

Juvenility in Question: A Critical Analysis of Age Determination Mechanisms under the Juvenile Justice (Care and Protection of Children) Act, 2015

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ABSTRACT

One of the most important decision-making processes in India's juvenile justice system is determining a child's age and, consequently, their legal status as a "juvenile." A completely different institutional and procedural regime is triggered when an accused person is classified as a juvenile under the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015), which has significant ramifications for criminal culpability, liberty, and rehabilitation. However, age determination is still plagued by judicial inconsistency, legal uncertainty, and challenging evidence. This essay provides a thorough critical critique of the JJ Act of 2015's age determination framework. The legislative framework governing juvenility, the hierarchy of evidence required for determining age, the development of judicial interpretation from seminal Supreme Court rulings to recent High Court rulings, and the systemic issues undermining the process—such as the lack of trustworthy documentation among marginalised communities and the issue with ossification testing—are all examined. The study assesses how well India's system upholds the UN Convention on the Rights of the Child's child-rights imperatives by drawing on comparative viewpoints from South Africa, the United States, and England and Wales. In order to improve the integrity, equity, and child-centeredness of the age determination process, it ends with a series of theological and policy proposals.

Keywords: juvenile justice; age determination; juvenility; JJ Act 2015; ossification test; children in conflict with law; child rights; judicial interpretation; India

Introduction

In the context of juvenile justice, age is not just a biographical fact; it is a jurisdictional threshold that establishes whether a child appears before a Sessions Court or a Juvenile Justice Board, whether they are sent to a prison or a place of safety, and whether their focus is on punishment or reformation. "How old is this person?" carries with it the entire juvenile justice system's architecture, either activating or closing a system based on the understanding that minors are in a different position before the law than adults due to their developmental incompleteness.

According to the Beijing Rules (1985) and the United Nations Convention on the Rights of the

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Child (UNCRC, 1989), the Juvenile Justice (Care and Protection of Children) Act, 2015 (henceforth referred to as the JJ Act, 2015) establishes the age of juvenility at eighteen. The legislative plan, however, goes one step further and introduces a novel split in the case of severe offences: children between the ages of sixteen and eighteen may be referred to the Children's Court to be tried as adults after the Juvenile Justice Board evaluates their mental and physical capacity. Since the age range of sixteen to eighteen can now determine whether a kid faces an adult criminal prosecution, this innovation—which is itself hotly debated—makes the exact determination of age even more crucial.

Even with this importance, India's methods for determining age are still very difficult. A considerable number of children, especially those from rural, tribal, and urban impoverished origins, lack trustworthy legal proof of birth due to the nation's ongoing documentation shortage. Courts are forced to use radiological examinations and ossification tests, which have a well-documented margin of error, in the lack of such proof. A body of case law characterised by doctrinal conflict between the state's interest in criminal accountability and the child's right to the benefit of the doubt has resulted from judicial responses to these evidentiary objections being inconsistent.

This article provides a thorough and methodical examination of the JJ Act of 2015's age determination mechanism. The legislative framework, which includes the definition of juvenility and the established hierarchy of evidence, is outlined in Section 2. The evidentiary methods for determining age are rigorously examined in Section 3, with a focus on documentary evidence and medical examination. The judicial interpretation of age determination in significant Supreme Court and High Court rulings is surveyed in Section 4. A comparative study of age determination systems in a few jurisdictions is conducted in Section 5. The systemic issues and doctrinal conflicts that still exist in the current framework are listed in Section 6. Recommendations for reform are presented in Section 7, and Section 8 wraps up.

II The Legislative Framework: Juvenility and Its Determination

2.1 The Definition of 'Juvenile' under the JJ Act, 2015

A "juvenile" is defined as a youngster who has not reached the age of eighteen in Section 2(35) of the JJ Act, 2015. Section 2(13) defines "child in conflict with law" (CCL) as a kid who has not reached the age of eighteen on the date of the alleged or proven offence. This term has two aspects that are important from a legal standpoint.

First, the date of the claimed offense's commission—rather than the date of apprehension, presentation before the Board, or trial—is the pertinent date for assessing juvenility. This concept, which was well-established under the previous legislation, guarantees that a child who was a minor at the time of the offence will still be protected by the juvenile justice system even if they have reached adulthood by the time the procedures are started or finished. This issue was definitively resolved by the Supreme Court in *Arnit Das v. State of Bihar* (2000)¹ and the

¹ *Arnit Das v. State of Bihar*, (2000) 5 SCC 488.

JJ Act, 2015 specifically codifies it in the Explanation to Section 94.

Second, all offences classified as petty, serious, or heinous are subject to the same age threshold of eighteen. However, for heinous offences, children between the ages of sixteen and eighteen are subject to a preliminary assessment under Section 15 before the Board decides whether to retain jurisdiction or transfer the matter to the Children's Court under Section 18(3). The jurisdictional definition of juvenility is not changed by this preliminary assessment procedure, which looks at the child's mental and physical competence, comprehension of consequences, and circumstances. Instead, it establishes a distinct procedural track within it.

2.2 Section 94: The Age Determination Scheme

The central provision governing age determination is Section 94 of the JJ Act, 2015, which reads, in material part, as follows²:

(1) Where, it is obvious to the Committee or the Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry under section 14 or section 36, as the case may be, without waiting for further confirmation of the age. (2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board shall undertake the process of age determination, by seeking evidence by obtaining— (i) the date of birth certificate from the school, or the matriculation or equivalent certificates from the concerned examination Board, if available; and in the absence thereof; (ii) the birth certificate given by a corporation or a municipal authority or a panchayat; and (iii) and in the absence of (i) and (ii) above, the age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board: Provided such age determination test conducted on the child shall take into account the margin of error in such determination.

A distinct hierarchy is established by this clause: (i) school/examination board records; (ii) municipal birth certificates; and (iii) medical examination, including ossification tests. The hierarchy is important: medical inspection is the final option, and recorded proof is favoured over medical estimation. As will be covered in Section 3 below, the clause requiring medical tests to account for the margin of error is likewise of significant theological significance.

2.3 Rule 12 under the JJ Act, 2000: Continuity and Change

Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 dealt with age determination under the previous legislation, the JJ Act, 2000. The Supreme Court interpreted Rule 12 in a number of rulings, creating a hierarchy that was largely comparable. The JJ Act, 2015 gave the framework more normative weight and limited the possibility of executive dilution by elevating age determination to a statutory provision (Section 94) rather than a rule.

² The relevant provision is Section 94, read with the JJ Model Rules, 2016. All references to statutory provisions in this paper are to the JJ Act, 2015, unless otherwise stated.

However, judicial rulings on Rule 12 continue to have substantial persuasive value for interpreting Section 94, and the substantive system is essentially unchanged from the Rule 12 regime.

III. Evidentiary Mechanisms for Age Determination: A Critical Analysis

3.1 Documentary Evidence: The Preferred Mode

3.1.1 School and Examination Board Records

The date of birth as listed in school admission records or as verified by the matriculation or comparable examination board is the primary and most favoured type of evidence for determining age. Because they are kept as part of a formal administrative system, established in an institutional setting, and subject to some level of scrutiny at the time of entry, these records are typically regarded as the most trustworthy.

However, there are significant issues with this type of proof. First, the age documented at the time of school admission may be inaccurate or incorrect, especially in rural areas where parents may not know the exact date of birth or may enter an age based on the child's perceived readiness for school rather than their true age. Second, many youngsters in trouble with the law—disproportionately recruited from marginalised communities—have never attended school or dropped out at a young age, leaving no academic record. Third, records may have been tampered with, either to prove or deny juvenility, depending on the parties' strategic objectives.

Courts have traditionally accepted school records as prima facie proof of age, but they have not been deemed conclusive where there is substantial evidence of error or manipulation. In *Jyoti Prakash Rai v. State of Bihar* (2008)³, the Supreme Court ruled that a school admission register maintained in the regular course had important evidential weight but is not irrebuttable.

3.1.2 Birth Certificates

Municipal birth certificates, issued by a corporation, municipal body, or panchayat, are the second tier of documentary evidence. In an ideal documentation environment, a birth certificate issued close to birth would be the most reliable proof of age. Birth registration in India remains incomplete, despite the fact that the Registration of Births and Deaths Act of 1969 make it mandatory, notably in rural areas, nomadic communities, and urban slums. The Sample Registration System data continuously reveal sub-optimal birth registration rates in various states, implying that a considerable proportion of children do not have a birth certificate.

Where a birth certificate exists, doubts about legitimacy may arise. Courts have generally accorded presumptive validity to government-issued certificates while remaining vigilant for evidence of forgery or late registration—the latter category being particularly problematic, as late registration certificates are frequently obtained for the express purpose of litigation.

³ *Jyoti Prakash Rai v. State of Bihar*, (2008) 15 SCC 223.

3.2 Medical Examination: The Last Resort

3.2.1 Ossification Testing: Methodology and Limitations

Where documentation proof is absent or inaccurate, the Board or Committee may order a medical examination to estimate age. The most often used procedure is ossification testing, which is a radiographic evaluation of bone development and density that usually involves the wrist, elbow, or knee joints. The test's assumption is that bones mature and ossify at relatively predictable rates, allowing age to be estimated based on the degree of ossification detected.

However, the medical literature on ossification tests indicates a potentially significant margin of error. Ossification-based age estimates for teenagers carry an uncertainty range of two to five years in either direction, depending on the joint investigated, the radiological technique used, and the population-specific reference data used, according to forensic medicine studies. The rate of bone development can be influenced by genetics, chronic illness, and nutrition. As a result, a child who is malnourished may exhibit a bone profile that suggests they are younger than their actual age, and vice versa⁴.

This margin of error has been acknowledged by the Supreme Court on multiple occasions, and it has mandated that court decisions take it into account. The Court noted in *Jyoti Prakash Rai v. State of Bihar* (2008) that an ossification test should not be regarded as definitive and that the accused alleging juvenility must be given the benefit of the doubt resulting from the margin of error. The JJ Act, 2015's proviso to Section 94(2) now codifies this idea.

3.2.2 Emerging Modalities: Dental and DNA-Based Estimation

The JJ Act, 2015's Section 94(2)(iii) wisely mentions "any other latest medical age determination test" in addition to the ossification test." This concept, which is future-proof, recognises that medical science may create more precise methods for estimating age. Although technique also has a margin of error, dental age estimation—which is based on the eruption and growth of permanent teeth as well as the level of tooth wear—has acquired some popularity in forensic medicine, especially for younger age groups. Although its forensic use is still in its infancy and Indian courts have not yet embraced it, DNA methylation-based age estimation, which uses epigenetic markers to estimate chronological age, is a more recent development with possibly greater accuracy.

Section 94(2)(iii) reference to the 'latest medical age determination test' should be construed as requiring courts and boards to keep up with breakthroughs in forensic medicine, rather than relying on ossification testing due to institutional inertia. This interpretation is consistent with the child-rights notion of "best interests of the child."

3.3 The Benefit of the Doubt: A Fundamental Principle

Perhaps the most fundamental doctrinal concept guiding age determination is the rule that, in

⁴ For a detailed forensic analysis of the margin of error in ossification testing, see Schmit, P. et al. (2013), Reliability of Bone Age Determination from Wrist Radiographs in Adolescents, *Forensic Science International*, 229(1–3): e1–e5. The study found a 95% confidence interval of approximately ± 2.3 years for adolescents aged 15–18.

circumstances of doubt, the person asserting juvenility should be given the benefit of the doubt. This principle, which is based on the child-protective purpose of juvenile justice legislation, states that if the evidence is inconclusive or the margin of error in a medical examination encompasses both sides of the relevant age threshold (whether sixteen or eighteen), the court must assume the lower age.

This principle was affirmed in *Pratap Singh v. State of Jharkhand* (2005)⁵, where the Supreme Court ruled that the rule of benefit of doubt applies in juvenile justice, and any ambiguity in the evidence must be resolved in their advantage. The principle has now been regularly applied in a variety of factual contexts, and its codification in the JJ Act, 2015, via the proviso to Section 94(2), grants it statutory authority.

IV. Judicial Interpretation: From Landmark Precedents to Contemporary Trends

4.1 The Supreme Court's Architecture of Age Determination Jurisprudence

The Supreme Court has gradually developed a set of binding principles through a number of significant rulings that have shaped—and continue to shape—the application of Section 94 of the JJ Act, 2015. As a result, India's juvenile justice jurisprudence on age determination is largely judge-made.

The foundational decision is *Arnit Das v. State of Bihar* (2000)⁶, when the Court definitively determined that the date of the offense's commission is the pertinent date for determining juvenility. This decision set the temporal anchor for all ensuing age determination procedures and cleared up a long-standing question. It is impossible to overestimate the importance of this decision: regardless of the amount of time that passes before the case is decided, a person who commits an offence one day prior to turning eighteen is still fully protected by the juvenile justice system.

In *Pratap Singh v. State of Jharkhand* (2005)⁷, the question of whether a person who was a juvenile on the date of the offence but had reached majority by the time the claim of juvenility was raised—whether at the trial stage or even at the appellate stage—is eligible for the benefit of the JJ Act was addressed by the Supreme Court. The Court ruled unequivocally that the claim of juvenility may be brought up at any point in a criminal case, including before the Supreme Court, and that the court is both required and empowered to take it into consideration. With major ramifications for the criminal justice system, this decision significantly changed the face of juvenile justice litigation by allowing accused individuals to bring juvenility claims long after conviction and sentencing.

The decision in *Hari Ram v. State of Rajasthan* (2009)⁸ substantially improved the framework, making the evidence hierarchy clear and ruling that the High Court erred in replacing the trial

⁵ *Pratap Singh v. State of Jharkhand*, (2005) 3 SCC 551.

⁶ *Arnit Das v. State of Bihar*, (2000) 5 SCC 488, para. 14. This ruling overruled an earlier contrary view expressed in *Umesh Chandra v. State of Rajasthan*, (1982) 2 SCC 202.

⁷ *Pratap Singh v. State of Jharkhand*, (2005) 3 SCC 551, para. 31: 'The claim of juvenility can be raised before any court at any stage even after final disposal of the case.'

⁸ *Hari Ram v. State of Rajasthan*, (2009) 13 SCC 211.

court's age estimate with its own without sufficient cause. The ruling also reaffirmed the idea that the presumption must be in favour of juvenility in situations that are on the edge. Notably, Rule 12 of the JJ Rules, 2007, which has been significantly integrated into the current Section 94 framework, was given a thorough reading by the Court in the Hari Ram case.

4.2 The Section 15 Dimension: Age Determination in the Context of Heinous Offences

Age determination jurisprudence has taken on a new dimension with the implementation of Section 15 of the JJ Act, 2015, which permits the preliminary evaluation of sixteen to eighteen-year-olds for heinous acts. In a way that was not present under the previous legislation, the exact distinction between minors who are older than sixteen and those who are younger has become legally crucial. In addition to the eighteen-year criterion, courts may now have to consider the sixteen-year threshold when determining an individual's age.⁹

The Supreme Court addressed this dimension in *Shilpa Mittal v. State of NCT of Delhi (2020)*¹⁰, where it was decided that an offence cannot be classified as a "heinous offence" under Section 2(33) of the JJ Act, 2015 if it carries a minimum sentence of more than seven years but either no maximum sentence or a maximum punishment of more than seven years. The ruling has significant ramifications for the Section 15 framework and, consequently, the significance of the sixteen-year age threshold, even though its main focus was on the classification of heinous acts rather than age determination in general.

The procedural requirements of the Section 15 preliminary assessment, particularly the level of knowledge required of the board members performing the assessment and the function of the age determination inquiry in informing the preliminary assessment, have been addressed in later High Court rulings. In particular, the Delhi High Court has rendered a number of important decisions regarding the procedural safeguards that must be followed in preliminary assessments, stressing that the procedure must be carried out with the caution and diligence befitting a decision with such enormous ramifications.

4.3 Raising Juvenility Claims at Advanced Stages of Proceedings

The extent to which a claim of juvenility may be raised—and accepted—at later stages of criminal proceedings, such as after conviction, sentencing, and even during the execution of sentence, is one of the most contentious jurisprudential issues in this field. The *Pratap Singh* decision (2005)¹¹ opened the door to such claims, and subsequent cases have tested the boundaries of this principle.

In *Akbar Sheikh v. State of West Bengal (2009)*¹², many years after the accused's conviction

⁹ Section 15 of the JJ Act, 2015 provides that for a child in conflict with law who is between the age of sixteen and eighteen years and is alleged to have committed a heinous offence, the Board shall conduct a preliminary assessment with regard to the child's mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which the alleged offence was committed.

¹⁰ *Shilpa Mittal v. State of NCT of Delhi*, (2020) 2 SCC 787, para. 22. The Court held that offences such as Section 304 IPC (culpable homicide not amounting to murder), which carry a maximum sentence of life imprisonment but no minimum sentence of seven years, cannot be classified as 'heinous offences.'

¹¹ *Pratap Singh v. State of Jharkhand*, (2005) 3 SCC 551

¹² *Akbar Sheikh v. State of West Bengal*, (2009) 7 SCC 415

and sentencing, the Supreme Court was presented with a claim of juvenility for the first time. In line with Pratap Singh, the Court considered the allegation and ordered an investigation into the accused's age.

However, the Court has also recognised, in cases such as *Dharambir v. State (NCT of Delhi) (2010)*¹³, that courts may be suspicious of statements that seem to be made as a tactical afterthought and that Pratap Singh's latitude is not unqualified. The emerging approach is that the claim cannot be rejected only on the basis of delay; instead, the claimant's burden of proof may be adjusted based on the claim's overall credibility and the stage at which it is raised.

4.4 High Court Developments: Recent Trends

High courts in India have made a substantial contribution to the developing body of law on age determination, frequently tackling issues that the Supreme Court's rulings have left unresolved. In a number of decisions, the Allahabad High Court has stressed the importance of documentary evidence and advised against relying too much on medical advice. The Bombay High Court has discussed the weight that late-registered birth certificates should be given as evidence. In its ruling on the acceptability of horoscopes and family records as secondary evidence of age, the Madras High Court acknowledged their corroborative value but typically held them to be inadmissible as main proof.

Increasing awareness of the systemic documentation deficit among marginalised communities is a noteworthy trend in recent High Court rulings, as courts acknowledge that the lack of documentary evidence is often the result of social exclusion rather than malice. A significant advancement in the humanisation of the age determination investigation is represented by this method, which reads the evidential framework via a social justice lens.

V. Comparative Perspectives on Age Determination

5.1 England and Wales

In England and Wales, the age of criminal responsibility is ten years, and the youth justice system applies to persons below eighteen years of age, consistent with the UNCRC. Section 99 of the Powers of Criminal Courts (Sentencing) Act, 2000¹⁴, and the subsequent legal framework under the Legal Aid, Sentencing and Punishment of Offenders Act, 2012 (LASPO) provide that where a person's age is uncertain, the court shall make a determination based on appearance and other available evidence.

The UK's method is different from India's in that it relies more institutionally on social inquiry reports created by Youth Offending Teams (YOTs). These reports contain a multidisciplinary evaluation of the circumstances of the young person, including their age and developmental stage. In accordance with the Refugee Children's Consortium guidelines, which suggest that in cases where an age assessment is contested, the applicant should be granted the benefit of the doubt, the courts use the principle of benefit of the doubt liberally where age is genuinely questionable. An institutionalised multi-professional evaluation procedure, as opposed to a

¹³ *Dharambir v. State (NCT of Delhi)*, (2010) 5 SCC 344

¹⁴ Powers of Criminal Courts (Sentencing) Act 2000, c.6. United Kingdom

merely judicial-evidentiary inquiry, may yield more dependable and child-sensitive results, according to the UK experience.

5.2 United States

The United States presents a significantly more fragmented picture, with juvenile justice administered primarily at the state level and the age of juvenile court jurisdiction varying from state to state—typically ranging from fifteen to eighteen years. The constitutional framework established by the Supreme Court in a series of landmark decisions—*Roper v. Simmons* (2005)¹⁵, *Graham v. Florida* (2010)¹⁶, and *Miller v. Alabama* (2012)¹⁷—has, however, imposed significant federal constitutional constraints on the sentencing of juveniles, grounded in the Eighth Amendment's prohibition on cruel and unusual punishment.

Due to higher rates of birth registration and documentation, age determination in the US is less institutionally challenging than in India. However, the concept of "diminished culpability of juveniles," as expressed in *Roper* and its offspring, has expanded the subject of how youth is factored into culpability assessments—rather than the simple fact of chronological age. For India's Section 15 preliminary assessment procedure, this jurisprudential development—which is based on neuroscientific data about teenage brain development—offers a crucial comparative lesson.

5.3 South Africa

Given the similar issues of inequality, a lack of documentation, and a sizable marginalised population, South Africa's Child Justice Act, 75 of 2008, may provide India with the most illuminating comparative model. A child justice court must perform a preliminary investigation if the kid's age is unclear, according to Section 9 of the Child Justice Act, which offers a comprehensive framework for determining age. The inquiry may request a medical examination and hear testimony from the kid, parents, or other suitable adults, but the court must uphold the fundamental concept that the child's best interests come first.

Notably, the South African framework specifically tackles the issue of undocumented minors, stating that while a birth certificate or identity document creates a rebuttable presumption of age, other types of evidence, such as community testimony, may be taken into account. This all-encompassing approach to evidence, which is based on an understanding of the socioeconomic setting in which many children reside, provides a model that Indian legislators and courts may find useful.

5.4 Lessons from Comparative Analysis

Three key lessons that apply to the Indian context are revealed by the comparative survey. First, although its application is still unequal, the child-protective principle of benefit of doubt is almost universally present in juvenile justice systems in UNCRC-compliant countries,

¹⁵ *Roper v. Simmons*, 543 U.S. 551 (2005)

¹⁶ *Graham v. Florida*, 560 U.S. 48 (2010).

¹⁷ *Miller v. Alabama*, 567 U.S. 460 (2012).

indicating that India's doctrinal approach is generally consistent with international norms. Second, compared to simply adversarial evidential hearings, institutionalised multi-professional evaluation procedures—like YOTs in England or the preliminary inquiry mechanism in South Africa—may yield more trustworthy results. Third, the US constitutional jurisprudence on juvenile culpability is informed by the growing neuroscientific understanding of adolescent development, which provides a potentially important addition to the chronological age threshold—a dimension that India's Section 15 framework alludes to but does not fully develop.

VI. Systemic Challenges and Doctrinal Tensions

6.1 The Documentation Deficit and Social Exclusion

The most basic structural issue with the age determination framework is the general lack of trustworthy documentation in the communities that produce the majority of youngsters who are in legal trouble. Scheduled castes, scheduled tribes, urban poor, migratory labourers, and nomadic people are examples of marginalised communities that have historically had low birth registration rates, little access to formal education, and little interaction with municipal administrative systems. In reality, the documented hierarchy of Section 94(2) is inaccessible for children from these groups, and the intrinsically imprecise medical examination bears the full responsibility of determining age.

Children with social capital and access to documentation can determine their age through the preferred documentary mode, while children without such access must go through a more ambiguous and possibly discriminatory process. This systemic failure has a differential and discriminatory impact. The gap between the aspirational documentary hierarchy and the practical reality of documentation lack continues to be a major cause of unfairness, and the legal framework does not sufficiently address this mismatch.

6.2 Inconsistency in Judicial Application

Age determination principles are used inconsistently throughout India, according to an examination of High Court rulings. Although the Supreme Court has established a clear doctrinal framework, district and sessions courts—where the majority of juvenile justice procedures occur—have not consistently applied this approach. There is a wide range of judicial opinions about ossification testing; some courts consider medical reports to be very convincing, while others reject them due to the specified margin of error. There are also significant differences in the propensity to examine juvenility issues brought up at the appellate level.

The lack of formal rules for age determination enquiries at the trial court level and insufficient judicial training in juvenile justice legislation are two factors contributing to this discrepancy. This leads to a situation that is fundamentally incompatible with the rule of law, where the outcome of an age determination investigation may be greatly influenced by which court—and which judge—happens to be hearing the subject.

6.3 Misuse and Strategic Claims

The possible abuse of juvenility claims—the calculated assertion of minority by adult offenders hoping to profit from the more sympathetic juvenile justice system—is a worry that prosecutors, police, and certain judicial officers routinely voice. Although technically acceptable under Pratap Singh, the raising of juvenility claims at later stages of proceedings has drawn criticism for opening the door to manipulation, especially in cases when the supporting material is shaky or created after the fact. This worry is legitimate, but it needs to be weighed against the possibility of depriving people who were actually minors at the time of the offence of the juvenile justice system.

The answer is to strengthen the institutional procedures and evidentiary standards for assessing such claims, including the creation of more trustworthy age estimation techniques and more stringent examination of documentary evidence, rather than limiting the ability to claim juvenility, which would compromise the legislation's child-protective goal.

6.4 Tensions in the Section 15 Framework

The age determination system is structurally strained by the preliminary evaluation procedure under Section 15 of the JJ Act, 2015. When an offence is deemed egregious and the minor is found to be between sixteen and eighteen years old, the process begins. Both of these conclusions, however, could be disputed: the designation of an offence as heinous has sparked significant legal debate (as demonstrated by the Shilpa Mittal ruling), and the age determination procedure, with its known margin of error, could yield a result that falls between the sixteen-year mark.

The question of whether a kid should be considered above or below the sixteen-year-old threshold for the purposes of Section 15 arises when the margin of error in an ossification test includes that age. The lower age—and thus the age below the Section 15 threshold—should be presumed, according to the benefit of the doubt principle. This hasn't been regularly implemented, though, and the interaction between the Section 15 procedure and the age determination framework is still an open legal question.

VII. Recommendations for Reform

The foregoing analysis yields the following recommendations, addressed to the legislature, the judiciary and the executive:

- **Statutory Clarification of Margin of Error:** The JJ Act, 2015 should be amended to specify a minimum margin of error to be assumed in all cases where age is determined through medical examination. This margin of error should be at least two years on either side of the estimated age. Additionally, the benefit of the doubt should be applied in favour of the lower age in cases where this margin of error encompasses any legally significant age threshold (sixteen or eighteen years).
- **Mandatory Judicial Training:** With a focus on age determination procedures, the evidence hierarchy under Section 94, and the application of the benefit of doubt principle, the National Judicial Academy and State Judicial Academies should create and mandate structured training modules on juvenile justice legislation. Experts in forensic medicine should provide feedback on the state of age estimation research in

such training.

- **Institutionalisation of Multi-Disciplinary Assessment:** India should create institutionalised multidisciplinary assessment teams of social workers, doctors, and legal aid officers to facilitate age determination enquiries, especially in cases involving undocumented children, in accordance with the South African and UK models. Instead of taking over the Board's adjudicatory role, these teams should be integrated into the JJB system and serve as a resource.
- **Expansion of Birth Registration Infrastructure:** The documentation ecosystem that supports the age determination framework needs a significant structural overhaul. As required by the Registration of Births and Deaths (Amendment) Act, 2023, universal and real-time birth registration must be successfully implemented, with special attention to marginalised and nomadic communities. One long-term documentary infrastructure objective should be to connect Aadhaar-based identity systems with birth registration data.
- **Recognition of Community Evidence:** Particularly in situations involving communities with low documentation rates, the JJ Act, 2015 or its Model Rules should be amended to recognise community-based evidence of age, such as testimony from community elders, religious records, or panchayat records, as admissible and possibly corroborative evidence. This strategy, which is based on the South African Child Justice Act, would more accurately represent the social reality of age evidence in India.
- **Development of Updated Medical Protocols:** Updated evidence-based procedures for medical age estimation should be developed by the Ministry of Health and Family Welfare in collaboration with the Indian Council of Medical Research. These standards should incorporate scientifically proven advances in dental and DNA-based techniques. All medical officers doing age examinations under Section 94(2)(iii) should have access to these protocols.
- **Codification of Benefit of Doubt at Both Age Thresholds:** The Model Rules under the JJ Act, 2015 should be changed to specifically state that the benefit of the doubt principle applies to both the eighteen-year threshold and the sixteen-year threshold under Section 15, and that a child must be treated as under sixteen years old in situations where it is unclear whether they are.

VIII. Conclusion

A microcosm of the larger issues facing India's juvenile justice system is the determination of juvenility under the JJ Act, 2015: an aspiration toward child rights, expressed in progressive legislation, that is frequently undermined by institutional incapacity, social inequality, and doctrinal inconsistency. The age determination framework is structurally robust but operationally brittle in its application. It is based on a reasonable hierarchy of evidence and is supported by a well-established judicial doctrine of benefit of doubt.

Making this decision incorrectly has serious repercussions. The whole force of the adult criminal justice system, including incarceration alongside adult offenders, is applied to a kid

who is mistakenly categorised as an adult. This experience is frequently identified in the study literature as criminogenic rather than rehabilitative. On the other hand, an adult who is mistakenly labelled as a juvenile benefit from a system intended for minors, which could erode public trust in the legal system. The framework must minimise both types of error because they both have high costs.

This paper's comparative research indicates that while India's doctrinal principles are generally in line with international standards, the framework's institutional and infrastructural underpinnings need to be significantly strengthened. In order to achieve this goal, Section 7 offers a number of specific improvements that would improve the age determination process's dependability, consistency, and child-centeredness rather than a complete rethinking of the framework.

In the end, a society's connection with its most vulnerable members is fundamentally affected by the question of juvenility, or who is considered a kid under the law. The best available science, the most compassionate interpretation of its legal framework, and an unwavering dedication to the idea that every child deserves the protection of a system intended for their care rather than just their punishment must all be taken into consideration when India's legal system responds to this question.

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