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"Trying Juveniles as adults:- a critical legal and neuro developmental analysis "

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INTRODUCTION

Children and adolescents occupy a distinct position in the criminal justice system because childhood is a period of continuing physical, psychological, emotional and social development. A child who comes into conflict with law is therefore not situated in the same legal and developmental position as an adult offender. The recognition of this distinction forms the foundation of juvenile justice systems across the world.

In India, the Juvenile Justice (Care and Protection of Children) Act, 2015 adopts a child-friendly and rehabilitative approach towards children in conflict with law. The Act defines a child as a person who has not completed eighteen years of age and provides a separate system for apprehension, inquiry, adjudication, rehabilitation and social reintegration. The Act also recognises that children require special treatment because of their age, developmental stage and capacity for reform.[1]

However, the Juvenile Justice Act, 2015 introduced a significant departure from the earlier approach by creating a special mechanism for children between sixteen and eighteen years who are alleged to have committed heinous offences. Under Section 15, the Juvenile Justice Board is required to conduct a preliminary assessment concerning the child's mental and physical capacity to commit the offence, ability to understand its consequences and the circumstances in which the offence was allegedly committed.[2]

The purpose of this mechanism is not to automatically treat every child above sixteen years as an adult. The statutory scheme requires a preliminary assessment followed by a further decision by the Children's Court under Section 19. Therefore, the process contains multiple stages intended to protect the child while also recognising the interests of victims, society and the administration of justice.

The introduction of this mechanism has generated considerable legal and academic debate. One argument is that children who are capable of committing particularly grave offences should, in appropriate cases, face a stronger criminal accountability mechanism. Another argument is that adolescents remain developmentally different from adults and their criminal responsibility should be assessed with particular caution.

Modern neuroscience has increased the importance of this debate. Research indicates that adolescence is associated with continuing development in executive functions, cognitive control, emotional regulation and sensitivity to social and peer influences. Brain maturation continues well into the twenties, although development varies considerably among individuals.[3]

Neurodevelopmental evidence does not establish that every adolescent lacks the ability to understand right from wrong or to control behaviour. Instead, it indicates that adolescents as a group may show greater sensitivity to immediate rewards, social pressures and risky situations and may possess less developed executive control than adults in certain circumstances.

This creates a difficult legal question. If the law permits a child between sixteen and eighteen years to be subjected to adult criminal proceedings in certain circumstances, the decision to do so must be based upon reliable, child-specific and developmentally informed assessment rather than merely the seriousness of the allegation.

This study therefore examines the legal framework governing the trial of juveniles as adults in India and critically analyses it in the light of contemporary neurodevelopmental research. The study seeks to determine whether the present framework appropriately balances accountability, public safety, victim interests, constitutional principles and the developmental capacity of adolescents.

The central issue is not whether adolescents should be held responsible for serious offences, but whether an adult trial is an appropriate legal response in every case where a child above sixteen years is accused of a heinous offence.

CONCEPT OF TRYING JUVENILES AS ADULTS

Trying juveniles as adults refers to a legal mechanism under which a child who is below eighteen years of age may, in specified circumstances, be subjected to trial before a Children's Court through the adult criminal trial procedure.

Under the Juvenile Justice Act, 2015, the ordinary rule remains that persons below eighteen years are treated as children in conflict with law. However, children who have completed or are above sixteen years of age and are alleged to have committed heinous offences are placed in a separate statutory

category for preliminary assessment.

The process may generally involve the following stages:

- **Age Determination**

The first question is whether the accused was below eighteen years of age on the date of commission of the alleged offence.

- **Classification of the Offence**

The offence must fall within the statutory category of a heinous offence. Section 2(33) defines heinous offences by reference to a minimum punishment of seven years or more.

- **Preliminary Assessment**

Where the child has completed or is above sixteen years and the alleged offence is heinous, the Juvenile Justice Board conducts a preliminary assessment under Section 15.

- **Decision by the Juvenile Justice Board**

The Board may conclude that the case should continue before the Board, or that there is a need for trial of the child as an adult and transfer the matter to the Children's Court under Section 18(3).

- **Independent Decision by the Children's Court**

After receiving the matter from the Board, the Children's Court must independently determine under Section 19 whether there is a need to try the child as an adult.

- **Adult Trial with Juvenile Safeguards**

Even when the child is tried as an adult, the statutory framework continues to impose important restrictions and requires consideration of the child's special needs, fair trial requirements and a child-friendly atmosphere.

Thus, the expression "trying juveniles as adults" should not be understood as an automatic conversion of childhood into adulthood. It is a conditional judicial process involving multiple statutory safeguards.

HISTORICAL AND LEGAL DEVELOPMENT

Juvenile justice has historically developed on the principle that children require special treatment within the criminal justice system. Early criminal law did not always make a clear distinction between children and adults. With the development of child rights principles, the emphasis gradually shifted towards rehabilitation, education and social reintegration.

International instruments played an important role in this development. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, commonly known as the Beijing Rules, recognised the importance of the well-being of juveniles and the need for systems that promote their development and reintegration into society.

India's juvenile justice framework developed through legislation including the Juvenile Justice Act, 1986, the Juvenile Justice (Care and Protection of Children) Act, 2000 and finally the Juvenile Justice (Care and Protection of Children) Act, 2015.

The 2015 Act was enacted with reference to constitutional obligations, including Article 15(3), Article 39(e) and (f), Article 45 and Article 47 of the Constitution. It also expressly recognises India's international obligations relating to children.[9]

A significant change was introduced in 2015 through the creation of the category of children above sixteen years who commit alleged heinous offences. The legislative

¹ Sarah-Jayne Blakemore, "The developing adolescent brain: Implications for youth justice and children in criminal proceedings," *Developmental Cognitive Neuroscience*

approach attempted to balance the rehabilitative nature of juvenile justice with societal concerns concerning serious offences.

The Supreme Court examined the statutory classification in *Shilpa Mittal v. State of NCT of Delhi*. The Court held that an offence could not be treated as a heinous offence merely because the maximum punishment was more than seven years. The offence had to prescribe a minimum punishment of seven years or more.[10]

The Court also observed that children committing offences falling outside the statutory definition of heinous offences could not simply be treated as adults. The Court directed that the fourth category of offences be treated as serious offences until legislative intervention.[11]

The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 subsequently amended the statutory classification and incorporated the relevant fourth category into the definition of serious offences.[12]

The legal framework has therefore progressively attempted to create a balance between accountability and the distinctive status of children.

RESEARCH PROBLEM

The principal research problem arises from the tension between two competing objectives.

On one hand, serious offences committed by adolescents may cause grave harm to victims and society. It may therefore be argued that the criminal justice system should be capable of imposing stronger accountability where a child demonstrates substantial capacity to understand and participate in serious criminal conduct.

On the other hand, adolescents are still undergoing developmental changes. Their ability to regulate impulses, assess long-term consequences and resist peer pressure may differ from that of adults.

The major legal and developmental concerns include:

- whether chronological age alone should determine criminal responsibility;
- whether a preliminary assessment can reliably determine developmental maturity;
- whether psychological assessment can accurately predict an adolescent's capacity to understand consequences;
- whether neuroscience can be meaningfully applied to an individual child;
- whether expert assessments used by Juvenile Justice Boards are sufficiently specialised;
- whether the seriousness of the offence may improperly influence the assessment of maturity;
- whether adult trial may interfere with rehabilitation and social reintegration;
- whether the procedure provides adequate procedural safeguards; and
- whether the existing framework is consistent with India's constitutional and international obligations concerning children.

Research Problem: Whether the Indian legal framework permitting the trial of children between sixteen and eighteen years as adults in cases involving heinous offences adequately balances criminal accountability with the developmental characteristics, rights and rehabilitative potential of adolescents.

HYPOTHESIS

The present statutory framework provides safeguards against the automatic trial of children as adults, but its effectiveness depends upon the quality of preliminary assessment, availability of specialised expertise and independent scrutiny by the Children's Court. The Juvenile Justice Act does not automatically treat every child between sixteen and eighteen years who is accused of a heinous offence as an adult. It requires assessment under Section 15 and a further decision under Section 19.

However, the neurodevelopmental evidence indicates that adolescence is a period of continuing brain and behavioural development. Therefore, the reliability of the adult-trial mechanism depends heavily upon whether decision-makers distinguish between general age-related developmental characteristics and the individual developmental circumstances of the particular child.

The statutory safeguards are therefore significant, but their implementation must be careful, evidence-based and developmentally informed.

AIM OF THE STUDY

- To examine the legal framework governing the trial of juveniles as adults in India.
- To study the concept of children in conflict with law and the special treatment provided under the Juvenile Justice Act, 2015.
- To examine Sections 15, 18 and 19 of the Juvenile Justice Act relating to preliminary assessment and adult trial.
- To analyse the constitutional principles governing juvenile justice.
- To study the role of psychological, social and expert assessment in determining whether a child should be tried as an adult.
- To examine recent judicial decisions concerning preliminary assessment and adult trial.
- To study the relevance of adolescent neurodevelopment to criminal responsibility.
- To critically examine the reliability and limitations of applying neuroscientific evidence to individual juvenile offenders.
- To examine comparative approaches towards juvenile criminal responsibility.
- To suggest measures for strengthening the fairness, reliability and child-sensitive nature of the present framework.

The study attempts to bridge the gap between legal doctrine and developmental science by examining whether the statutory concept of preliminary assessment adequately reflects current knowledge concerning adolescent development.

RESEARCH METHODOLOGY

The study adopts a doctrinal and analytical research methodology. It primarily relies upon statutory provisions, judicial decisions, constitutional

provisions, international instruments, government guidelines and academic literature relating to juvenile justice and adolescent development.

The principal legal materials examined include the Juvenile Justice (Care and Protection of Children) Act, 2015, the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 and relevant provisions of the Bharatiya Nyaya Sanhita, 2023 and Bharatiya Nagarik Suraksha Sanhita, 2023.

The study also examines judgments of the Supreme Court of India, including *Shilpa Mittal v. State of NCT of Delhi*, *Barun Chandra Thakur v. Master Bholu, Ajeet Gurjar*

v. State of Madhya Pradesh, *Child in Conflict with Law through his Mother v. State of Karnataka*, *Sagar v. State of Haryana* and *X v. State of Bihar*.

A neurodevelopmental approach is also adopted by examining contemporary scientific literature concerning adolescent executive function, risk-taking, social influence, emotional development and cognitive control. Recent research continues to show that brain maturation and executive-function development extend into early adulthood, while also cautioning against treating adolescents as a scientifically uniform group.[14]

1. ² *Juvenile Justice (Care and Protection of Children) Act, 2015, Section 19.*

A comparative approach is additionally used to examine selected foreign judicial approaches, particularly decisions of the United States Supreme Court concerning juvenile culpability and developmental differences.

EXISTING LEGAL FRAMEWORK IN INDIA

Juvenile Justice (Care and Protection of Children) Act, 2015

The Juvenile Justice Act, 2015 is the principal legislation governing children in conflict with law in India.

The Act defines a child as a person who has not completed eighteen years of age. A child in conflict with law is a child who is alleged or found to have committed an offence and has not completed eighteen years of age on the date of commission of the offence.[15]

The Act is based upon principles including presumption of innocence, dignity and worth, participation, best interest of the child, family responsibility, safety and positive measures.

Juvenile Justice Board

Section 4 provides for the constitution of the Juvenile Justice Board to deal with children in conflict with law.

The Board is intended to combine judicial expertise with social and child-development expertise. Its composition reflects the legislative understanding that juvenile justice involves more than ordinary criminal adjudication.

Classification of Offences

The Act classifies offences into petty, serious and heinous categories.

Petty offences generally concern offences punishable with imprisonment up to three years. Serious offences include offences where the punishment falls within the statutory range specified by the Act. Heinous offences require a minimum punishment of seven years or more.[16]

The classification is important because Section 15 applies only to heinous offences committed or allegedly committed by children who have completed or are above sixteen years of age.

SECTION 15 — PRELIMINARY ASSESSMENT

Section 15 is the central provision governing the possibility of trial of a juvenile as an adult.

Where a child who has completed or is above sixteen years is alleged to have committed a heinous offence, the Board shall conduct a preliminary assessment regarding:

- Mental Capacity

The Board must examine the child's mental capacity to commit the alleged offence.

- Physical Capacity

The Board must examine the physical capacity of the child to commit the alleged offence.

- Ability to Understand Consequences

The Board must assess whether the child was able to understand the consequences of the alleged offence.

- Circumstances of the Offence

The Board must consider the circumstances in which the child allegedly committed the offence.[17]³

The Explanation to Section 15 expressly states that preliminary assessment is not a trial. It is an assessment of capacity and circumstances and should not be converted into a determination of guilt.[18]

This distinction is extremely important. The Board is not required to determine at the preliminary stage whether the child is guilty beyond reasonable doubt. It is required to determine whether the statutory conditions justify placing the child before the Children's Court for an adult trial.

The Supreme Court in *X v. State of Bihar* emphasised that the four statutory parameters are separate and must be considered both independently and collectively.

The Court also emphasised that the assessment must be careful and calibrated and should not become an adjudication on guilt or innocence.

ROLE OF PSYCHOLOGISTS AND OTHER EXPERTS

Section 15 permits the Juvenile Justice Board to take assistance from experienced psychologists, psycho-social workers or other experts.

This provision recognises that questions concerning mental capacity, developmental maturity and psychological circumstances may require specialised knowledge.

In *Barun Chandra Thakur v. Master Bholu*, the Supreme Court examined the role of psychological expertise in preliminary assessment. The Court held that where the Board

³ *Sagar v. State of Haryana*,

does not include a practicing professional with a degree in child psychology or child psychiatry, expert assistance under the proviso to Section 15(1) operates in mandatory form.[21]

The judgment is particularly significant because it recognised that the preliminary assessment is a specialised exercise and cannot be reduced to an ordinary judicial impression about whether a child appears mature.

The Court also considered the need for proper guidelines relating to preliminary assessment and recognised the importance of specialised psychological evaluation.

Following these developments, the National Commission for Protection of Child Rights issued guidelines for conducting preliminary assessment under Section 15. The guidelines were developed following directions of the Supreme Court and were intended to provide a structured approach while avoiding reliance upon a single rigid psychological test.

This is important from a neurodevelopmental perspective because no single intelligence test can fully determine emotional regulation, susceptibility to peer influence, risk assessment, executive functioning or the developmental circumstances surrounding an offence.

SECTION 18 — ROLE OF THE JUVENILE JUSTICE BOARD

Section 18 provides the orders that may be passed after inquiry by the Juvenile Justice Board. In cases involving petty or serious offences, the Board retains jurisdiction. Where a child below sixteen years commits a heinous offence, the case is also dealt with by the Board.

For a child above sixteen years accused of a heinous offence, the preliminary assessment under Section 15 determines whether the matter should remain before the Board or be transferred to the Children's Court.

Where the Board considers that there is a need for trial as an adult, Section 18(3) permits transfer of the case to the Children's Court having jurisdiction.

The importance of Section 18 lies in the fact that the Board's preliminary assessment does not itself amount to an adult conviction or adult sentence. It only determines whether the statutory process should move to the Children's Court.

The Board must therefore remain within the limits of the statutory exercise and must provide reasons for its decision. Rule 10A of the Model Rules reinforces the requirement of a reasoned decision.

SECTION 19 — ROLE OF THE CHILDREN'S COURT

Section 19 provides an additional safeguard.

After receiving the preliminary assessment from the Board, the Children's Court must determine whether there is a need for trial of the child as an adult or whether the matter should instead be dealt with as a child by conducting an inquiry under the provisions applicable to the Board.

The Children's Court must consider the special needs of the child, the tenets of fair trial and the requirement of maintaining a child-friendly atmosphere.

This provision creates what may be described as a second level of judicial scrutiny.

In *Sagar v. State of Haryana*, decided on 13 July 2026, the Supreme Court held that the determination under Section 19(1) is mandatory. The Children's Court cannot simply proceed with an adult trial after receiving a Section 18(3) transfer from the Board. It must independently consider the matter and pass a reasoned order deciding whether the child should be tried as an adult.

The Supreme Court held that failure to comply with this statutory requirement vitiated the adult trial and the resulting conviction.

This judgment strengthens the protective structure of the Act because the Board's decision is not treated as conclusive.

SECTION 21 — LIMITS ON SENTENCING

Even where a child is tried as an adult, the Juvenile Justice Act imposes important sentencing restrictions.

Section 21 provides that no child in conflict with law shall be sentenced to death or to imprisonment for life without the possibility of release.

This provision demonstrates that trial as an adult does not completely eliminate the child's special legal status.

The Act also provides mechanisms concerning placement in a place of safety, periodic assessment and rehabilitation. Thus, an adult trial under the Act cannot be understood as an absolute legislative declaration that the child has the same moral and developmental status as an adult.

The sentencing framework continues to recognise the possibility of rehabilitation and social reintegration.

JUDICIAL APPROACH

Shilpa Mittal v. State of NCT of Delhi

In *Shilpa Mittal v. State of NCT of Delhi*, the Supreme Court considered whether an offence punishable with a maximum sentence of more than seven years but without a minimum sentence of seven years could be treated as a heinous offence.

The Court held that such an offence could not be treated as heinous merely because the maximum punishment exceeded seven years. The minimum punishment requirement had to be satisfied.

The judgment emphasised that the statutory categories could not be expanded by judicial interpretation and that a child should receive the benefit of the statutory framework unless Parliament provided otherwise.

Barun Chandra Thakur v. Master Bholu

In *Barun Chandra Thakur v. Master Bholu*, the Supreme Court examined the nature of preliminary assessment and the role of experts.

The Court held that where the Board lacks a practicing child-psychology or child-psychiatry professional, expert assistance is mandatory for the preliminary assessment.[32]

The Court also recognised the need for appropriate guidelines to assist Boards in performing the assessment.[33]

Ajeet Gurjar v. State of Madhya Pradesh

The Supreme Court has emphasised that the procedure under Sections 15 and 19 is not merely technical. The required preliminary assessment and subsequent decision by the Children's Court are substantive safeguards.

The later Supreme Court decisions have treated compliance with these requirements as essential to lawful adult trial.[34]

Child in Conflict with Law through His Mother v. State of Karnataka

In the 7 May 2024 judgment, the Supreme Court examined procedural questions concerning preliminary assessment, appeals and the relationship between the Juvenile Justice Board and the Children's Court.

The Court clarified that the Children's Court and Sessions Court have to be understood within the statutory structure of the Act and that the process following a preliminary assessment involves distinct stages.[35]

Sagar v. State of Haryana

In *Sagar v. State of Haryana*, the Supreme Court in July 2026 held that the Children's Court must independently determine whether a child should be tried as an adult under Section 19(1).

The Court treated this requirement as mandatory and held that the absence of such a reasoned decision invalidated the subsequent adult trial.[36]

X v. State of Bihar

In *X v. State of Bihar*, decided on 21 July 2026, the Supreme Court provided detailed guidance concerning preliminary assessment under Section 15.

The Court held that the four statutory considerations are:

1. mental capacity to commit the alleged offence;
2. physical capacity to commit the alleged offence;
3. ability to understand the consequences of the alleged offence; and
4. circumstances in which the offence was allegedly committed.[37]

The Court further held that the Board must examine these factors independently and collectively and must not use the preliminary assessment to decide guilt or innocence.[38]

The decision is particularly relevant to the present research topic because it requires the legal process to focus on individual capacity and circumstances rather than merely the seriousness of the allegation.

NEURODEVELOPMENTAL BASIS OF ADOLESCENT RESPONSIBILITY

Neurodevelopmental research has demonstrated that adolescence is a period of substantial biological and psychological development. the adolescent brain does not simply change from an immature state into an adult state on the eighteenth birthday. Brain development is gradual and involves changes in connectivity, myelination, synaptic refinement, executive functions and the systems involved in reward, emotion and social processing. Recent research indicates that executive-function performance continues to change through adolescence and tends to stabilise around the early twenties.

Executive functions include abilities such as:

- planning;
- impulse control;
- working memory;
- cognitive flexibility;
- decision-making;
- inhibition of inappropriate responses; and
- consideration of longer-term consequences.

These abilities are important to criminal responsibility because criminal conduct may involve planning, impulse control and evaluation of consequences.

However, neurodevelopmental science does not establish that adolescents are incapable of understanding consequences or distinguishing lawful from unlawful behaviour.

A major concern therefore arises when broad neuroscientific findings are converted into conclusions about an individual child's legal capacity.

Scientific research generally identifies group-level developmental patterns. It does not provide a universal biological test that can conclusively determine that a particular sixteen- or seventeen-year-old has the same level of maturity as an average adult.

The recent literature emphasises substantial individual differences in adolescent development. Therefore, neuroscience should inform judicial decision-making but should not replace individualised legal assessment.

ADOLESCENT RISK-TAKING, IMPULSIVITY AND PEER INFLUENCE

One of the most significant features of adolescence is increased sensitivity to social context. Research has found that adolescent decision-making may be particularly influenced by peers and socially meaningful situations. The developing brain is sensitive to reward, social acceptance and emotional stimulation.

This does not mean that every adolescent is impulsive or unable to make rational decisions.

Research also shows substantial individual variation. Some adolescents demonstrate strong executive functioning and self-regulation, while others exhibit greater impulsivity or vulnerability to environmental pressures.

Environmental circumstances may further affect development. Factors such as:

- family instability;
- exposure to violence;
- trauma;
- poverty;
- substance use;
- school exclusion;
- abusive environments;
- peer pressure; and

- social isolation

may interact with adolescent development.

A recent systematic review published in 2026 found meaningful associations between poorer executive functioning and juvenile offending, particularly in areas involving inhibitory control, working memory and cognitive flexibility. The review also noted the importance of broader developmental and environmental contexts.

These findings are relevant to Section 15 because the circumstances in which the offence was allegedly committed form an express component of the statutory assessment.

CRITICAL ANALYSIS OF SECTION 15

Section 15 attempts to incorporate developmental assessment into criminal procedure. This is a significant feature because the law does not rely solely on chronological age.

However, several difficulties remain. Difficulty in Measuring Mental Capacity

The concept of “mental capacity to commit” an offence is not necessarily equivalent to intelligence, IQ or general academic ability.

A child may have average intellectual ability but limited emotional regulation or poor executive control under conditions of fear, peer pressure or emotional stimulation. Therefore, an assessment based only upon IQ would be inadequate. Difficulty in Assessing Ability to Understand Consequences The phrase “ability to understand the consequences” requires careful interpretation.

A child may understand in an abstract sense that a particular act is illegal or harmful but may have reduced ability to evaluate long-term consequences in a highly emotional or socially pressured situation.

Therefore, legal knowledge and developmental decision-making should not automatically be treated as the same concept.

Risk of Offence-Centred Assessment

There is a possibility that the seriousness or brutality of the alleged offence may influence the assessment of maturity. A proper Section 15 assessment should not reason backwards from the seriousness of the conduct to the conclusion that the child must necessarily have been mature enough to understand it. Reliability of Psychological Assessment Psychological evaluations are useful but they have limitations. Development cannot always be reduced to a numerical score. The assessment should consider psychological functioning, social circumstances, educational history, family background, emotional development, peer influence and the circumstances of the alleged offence. Individual Variation Neuroscience describes developmental tendencies at the population level. It cannot establish that every child below eighteen is equally immature or that every child above sixteen possesses adult-level maturity.

Therefore, the correct approach should remain individualised.

COMPARATIVE JUDICIAL APPROACH

The relationship between adolescent development and criminal responsibility has also been examined by foreign courts.

Roper v. Simmons

In *Roper v. Simmons*, the United States Supreme Court held that the death penalty could not be imposed for offences committed by persons under eighteen years of age.

The Court relied partly upon developmental differences between adolescents and adults, including greater immaturity, greater vulnerability to external influences and the fact that adolescent character is not yet fully formed.[46]

Graham v. Florida and *Miller v. Alabama*

The United States Supreme Court subsequently considered the developmental characteristics of juveniles in relation to sentencing.

In *Miller v. Alabama*, the Court referred to developments in psychology and brain science showing differences between juvenile and adult minds, including differences affecting behaviour control and decision-making.[47]

These judgments demonstrate how developmental science can influence legal concepts of culpability.

However, comparative decisions should not be mechanically transplanted into Indian law because constitutional systems, statutory frameworks and sentencing structures differ.

The principal comparative lesson is that adolescent development may be relevant to legal responsibility and sentencing without requiring the conclusion that all juvenile offenders are incapable of responsibility.

ROLE OF REHABILITATION AND CHILD DEVELOPMENT

The Juvenile Justice Act is fundamentally concerned with care, protection, development, treatment, social reintegration and rehabilitation. The idea of rehabilitation rests partly on the developmental nature of adolescence. Adolescents generally possess greater developmental plasticity than adults. Behaviour patterns developed during adolescence may change as individuals mature and receive appropriate educational, psychological and social support. Recent neurodevelopmental research emphasises prolonged maturation and the influence of environmental experiences upon adolescent development.

Therefore, rehabilitation should remain a central consideration even in serious cases.

The fact that a child may be tried as an adult does not remove the child's developmental needs. The Children's Court is required to consider special needs, fair trial and a child-friendly atmosphere under Section 19. The statutory structure therefore contemplates accountability together with developmental protection.

International standards similarly emphasise diversion, non-custodial measures and rehabilitation. The United Nations Committee on the Rights of the Child has encouraged States to develop child justice systems based upon developmental science and to treat deprivation of liberty as a measure of last resort.[49]

NEED FOR STRONGER AND DEVELOPMENTALLY INFORMED SAFEGUARDS

The existing legal framework contains several safeguards, but stronger implementation is necessary.

First, preliminary assessments should be conducted by professionals possessing specific experience in child and adolescent psychology.

Second, assessments should not rely upon a single psychological test or IQ score.

Third, assessments should examine the child's developmental history, family environment, educational circumstances, mental health, social background, peer influences and circumstances of the alleged offence.

Fourth, assessment reports should clearly distinguish between factual information, clinical findings and professional opinions.

Fifth, the child should be given an effective opportunity to understand and challenge the assessment where appropriate.

Sixth, the assessment should not become a disguised determination of guilt.

Seventh, the reasons recorded by the Board should directly address each statutory factor under Section 15.

Eighth, the Children's Court should independently examine the matter under Section 19 and not mechanically follow the Board's recommendation.

The 2026 Supreme Court judgment in *X v. State of Bihar* reinforces this approach by requiring consideration of the four parameters separately and collectively and emphasising that the preliminary assessment is not a determination of guilt.[50]

ROLE OF THE CHILDREN'S COURT

The Children's Court occupies a critical position in the statutory framework because it acts as a second level of protection.

The Board's assessment determines whether the matter should be transferred. However, the Children's Court must itself determine whether adult trial is necessary.

The decision in *Sagar v. State of Haryana* is particularly important in this regard.

The Supreme Court held that Section 19(1) requires the Children's Court to make an independent and reasoned determination before proceeding with the adult trial.[51]

This means that there are effectively two safeguards:

1. preliminary assessment by the Juvenile Justice Board; and
2. independent determination by the Children's Court.

This structure can reduce the possibility of an erroneous transfer if both stages are performed carefully.

However, the protection will be meaningful only when the Children's Court independently applies its mind rather than treating the Board's assessment as conclusive.

A reasoned order should explain why the particular child requires adult trial after considering the statutory factors, developmental circumstances and the material on record.

LEGAL AND NEURODEVELOPMENTAL CHALLENGES

Chronological Age versus Developmental Age

The law must work with clear age categories because criminal justice requires legal certainty. However, developmental science shows that adolescents of the same chronological age may differ substantially in cognitive and emotional development.

Group Data versus Individual Assessment

Neuroscience provides information concerning populations. Translating this information into a precise determination of an individual child's maturity remains difficult.

Risk of Overconfidence in Neuroscience

Brain imaging can demonstrate developmental patterns, but it cannot by itself determine whether a particular person had the legal capacity to understand a specific criminal act.

Environmental Influences

Development occurs within social and family environments. Trauma, violence, neglect and peer influence may affect behaviour. A purely biological assessment would therefore be incomplete.

Predictive Uncertainty

Neither psychology nor neuroscience can perfectly predict future criminal behaviour. The legal system must therefore avoid treating an adolescent's assessment as a permanent declaration of dangerousness.

Fair Trial Concerns

If the preliminary assessment relies upon inculpatory statements or assumptions regarding guilt, it may undermine the presumption of innocence and fair trial rights.

The Supreme Court has emphasised that preliminary assessment must not become a trial.

INTERNATIONAL LEGAL STANDARDS

India's juvenile justice framework should also be understood within the broader international child-rights framework.

The Convention on the Rights of the Child recognises the special status of children in the criminal justice system. Article 37 requires that detention of children be used only in appropriate circumstances and as a measure of last resort, while Article 40 recognises the right of children accused of offences to treatment consistent with their age and dignity.

The United Nations Committee on the Rights of the Child, in General Comment No. 24, highlighted the relationship between child justice and developmental science. The General Comment encourages States to strengthen diversion, non-custodial measures and developmentally appropriate child justice systems.[53]

The Beijing Rules also emphasise the well-being and development of juveniles and encourage measures that promote meaningful participation in community life rather than purely punitive approaches.[54]

These standards support the view that accountability and rehabilitation need not be treated as mutually exclusive concepts.

FINDINGS

- The Juvenile Justice Act, 2015 treats persons below eighteen years as children in conflict with law.
- The Act creates a separate mechanism for children above sixteen years alleged to have committed heinous offences.
- Section 15 does not automatically classify such children as adults.
- Preliminary assessment must examine mental capacity, physical capacity, ability to understand consequences and circumstances of the offence.[55]
- Preliminary assessment is legally distinct from a criminal trial.
- The assessment should not determine guilt or innocence.
- Expert assistance is highly important for reliable developmental assessment.
- The Supreme Court in *Barun Chandra Thakur* recognised the mandatory role of expert assistance where the Board lacks a suitable child-psychology or child-psychiatry professional.[56]

- The Children's Court has an independent role under Section 19.
- The Supreme Court in *Sagar v. State of Haryana* held in 2026 that a reasoned Section 19(1) decision is mandatory before an adult trial can proceed.[57]
- *X v. State of Bihar* in 2026 provided detailed guidance regarding the four parameters of preliminary assessment.[58]
- Neuroscience indicates that adolescent brain and executive-function development continues into early adulthood.[59]
- Adolescents may demonstrate increased sensitivity to peers, rewards and social context, but individual differences remain significant.[60]
- Neurodevelopmental evidence cannot, by itself, determine individual criminal capacity.
- Adult trial should therefore not be based solely on chronological age, offence seriousness, IQ or a single psychological test.
- The circumstances surrounding the alleged offence remain essential to an accurate developmental assessment.
- Rehabilitation continues to be an important objective even where adult trial is ordered.
- The present framework creates important safeguards, but effective implementation depends upon qualified experts, reasoned decisions and judicial scrutiny.

SUGGESTIONS AND RECOMMENDATIONS

- Preliminary assessments under Section 15 should be conducted with the assistance of qualified child psychologists, adolescent psychiatrists or suitably experienced multidisciplinary professionals.
- No single intelligence test or psychological tool should be treated as determinative of maturity.
- Assessment should consider cognitive, emotional, social and developmental factors together.
- The child's family background, educational history, peer environment, trauma exposure and other relevant circumstances should be examined.
- The Board should provide detailed reasons addressing each of the four statutory factors under Section 15.
- The preliminary assessment should never become a determination of guilt or innocence.
- The child should be informed in an understandable manner about the purpose and nature of the assessment.
- Adequate opportunity should be provided to challenge or clarify significant material relied upon in the assessment.
- The Children's Court should independently examine the Board's recommendation under Section 19 and record detailed reasons before ordering an adult trial.
- Judges, Board members, prosecutors, defence advocates and police officers dealing with children should receive specialised training in adolescent development and child psychology.
- Neurodevelopmental evidence should be used as contextual scientific material rather than as a substitute for individualised legal assessment.
- Standardised national protocols should be developed for preliminary assessment, while maintaining flexibility to account for individual differences.
- The Government should strengthen access to trained child psychologists and adolescent mental-health professionals across Juvenile Justice Boards.
- Psychological assessments should distinguish developmental maturity from intelligence and academic ability.
- The legal system should continue to provide rehabilitation, counselling, education and skill development even in cases where adult trial is ordered.
- Detention of children should remain consistent with statutory and international standards and should not expose children to unnecessary contact with adult prison environments.
- Courts should strictly comply with the procedural safeguards contained in Sections 15, 18 and 19 of the Act.
- Periodic review and empirical research should be undertaken to determine whether adult-trial mechanisms are achieving rehabilitation, public-safety and justice objectives.
- Judicial and administrative authorities should maintain reliable data on preliminary assessments, transfers to Children's Courts, outcomes and rehabilitation measures, while protecting the identity and privacy of children.
- The interpretation of juvenile justice law should continue to take into account developments in developmental psychology and neuroscience without abandoning the principle of individualised justice.

CONCLUSION

The question of trying juveniles as adults presents a difficult legal and developmental problem. The issue involves competing concerns of accountability, protection of victims, public safety, rehabilitation, constitutional rights and the developmental status of children.

The Juvenile Justice (Care and Protection of Children) Act, 2015 attempts to address this complexity by maintaining eighteen years as the general threshold of childhood while creating a special mechanism for children above sixteen years accused of heinous offences.

The statutory mechanism does not provide for automatic adult trial. Section 15 requires a preliminary assessment of mental capacity, physical capacity, ability to understand the consequences of the offence and the circumstances in which the offence was allegedly committed.[61]

Section 18 then permits transfer to the Children's Court where the Board concludes that adult trial is required, while Section 19 provides another layer of judicial scrutiny.

The Supreme Court has significantly strengthened this framework.

In *Shilpa Mittal*, the Court ensured that the category of heinous offences was not expanded beyond the statutory language.[62]

In *Barun Chandra Thakur*, the Court recognised the importance of specialised psychological and expert assistance in preliminary assessment.[63]

In *Sagar v. State of Haryana*, the Supreme Court in 2026 held that the Children's Court must independently pass a reasoned order under Section 19 before proceeding with an adult trial.[64]

In *X v. State of Bihar*, the Supreme Court in 2026 further explained that the four statutory parameters under Section 15 must be examined independently and collectively and that the assessment must not become an adjudication of guilt.[65]

Neurodevelopmental science gives additional support to the requirement for individualised assessment. Contemporary research indicates that adolescence is a period of continued brain development, including changes in executive functioning, social sensitivity and decision-making. Brain maturation extends into early adulthood and adolescent behaviour can be affected by social context and peer influence.[66]

At the same time, neuroscience should not be used simplistically. The evidence does not establish that every adolescent lacks the ability to understand consequences or control behaviour. Individual differences are substantial, and scientific findings derived from groups cannot automatically determine the legal capacity of one particular child.[67]

Therefore, the central requirement should be a careful and multidisciplinary assessment of the particular child rather than a simple equation between age, offence seriousness and maturity.

Trying juveniles as adults may have a place within a juvenile justice system, but the exceptional mechanism must remain exceptional in practice and must be supported by strong procedural and developmental safeguards.

The objective of Section 15 should not be to determine whether an adolescent appears sufficiently mature to deserve adult punishment. The objective should be to determine, on the basis of reliable evidence, whether the statutory conditions genuinely justify departure from the ordinary juvenile justice framework.

The hypothesis is largely proved. The Indian legal framework contains important safeguards against automatic adult treatment of juveniles, and recent Supreme Court decisions have strengthened those safeguards. However, the reliability of the system depends upon expert assessment, careful judicial reasoning, procedural fairness and proper understanding of adolescent development.

The future of juvenile justice should therefore not be based upon a choice between accountability and rehabilitation. A more appropriate approach is one that recognises accountability while preserving the legal and developmental distinction between children and adults.

A child who commits a serious offence may require a serious legal response, but the response must continue to recognise that adolescence is a stage of development rather than a finished adult condition. The law should therefore strive to ensure that justice is responsive not only to the seriousness of the offence but also to the age, circumstances, developmental capacity and potential for reform of the child.