children into law-abiding citizens or hardened criminals. So, when we try to assess child criminals and their behavior and focus our research on Reformation, all the elements must

¹⁶ "The development of delinquency", available at <http://www.nap.edu/read/9747/chapter/5#80> (last accessed on Nov 23, 2021).

¹⁷ Ibid.

¹⁸ Id.

¹⁹ "Juvenile delinquency: How Society and Parents can Help" Aug 04, 2015, available at <http://www.secureteen.com/juvenile-delinquency/juvenile-delinquency-how-society-and-parents-can-help/> (last accessed on Nov 25,2021).

²⁰ Micheal J. Leiber, Kristen Y.Mack, Richard A. Featherstone, "Family Structure, Family Processes, Economic Factors, and Delinquency: Similarities and Differences by Race and Ethnicity", available at http://www.researchgate.net/publication/249634156_Family_Structure_Family_Processes_Economic_Factors_and_Delinquency_Similarities_and_Differences_by_Race_and_Ethnicity (last accessed on Nov 30, 2021).

play their part in the Reformation. The released offenders must be accepted after serving their term to prevent them from becoming hardened adult criminals.

UNDERSTANDING REFORMATIVE AND REHABILITATION JUSTICE SYSTEM:

Indian Criminal System has a mixed justice system approach. The criminal justice system aims for the Reformation to make offenders a part of civilized society in the future. The System aspires to be more rehabilitative than the retributive one.²¹ When we talk about all the three arms of the Indian Criminal Justice System, we find it lacks a sufficient workforce and more cases, so proportionality leans towards lesser competitiveness.²² The number of police, when compared to public, ratios is abysmal. Recommended one by UN is 222 per 1 lac citizens.

In contrast, twenty-four states in India have less than 222 recommended ratios, and Jharkhand stands at 44.59.²³ Along with the case of insufficient staff, our justice system suffers from sensitization and lack of empathy. Moving towards prison status, most prisons across the country suffer from overcrowding, e.g., Delhi with 175%, Uttar Pradesh with 168%, and so on. These prisons then suffer from poor hygiene, poor nutrition, and poor sanitation. So, the correction homes themselves need correction.

These data clarify that instead of reformative being the vision, it turns out to be retributive.

When we analyze the Juvenile Justice System, Rehabilitation is the primary goal. The Juvenile Justice Board consists of social workers along with Magistrate. Social workers ensure treatment with empathy, care, and concern for the juveniles' future.²⁴ Certain fundamental rights are given to the Child in Conflict with The Law, including certain Constitutional Rights and all possible human rights, access to legal aid and assistance, humane treatment, and protection from discriminatory rights.²⁵

The JJ Act of 2015 has been brought out for it incorporates the idea of Reformation, and at the same time, it also acts as a deterrent for prospective offenders. It has been drafted, keeping the number of child offenders on the rise. The reformative measures include Rehabilitation Centres, skill development, and involvement of NGOs and other Govt agencies.

The judicial pronouncements in various cases focus on the mental maturity of the child offenders than just their age as a number. In *Kakoo V. State of Himachal Pradesh*²⁶, Court reduced the sentence of the juvenile offender.

²¹ "Indian Criminal Justice System: Navigating The Three Rs Of Retribution, Reformation, And Rehabilitation", July 8, 2021, available at, <http://www.theleaflet.in/criminal-justice-system-does-it-want-retribution-reformation-or-rehabilitation/> (last accessed on oct 3, 2021).

²² ibid

²³ id

²⁴ Anjali Dhingra "Rehabilitation of juveniles", available at <http://www.google.com/amp/s/blog.ipleaders.in/rehabilitation-of-juveniles/%3famp=1> last accessed on Oct 3, 2021)

²⁵ ibid

²⁶ *Kakoo versus State of Himachal Pradesh*, 1976

While in another case of, *Heeralal V. State of Bihar*,²⁷ the Court dismissed the petition for reducing the punishment of the offender as he understood the nature and the gravity of the crime committed by him.

In *Subramaniam Swamy & Ors V. Raju case*²⁸, the Supreme Court held that keeping juveniles in separate categories for trial ensures rehabilitation and makes them members and participants of society in the future.

In the *Bachpan Bachao Andolan v Union of India case*,²⁹ the Supreme Court directed the Central Government to make a comprehensive plan to deal with substance abuse in the case of juveniles.

In *Re-Inhuman Conditions in 1382 Prisons (II)*, 2016 722 SC, it was held to maintain prison in better condition that influences the mental state of the offenders.

In the *Union of India vs. Ramesh Bishnoi case*,³⁰ the Apex Court held that “*the thrust of the legislation whether it was Juvenile Justice (Care And Protection of Children) Act, 2000 or Juvenile Justice (Care And Protection Act) 2015, is that even if a juvenile is convicted, the same should not be obliterated so that there does not remain any stigma because of the crime committed by him as a juvenile. The purpose is clear to reintegrate him into the society.*”

Recently in the *Shilpa Mittal case*³¹, 2020, the Court analyzed sec 2(33) of JJ Act, 2015 with sec 14, 15; the Court clarified the minimum punishment for the “heinous offenses.”

In *Ram Vijay Singh Vs. the state of Uttar Pradesh case*,³² it was held that if there is ambiguity regarding the age of the Juvenile on the date of the incident, then a bone ossification test was conducted on 55 years of an adult is not conclusive proof.

Thus, we see that the criminal justice system for juveniles has come a long way, and all the State Agencies are working towards ensuring justice.

ROLE OF VARIOUS STAKEHOLDERS IN ENSURING REFORMATION AND REINTEGRATION INTO SOCIETY:

When the Juvenile turns into an offender, reintegration into society is the most crucial aspect of the Justice System. But the legislative intent becomes meaningless unless all stakeholders play their role proactively. All the stakeholders must emphasize an inclusive attitude to ensure collective social change. The societal mindset pops in as “*these children get what they deserve.*” We must ensure that these children are not deprived of their

²⁷ Hiralal mallick versus State of Bihar, 1977

²⁸ Subramaniam Swamy v. Raju, (2014)8 SCC 390

²⁹ Bachpan Bachao Andolan v. union of India & ors. [Writ Petition(civil) No. 906 of 2014]

³⁰ Union of india vs. Ramesh Bishnoi, 2019 1173 SC

³¹ Shilpa Mittal v State of NCT Delhi and Ors. AIR 2020 SC 405

³² Ram Vijay Singh Vs. State of Uttar Pradesh, 2021 97 SC

future dignified life. The problem occurs when society doesn't accept the juvenile offenders even after suffering the requisite punishment, and they get deprived of their last hope. Such children get targeted by the various gang indulged in unlawful activities, and the children get trapped in the cyclical process of crime commission and become hardened criminals.

Juvenile offenders are generally those children who had been robbed of their secured and safe childhood and turned into offenders. So, rehabilitation ensures constructive reintegration into society. *"Criminals are not born, and if not viewed as 'troublemakers' or 'problem children, these children would get the feeling of acceptance,"* and the chain of prospective criminals stands broken.

Children have higher prospects of Reformation as they are in their growing age, but without the active participation of all stakeholders, it seems illusory and daydreaming.

Rehabilitation programs must focus on":

- Ensuring Discipline: through structured intervention.
- Practice Yoga ensures the mental and physical growth of the individual.
- Meditation: increases concentration and makes the individual stress-free; improves emotional stability and brain functioning.
- Skill development and vocational training: this ensures easy reintegration into society. Monetary security prevents indulging in crime in the future.
- Counselling through various experts improves mental conditions.
- Rehabilitation must focus on personality development.

The role of all stakeholders starts from the early phases of life and continues even during the reformatory phase.

CONCLUSION/ SUGGESTIONS:

Juvenile offenders get harsh treatment from society, where they return after release. The myopic view of society and its looking down upon the offenders fail to reintegrate them back, failing the very legislative intent of Reformation. This society's attitude is ticking on the time bomb, which can culminate in hardened criminals.

When we look at the NCRB data for the year 2020 (Jan 1, 2020, to Dec 31, 2020), we find that the number of crimes committed by the *"Juvenile in the age bracket of 16-18 years accounts for 76.2% of the crimes committed by the child in conflict with the law (26,954 out of 35,352)."* *"Number of Juveniles apprehended under cases of IPC was 31,618 and 3,744 juveniles apprehended in cases of SLL during 2020."*

Although the data above is not reassuring, another catch is ignored in the statistical compilation. These days school-going children of the age group 16 plus engage in consensual sex. Regarding the knowledge of the girl's

family, they lodge FIR against the boy for rape and sexual offenses charges. These girls, too, change their stance owing to family pressure. This scenario gets registered as a case, and the Juvenile faces further the criminal justice system. The facts of these kinds get ignored while preparing the data, and sadly, nothing good is done to address the actual situation. Again, all the data is not consensual sex turning into false rape and other sexual offense cases.

During the pandemic, there was an increase in overall crime rates, and crime committed by juveniles too increased manifold to fulfill their daily needs.³³

After discussing all the aspects, we still find that the numbers of juvenile offenders have not gone down considerably.

The author here wished to highlight the reconsideration of the age of the Juvenile under the JJ Act, 2015, for the heinous crimes and their possible deterrent effects. We discussed at length the causes of the lowering the age, the outrage of the society, society acting as the source of the law, the juvenile justice system, and its effects. The situation is not so promising.

Along with focusing on juvenile offenders, we must not forget about the victim's situation, whose life changes forever, often even losing the life. The death of the Nirbhaya shocked the conscience of the entire country and the brutal nature of the assault committed on her by the gangs, 4 of them got the death penalty, and the minor escaped though he was most brutal towards her.

This only shows we fail as a society when such a thing happens.

Compared to the number of juvenile offenders and total crime committed across the country, it is less, although it cannot be ignored. The State spends enormous resources must come forward along with all other stakeholders, Corporate Social Responsibility, and all other possible steps taken to "*rehabilitate slightly damaged juveniles than severely marred criminals.*"³⁴

So, the vision of lowering the age of juvenile delinquents from 18 to 16, considering their share in the crime committed, is a progressive step considering the poor victims who suffer the most. But at the same time, lowering the age is not the panacea for controlling the crime committed per se. The government and all stakeholders need to play a more active role to ensure that the children get good surroundings, proper schooling, good nutrition, the best upbringing possible, skill development, and a bright future ahead as the principles enshrined in the Constitution under Fundamental Duties as well as Directive Principles of State Policy.

³³ "NCRB data: 24% more juveniles in Ludhiana took to crime during pandemic" Sept 23, 2021, available at <https://www.hindustantimes.com/cities/chandigarh-news/ncrbdata-24-more-juveniles-in-ludhiana-took-to-crime-during-pandemic-101632349721695.html> (last accessed on Nov 30, 2021).

³⁴ Raghu Raman "Don't let Juvenile Delinquents Become Repeat Offenders, Rehabilitate them" Aug 23, 2021, available at <https://thewire.in/rights/dont-let-juvenile-delinquents-become-repeat-offenders-rehabilitate-them> (last accessed on Nov 30, 2021)