# IPC Section 83: Act of a child above seven and under twelve of immature understanding.

## IPC Section 83: Act of a Child Above Seven and Under Twelve of Immature Understanding - A Detailed Explanation  
  
Section 83 of the Indian Penal Code (IPC) addresses the criminal liability of children who are older than seven but younger than twelve. Unlike the absolute immunity granted to children under seven by Section 82, Section 83 introduces a conditional exemption based on the child's maturity and capacity to understand the consequences of their actions. The section reads:  
  
\*\*"Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion."\*\*  
  
This section introduces several complex legal and psychological concepts, which require detailed analysis:  
  
  
\*\*1. Conditional Immunity:\*\*  
  
Unlike the absolute immunity provided by Section 82, Section 83 offers a qualified exemption from criminal liability. The child's exemption depends on their "maturity of understanding." This means that while age is a factor, it is not the sole determinant. The crucial question is whether the child possessed the necessary cognitive capacity to comprehend the nature and consequences of their actions at the time of the offence.  
  
  
\*\*2. Maturity of Understanding:\*\*  
  
The phrase "maturity of understanding" is the cornerstone of Section 83. It refers to the child's intellectual and emotional development, particularly their ability to distinguish right from wrong and understand the potential repercussions of their actions. It involves assessing the child’s cognitive abilities, moral reasoning, and social awareness. It's a subjective assessment based on the individual child’s development, not simply their chronological age.  
  
  
\*\*3. Judge of the Nature and Consequences of Conduct:\*\*  
  
This phrase further clarifies the concept of maturity of understanding. The child must be able to comprehend both the nature of their act (what they are doing) and its consequences (the potential harm or impact of their actions). This involves understanding the causal link between the act and its outcome. For example, a child must understand that hitting someone can cause pain and injury.  
  
  
\*\*4. "On that occasion":\*\*  
  
The inclusion of the phrase "on that occasion" emphasizes that the assessment of maturity of understanding is context-specific. It acknowledges that a child's capacity to understand can vary depending on the situation, their emotional state, and other surrounding factors. A child might demonstrate sufficient maturity in one situation but not in another.  
  
  
\*\*5. Burden of Proof:\*\*  
  
The burden of proving the child's lack of maturity of understanding rests on the person claiming the protection of Section 83. This usually involves providing evidence regarding the child's mental and emotional development. Evidence can include psychological assessments, testimony from teachers, parents, or other individuals familiar with the child, and the child’s own statements.  
  
  
\*\*6. Relevance of Evidence:\*\*  
  
The court considers various factors when assessing a child's maturity of understanding. These may include the child's age, upbringing, education, social environment, past behavior, and the specific circumstances of the offence. Expert testimony from psychologists or child development specialists can play a crucial role in these assessments.  
  
  
\*\*7. Presumption of Maturity:\*\*  
  
While the burden of proof lies on the defense, there's a general presumption that children between seven and twelve have attained sufficient maturity of understanding. This means that the defence needs to actively challenge this presumption with credible evidence. The older the child within this age bracket, the stronger this presumption becomes, and the more compelling the evidence needs to be to rebut it.  
  
  
\*\*8. Judicial Discretion:\*\*  
  
Ultimately, the determination of a child's maturity of understanding rests with the court. Judges are granted considerable discretion in evaluating the evidence and making this determination on a case-by-case basis. There's no fixed formula or test for maturity; the judge must consider the totality of the circumstances.  
  
  
\*\*9. Consequences of a Finding of Immaturity:\*\*  
  
If the court determines that the child lacked sufficient maturity of understanding, they are exempt from criminal liability and cannot be convicted or punished. However, they may still be subject to measures under the Juvenile Justice (Care and Protection of Children) Act, 2015, particularly if they are deemed to be in need of care and protection.  
  
  
\*\*10. Contrast with Section 82:\*\*  
  
Section 83 differs significantly from Section 82, which provides absolute immunity to children under seven. Section 83 offers only conditional immunity, dependent on the child's maturity of understanding. This reflects the recognition that children between seven and twelve are in a transitional stage of cognitive and moral development. Some children in this age group may have developed the capacity to understand the consequences of their actions, while others may not.  
  
  
\*\*11. Role of Juvenile Justice System:\*\*  
  
Even if a child between seven and twelve is found to have sufficient maturity of understanding, they are still subject to the provisions of the Juvenile Justice Act, 2015. This Act provides for a distinct system of justice for children in conflict with the law, emphasizing rehabilitation and reintegration rather than punishment.  
  
  
\*\*12. Conclusion:\*\*  
  
Section 83 of the IPC provides a nuanced approach to the criminal liability of children between seven and twelve. It recognizes the varying levels of maturity within this age group and requires an individualized assessment of each child's capacity to understand the nature and consequences of their actions. This approach balances the need to hold children accountable for their behavior with the recognition of their developmental needs and the importance of providing them with opportunities for rehabilitation and growth.