

# 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.

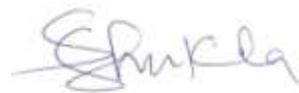
**Prof. Pandey** also discuss the Sec.4 of the Juvenile Justice (Care and Protection for Children) Act, 2000. The Section Provides for setting up a Juvenile Justice Board, Consisting of a Metropolitan Magistrate or a Judicial Magistrate of First Class ,and 2 social workers one of whom is a women. Such 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



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