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JUVENILE OFFENDER SHOULD BE TRIED AS AN ADULT IN OFFENCES RELATED TO BODY

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ABSTRACT

The idea of Juvenile delinquent means a youngster at real fault for some offence or against social way of behaving or to whose lead is past parental monitoring and who might be carried under the steady gaze of an adolescent court. This article looks into the age responsibility and classification of juveniles and adults. The article argues about the fundamental suppositions in the Indian Juvenile Justice system. Specifically focuses on the Juvenile Justice Bill 2014 while arguing about heinous crimes. The article stretches on the claim that there is a much stronger need today to try and treat juveniles especially from the age group of 16-18 to be tried and treated as adults upon committing heinous crimes.

INTRODUCTION

In India, Juvenile justice has become an area of vigorous public debate and legislative action. Following the shocking 2012 Nirbhaya rape case, wherein one of the accused was a child in conflict with the law, there was renewed impetus to completely revamp the system. The question of whether juveniles should be tried and punished as adults has been a matter of debate for decades. How to treat young offenders is a difficult question with many shades of gray.

The development of a unique juvenile justice system over 100 years ago was aimed at rehabilitating young offenders rather than simply punishing them. However, the rising rate of juvenile delinquency drew public attention to the concerns regarding whether and how the juvenile justice system effectively managed adolescent offenders. This sparked debates on whether action should be taken or policies developed to deal with the emerging problem.

Some individuals are in favor of treating adolescents exactly like adult offenders and thus argue that teenagers must be punished equally as adults. Their stance stems from observing that young

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people have leaner legal boundaries around their actions, which encourages greater risk-taking. Their opposing views focus on noting that teenagers do not possess the same maturity levels as adults. Neuroscientists have found that older adolescents (14-17) are more prone to reckless behavior and physiologically unable to internalise the impact of the consequence of their actions. Dr. Harish Shetty, a renowned psychiatrist explains, 'Adolescent brain behavior indicates that the pre-frontal cortex sleeps and the behaviour is controlled by the amygdala - the part of the brain which controls emotions. Parental guidance during this time teaches teenagers to think before they act, maximum cases of juvenile crime is an act of emotion and very rarely logical.

ADULT TIME FOR ADULT CRIME

On May 19, 2024, a speeding Porsche Taycan crashed into two IT professionals who were on a motorbike, killing them. It is alleged that the driver was an intoxicated minor ages 17. the Juvenile Justice Board immediately granted bail to the juvenile, provided that he writes a 300 - word essay on road accidents and their solutions to the Board. This led to a huge public outcry, making this case a media sensation. Consequently, the JJB ordered the juvenile to be detained in an observational home, and the Pune police filed an application to try him as an adult. This incident has brought to the forefront the complex and often controversial topic of trying minors as adults in the Indian Legal system.

WHAT LAW SAYS ABOUT TRYING MINOR AS AN ADULT

The Juvenile Justice Act of 2015 was introduced to consolidate and amend the laws pertaining to children in conflict with the law, replacing the JJ act of 1986. the amendments received significant public attention following the involvement of a juvenile in the gangrape of Nirbhaya in December 2012. While the five adult convicts were sentenced to life imprisonment, the legislation prohibited the trial of individuals under 18 as adults. The juvenile offender reignited public debate regarding the existing punitive framework for juveniles in conflict with the law in India.

Consequently the JJ act was amended to include Section 19(1), which lays down the provisions for trying children under the age of 18 and above the age of 16 who have committed a heinous offence

as adults under certain circumstances. A child in conflict with the law is examined on the following criteria before being tried as an adult :

- If the child has the mental and physical capacity to commit the offence
- If the child understands the consequences of the offence
- The circumstances in which the child allegedly committed the offence

Similarly, in the 2017 case of *Barun Chandra thakur Vs. Bholu*, where a minor murdered a six year old, the Hon'ble Supreme Court passed an order to try the minor as an adult as per section 19(1) of the JJ act. The Supreme Court also laid down certain guidelines that have to be considered before trying minors as adults. The Hon'ble Justice Vikram Nath delivered the following :

“A child with average intelligence will have the intellectual knowledge of the consequences of his actions. But whether or not he is able to control himself or his actions will depend on his level of emotional competence. For example Risky driving may result in an accident. But if emotional competence is not high, the urge for thrill-seeking may get better of his intellectual understanding.”

With this judgement, the Supreme Court emphasized the role that emotional competence plays in determining whether a minor should be tried as an adult or not.

When juveniles commit heinous crimes like murder, rape, terrorism the nature of the act outweighs their age. Justice requires proportional punishment- victims deserve fairness regardless of the offender's age.

Many juveniles committing violent crimes today are aware of what they are doing and the consequences. The idea that all juveniles lack maturity is outdated; access to media, internet, and education gives them awareness.

Some juveniles are repeat offenders. Sending them back into society after a short rehabilitation may endanger others. Modern psychology shows that teenagers between 16-18 understand right and wrong. If they are old enough to commit the crime, they should be old enough to face the law like an adult.

Lenient treatment of juveniles in heinous crimes may create a perception of easy escape. Trying them as adults deters others from committing similar acts.

Protects society from dangerous offenders who might reoffend if released too early. The justice system must balance offender's rights with victims' rights. If you are old enough to do the crime you are old enough to face the law. Many countries (USA, UK, Canada) allow juveniles above 16 to be tried as adults for heinous crimes.

CONCLUSION

While juveniles deserve protection and a chance at reform, the law cannot ignore the severity of heinous crimes. When a young offender between 16-18 years knowingly commits acts like rape, murder, or terrorism, the nature of the crime outweighs the excuse of age. Justice must serve not only the offender but also the victim and society at large.

Trying juveniles as adults in such cases ensures accountability, deterrence and public safety. It prevents misuse of lenient laws, balances the rights of victims with offenders and upholds society's faith in the justice system.

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