

Seminar on Criminal Liability of Children: Contemporary Issues and Concerns

(Babu K.N. Singh Memorial Lectures)

Organised By: Faculty of Law, KNIPSS, Sultanpur (U.P.)

Date : 18-05-2023
Time : 11:00 am to 04:00 pm
Venue : Moot Court Hall, Faculty of Law
Resource Speaker : Prof. (Dr.) Kumar Askand Pandey
(Dr. RML National Law University, Lucknow)
Dr. Shiv Bahadur Tiwari
(Assistant Prof. Faculty of Law, KNIPSS. Faridipur Campus, Sultanpur)
Participants: 64

Background:

Childhood is a notion that is subject constant revision in any given era are place. This phrase has assumed significant importance in the present legal scenario making it inevitable to analyse if this understanding is indeed true or not. Aftermath of the *Nirbhaya case* in India, a big question has arisen with regard to the correctness of the existing age of criminal responsibility in India. The following issues and attempt to draw a suitable conclusion with regard to the ineffectiveness of the Indian Juvenile Justice System. In Present time, the age of criminal responsibility in India, according the Juvenile Justice (Care and Protection for Children) Act, 2000 was 18 years. Juvenile offenders are accorded special treatment under this Act and are not tried in the same court as adult offenders. Present lecture delivered by **Prof. (Dr.) Kumar Askand Pandey** explores/raises issues and attempts to draw suitable conclusion with regard to the effectiveness of the Indian Juvenile Justice System to make it more effective.

Main Object:

- To explores the genesis and Jurisprudence behind such laws which are relating to the Juvenile Offenders like, I.P.C., Constitutional Law, Cr. P. C. etc.
- To clarify the current situation of Juvenile offenders after the case decided by Hon'ble Supreme Court, Nirbhaya case and other subsequent case laws.
- To discuss the challenges and concerns prevailing in India regarding the age of children Criminal Administrative Justice under our criminal legal system.
- A comparative study was made in reference to the Juvenile offenders with the earlier laws and present laws.

Proceedings:

The seminar was open for all the Students and Faculty Members of Law. The Head of the department also invited many other Faculty Heads and members of concerned departments. More than two hundred Students attended the seminar and the joint efforts of all made the seminar to grand successful one.

Prof. Pandey explain the minimum age of criminal responsibility is 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 action. This is the period of childhood and adolescence and crime committed during this age is dealt with by most nations under special laws known as juvenile justice laws .Dr.Pandey said that juvenile delinquency is on the increase today and one of the major issues faced not only by India but by World.

The Age of Criminal Responsibility In India: Current Scenario:

The Criminal System in India is governed and regulated by two major legislations including the Indian Penal Code 1860(IPC) and the Code of Criminal Procedure Code 1973(CrPC).The IPC provides the substantive part laying out the rights and responsibilities and CrPC lays down the procedure to be followed by a court of law in a criminal proceedings to penalize the juvenile offenders and children. The IPC has describe the age of criminal responsibility at 12Years. An offence committed by a Child under the age of 7 Years is not punishable. Also, an offence committed by a child above the age of 7 Years but below the age of 12 Years will not be punishable if it seems that he does not possess sufficient maturity to judge the consequence of his action.

Prof. Pandey also said that children cannot be put in same category as adults under the Criminal Justice System of the country and hence require development of special provisions for them .Physical and mental immaturity and dependency on others are the most outstanding features of Childhood .India has fulfilled this obligationby enacting the Juvenile Justice (Care and Protection For Children) Act, 2000. A Juvenile is defined as a person who has not reached the age of 18 at which one should be treated as an adult by the criminal justice system.

Prof. Pandey also discuss the Sec.4 of the Juvenile Justice (Care and Protection for Children) Act, 2000. The Section Provides for setting up a Juvenile Justice Board, Consisting of a Metropolitan Magistrate or a Judicial Magistrate of First Class ,and 2 social workers one of whom is a women. Such Board/Bench has the same powers as conferred by the CrPC on a Metropolitan Magistrate or a Judicial Magistrate of the First class .The trial of a Juvenile shall be conducted before this board and even in

cases where a Juvenile is produced before any other Magistrate, such Magistrate is required to forward the Juvenile to the Board.

CONCLUSION

Taking all of the above factors and elements into consideration, **Prof. Pandey** said that India is indeed facing an increase in youth crime which covers not just minor offences but also grave and heinous offences .The Nirbhaya case caused a shock wave in the entire nation out raging many Offenders committing offences of such gravity, irrespective of whether they are Juvenile or adult should be harshly punished, it seems this is not the ideal solution to the problem. One shocking incident should not result in adaption of measures which might later emerge counter-productive.

Main Outcome:

- All the participants got and insight for attaining more and more knowledge relating to the age of child/definition of child under the different statutes; and Interpretation through our Supreme Court and various High Courts.
- The special Procedure relating to substantive & procedural law for the children/Juveniles.
- The special Provisions relating to juvenile under the substantive laws and procedural laws, Juvenile Board and Rights relating to Juvenile under our Constitution is also discussed in detail.



04

बाल अपराध गंभीर चिंता का विषय : कुमार स्कंद

अवगत, अज्ञान, असाक्षरता व असाक्षरता के कारण बाल अपराध का स्तर लगातार बढ़ रहा है। इससे समाज में अशांति फैल रही है। बाल अपराध को रोकने के लिए सरकार को कानून बनाने की आवश्यकता है।

सूचना : शुक्रवार 18.05.2023

अमर उजाला

निबंध प्रतियोगिता में सोनम रहीं अक्वल

बच्चों का आधुनिक शिक्षण, सुरक्षित व शिक्षित पर आधारित

कमला नेहरू संस्थान के विधि विभाग द्वारा व्याख्यान का किया गया आयोजन

(एच.एस. अरिज अरिज)

सुशान्त कुमार शर्मा ने बाल अपराध के विषय पर व्याख्यान किया। उन्होंने बाल अपराध के कारणों और निवारण के तरीकों पर चर्चा की।

व्याख्यान के दौरान सुशान्त कुमार शर्मा ने बाल अपराध के विषय पर व्याख्यान किया। उन्होंने बाल अपराध के कारणों और निवारण के तरीकों पर चर्चा की।

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