

---

## JUVENILE JUSTICE POLICIES: BALANCING MINORS' RIGHTS PROTECTION AND ACCOUNTABILITY

---

Samridhi Mittal, Christ (Deemed to be University) Pune Lavasa Campus

### ABSTRACT

This research paper investigates Indian juvenile justice policy with respect to the delicate equilibrium between guarding children's rights and holding children responsible for their offenses. The Indian juvenile justice system has come a long way from colonial practices to modern-day reforms, the most significant being the Juvenile Justice (Care and Protection of Children) Act of 2015. This Act deals with the handling of young offenders, especially those committing serious offenses, and focuses on rehabilitation and reintegration. The paper delves into the history of juvenile justice in India, beginning with early acts such as the Apprentices Act of 1850 and leading up to the 2015 Act, which was heavily driven by the 2012 Delhi gang rape.

The paper emphasizes the major provisions of the 2015 Act, such as the classification of offenses, dealing with juveniles aged 16-18 years, function of the Juvenile Justice Board, and focus on adoption and foster care. It also deals with the functional loopholes of the juvenile justice system, especially relating to heinous crimes committed by juveniles. The study emphasizes the necessity to attend to the causes of juvenile delinquency in the form of early intervention programs, community support, and awareness drives. It also discusses key case laws, such as *Sheela Barse vs. Union of India*, that have fashioned the law. It concludes by presenting concrete suggestions on how to handle juveniles accused of heinous offenses, focusing on rehabilitation, procedural protection, and the necessity of detailed evaluation and child-friendly trials.

**Keywords:** Juvenile, Justice, Rehabilitation, Child, Juvenile courts, Welfare

## INTRODUCTION

The system of laws, rules, and practices known as juvenile justice is intended to handle and treat young offenders as well as provide legal remedies that safeguard their rights in cases of neglect or conflict. Delinquency cases, which include crimes like murder, robbery, and larceny that would be prosecuted as crimes if committed by adults, are handled by juvenile courts. These courts also deal with status offenses, such as truancy, alcohol and tobacco usage, and running away from home, which only require judicial action when committed by minors. In the United States, state and local court-based juvenile justice systems handle cases involving young people who interact with law enforcement and are charged with violating the law. Juvenile courts consider cases to assess whether the minor broke the law and, if so, determine the proper course of action. To assist young people in preventing additional criminal behaviour, state and local juvenile prisons organizations oversee rehabilitative programs, services, and consequences.

The welfare of children is regarded as the most important thing in a civilized society, and the state can never disregard the child, which is the most precious resource in the country. Therefore, the State must guard against misuse and abuse of this asset. The State must take all necessary actions to ensure the appropriate development and growth of children. The government has approved numerous laws pertaining to juveniles to protect them from various forms of exploitation and abuse, and the state has set up numerous courts and committees to ensure that the laws are properly implemented. <sup>1</sup>

Perhaps the Latin term *"Nil Novi Spectrum"* sums up India's juvenile justice system in its entirety. India's existing juvenile justice system may be characterized as *"nothing new on this planet,"* and Indians, especially those in northern India, have a saying that goes, *"It is rarely Too Late to fix."* system. Instead, "Old enough to try to the crime, sufficiently old to try to the time," an English idea used by some US states, would be a more appropriate expression for India's juvenile justice system. <sup>2</sup>

---

<sup>1</sup>[https://shodhgangotri.inflibnet.ac.in/bitstream/20.500.14146/14476/1/seema%20tandle%20madam\\_phd%20the sis\\_2023\\_new%20file-5.pdf](https://shodhgangotri.inflibnet.ac.in/bitstream/20.500.14146/14476/1/seema%20tandle%20madam_phd%20the sis_2023_new%20file-5.pdf)

<sup>2</sup> Volume 8, Issue3, Pritpal Singh, International journal of Novel Research and Development(page-3) (2023)

## HISTORY OF JUVENILE JUSTICE SYSTEM IN INDIA

### ➤ *Early Developments*

India's juvenile justice system has its roots in colonial times. The first legislation was the Apprentices Act of 1850, where children in conflict with the law were treated as apprentices rather than criminals. The Reformatory Schools Act of 1876 provided for the rehabilitation of child offenders through education and training. The Indian Jails Committee (1919-20) also suggested reforms for child perpetrators of crimes, focusing on their segregation from adult criminal offenders. In 1920, the Children Act was passed in Bombay (now Mumbai), which created India's first juvenile court. The law acknowledged the necessity of a distinct judicial system for juveniles below the age of 16 years, demonstrating early attempts to protect young offenders.

### ➤ *Post-Independence Era*

After independence, the Indian Constitution emphasized child welfare through Fundamental Rights and Directive Principles of State Policy. The Children Act of 1960 was a landmark law aimed at protecting neglected and delinquent children. It introduced observation homes, special schools, and welfare measures to rehabilitate juveniles. However, this Act lacked uniformity as different states adopted varying age limits and provisions.

### ➤ *Uniform Juvenile Justice Framework*

The Juvenile Justice Act of 1986 was a major milestone toward establishing a uniform juvenile justice system throughout India. It conformed to international norms such as the Beijing Rules of the United Nations (1985) and emphasized care, protection, rehabilitation, and just treatment for juveniles. The Act was instrumental in bringing together all previous fragmented laws in one code.

### ➤ *Contemporary Reforms: Juvenile Justice Act of 2000*

The Juvenile Justice (Care and Protection of Children) Act of 2000 replaced the 1986 law in order to bring it in accordance with the United Nations Convention on the Rights of the Child (1989). It provided for two categories: "children in conflict with the law" and

"children in need of care and protection." The Act prioritized rehabilitation via observation homes and foster care along with ensuring justice administration that was fair in its criminal nature.

### ➤ *Impact of the Nirbhaya Case*

The 2012 Delhi gang rape case deeply impacted the laws of juvenile justice in India. One of the perpetrators was a juvenile only one day below 18, triggering countrywide debates regarding the reduction of the age limit for serious crimes. The Juvenile Justice (Care and Protection of Children) Act, 2015, was enacted as a consequence. This act provided for juveniles between 16-18 who were involved in serious crimes to be tried as adults upon evaluation by a Juvenile Justice Board. It also simplified adoption processes and focused on deterrence and reformatory options.

### ➤ *Recent Amendments*

The Juvenile Justice Act has also been amended further to fill implementation gaps. For example, the Juvenile Justice (Care and Protection of Children) Amendment Act, of 2021, consolidated provisions dealing with adoption and institutional care and streamlined procedural protections.

## **WHY THERE IS A NEED TO REPLACE THE PREVIOUSLY EXISTING ACT?**

The old juvenile justice system was superseded by the Juvenile Justice (Care and Protection of Children) Act of 2015. The Justice Act of 2000 was passed because it was believed that the previous legislation did not sufficiently address the problems of children who were in legal trouble as well as those who required care and protection. The recently enacted legislation was passed in order to close some of the gaps and difficulties found in the former law's implementation and to bring India's juvenile justice system into compliance with international norms.

The new law is more thorough and contains clauses for the protection and care of underprivileged kids as well as the rehabilitation and reintegration of kids who have run afoul of the law. Additionally, it acknowledges the significance of non-institutional care alternatives and highlights the secrecy is necessary to safeguard children's privacy. All things considered,

the 2015 Juvenile Justice (Care and Protection of Children) Act was passed in order to offer a more thorough and kid-friendly framework for handling Indian children who are in legal trouble as well as those who require care and protection.<sup>3</sup>

## THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT OF 2015'S SALIENT FEATURES

The Juvenile Justice (Care and Protection of Children) Act, 2015, is a thorough law that seeks to reform the system of juvenile justice in India. Its main features are as follows:

### MAJOR PROVISIONS

#### ➤ *Definition And Categorization of Offences:*

The Act specifies petty offences as those which invite a maximum punishment of three years' imprisonment. Serious offences are those which invite punishment between **three- and seven-year's** imprisonment. Heinous offences are those that carry a maximum sentence of seven years or more in accordance with the current laws.<sup>4</sup>

#### ➤ *Treatment of Juveniles between 16-18 years:*

Juveniles aged 16-18 can be tried as adults if they commit serious crimes. The same is decided by the Juvenile Justice Board (JJB) after evaluating the physical and mental ability of the child.<sup>5</sup>

#### ➤ *Juvenile Justice Board (JJB):*

JJB is formed of a Chief Judicial Magistrate or Metropolitan Magistrate and two social workers out of which at least one-woman worker must be appointed. JJB works from special premises apart from the general court buildings.<sup>6</sup>

---

<sup>3</sup> Simran Mandhyan, *Efficacy of Juvenile Justice System in India: An Analytical Approach*, (2023), <https://papers.ssrn.com/abstract=4403687>

<sup>4</sup> Juvenile Justice Act (JJA 2018) - Important Provisions of JJA. [UPSC Polity Notes], BYJUS, <https://byjus.com/free-ias-prep/juvenile-justice-act/>

<sup>5</sup> Juvenile Justice (Care and Protection of Children) Act, 2015, Wikipedia (2025), [https://en.wikipedia.org/w/index.php?title=Juvenile\\_Justice\\_\(Care\\_and\\_Protection\\_of\\_Children\)\\_Act,\\_2015&oldid=1273163881](https://en.wikipedia.org/w/index.php?title=Juvenile_Justice_(Care_and_Protection_of_Children)_Act,_2015&oldid=1273163881)

<sup>6</sup> Studocu (<https://www.studocu.com/in/document/swami-ramanand-teerth-marathwada-university/bachelor-of-law/jj-act-salient-features-of-jj-act/56378484>) (03/03/2025)

➤ ***Adoption and Foster Care:***

The Act makes the adoption processes simple, imparting statutory authority to the Central Adoption Resource Authority (CARA). It accords top priority for adoption to disabled children and adopts foster care as an alternate solution to institutions. Parents now have three months to rethink adoption, increased from one month earlier.<sup>7</sup>

➤ ***Penalties for Children's Crimes:***

Administering intoxicating objects to children carries a maximum imprisonment of seven years and/or a fine of ₹100,000. Physical punishment is punishable with a fine of ₹50,000 or imprisonment for three years. *Sale of a child* involves imprisonment of **five years at most and a fine of ₹100,000**. All child care establishments have to be registered, thereby increasing transparency and accountability.<sup>8</sup>

➤ ***Variance Between Children in Conflict with Law and Children in Need of Care and Protection:***

The Act explicitly distinguishes between the two, providing befitting treatment and care for both.

➤ ***Appeal Mechanism:***

Appeal can be filed against JJB orders in the Children's Court, and second appeals can be filed in the High Court.

**GAPS IN THE JUVENILE JUSTICE SYSTEM'S OPERATION, PARTICULARLY IN REGARD TO THE PROBLEM OF SIGNIFICANT CRIMES COMMITTED BY MINORS**

Women will neither be better protected from juvenile crime, nor will serious juvenile offenders be reformed, if the age of the juvenile is lowered or if a waiver system is implemented to allow

---

<sup>7</sup> Juvenile Justice (Care and Protection of Children) Act, 2015, Wikipedia (2025), [https://en.wikipedia.org/w/index.php?title=Juvenile\\_Justice\\_\(Care\\_and\\_Protection\\_of\\_Children\)\\_Act,\\_2015&oldid=1273163881](https://en.wikipedia.org/w/index.php?title=Juvenile_Justice_(Care_and_Protection_of_Children)_Act,_2015&oldid=1273163881)

<sup>8</sup> Studocu (<https://www.studocu.com/in/document/swami-ramanand-teerth-marathwada-university/bachelor-of-law/jj-act-salient-features-of-jj-act/56378484>) (03/03/2025)

JJBs to transfer juveniles accused of committing significant crimes to the adult criminal justice system. Therefore, the way the law is being applied—rather than the legislation itself—is the most pressing and important issue for reform. Juveniles accused or proven to have committed significant crimes can, in fact, be reformed, rehabilitated, and resocialized if the law is applied strictly and if services are planned and provided by motivated experts from a variety of fields.

The system is currently hampered by inadequate infrastructure and undertrained personnel, making the legislative objective of youth rehabilitation and reintegration a pipe dream. Young teenagers, the majority of whom appear to be on the periphery of society, are frequently treated with little to no tolerance, understanding, or willingness.<sup>9</sup> The NCRB data supports this, showing that 6122 of the juveniles detained in 2011 were illiterate, 12,803 had only completed basic school, and 56.7% came from low-income households earning up to Rs 25,000 per year. Only thirty Special Homes exist nationwide.<sup>10</sup> A few of states have not even created a SH. There is very little information on whether young people who commit significant crimes are actually getting the reformatory services and treatment they need recovery as well as reintegration.<sup>11</sup>

The Ministry of Home Affairs' primary agency for gathering crime and recidivism data is the National Crime Records Bureau. Its failure to gather data on juvenile offenders, however, is a significant flaw that makes it difficult to evaluate the effectiveness of the juvenile justice system or guarantee a suitable response to these kids.

Therefore, in order to demonstrate results, the Central Government and State Governments must take proactive steps to not only better enforce the legislation and regulations but also implement, activate, and thoroughly consider the recommendations provided by monitoring and reviewing bodies. It is also necessary to emphasize the role that courts play in facilitating the implementation of laws and regulations, particularly the Juvenile Justice Committees established by the High Courts in some states. Therefore, the most pressing requirement is to increase the trust of victims, juvenile families, and the general public in the JJ system by efficient application of the law rather than through hurried and baseless legal modifications.

---

<sup>9</sup> NCRB, *Crime in India – 2011*, Chapter 10, pg138

<sup>10</sup> <http://wcd.nic.in/>

<sup>11</sup> The States of Bihar, Chhattisgarh, Kerala, Meghalaya, Sikkim, Tripura, Daman and Diu, Lakshadweep, Dadar and Nagar Haveli, Jharkhand and Delhi, in which the capital of India is located, have not yet established such homes.

## CASE LAWS

Numerous landmark cases in India's juvenile justice system have influenced the country's legal structure and strategy for handling youngsters who are in legal trouble. Among the noteworthy instances are:

➤ ***Jitendra Singh v. State of Uttar Pradesh*<sup>12</sup>**: In this instance, the Court ruled that a properly established Medical Board's medical examination must be used to ascertain the juvenile accused's age. The Court further underlined that in order to guarantee that the accused is handled in compliance with the laws pertaining to minors, the age determination must be established as soon as feasible.

➤ ***Jarnail Singh v. State of Haryana*<sup>13</sup>**:

The Court ruled in this case that the Juvenile Justice Act of 2015's provisions, especially those pertaining to determining the age of juvenile offenders, must be applied retroactively. According to the Court, juvenile offenders who received sentences under the previous legislation ought to be granted the chance to receive rehabilitation and reintegration.

➤ ***Sheela Barse & Ors. vs. Union of India & Ors*<sup>14</sup>**:

The landmark Public Interest Litigation (PIL) case *Sheela Barse & Ors. vs. Union of India & Ors.* (1986) 3 SCC 596, [1986] 3 SCR 443, was instituted by journalist Sheela Barse, and the case was for the custodial violence inflicted upon women and inhumane treatment of children kept in prison. The Indian Supreme Court, through the bench of *Chief Justice P.N. Bhagwati and Justice Rangnath Misra*, reiterated the breach of constitutional rights under **Article 21**<sup>15</sup> (*Right to Dignity and Life*) and **Article 39(f)**<sup>16</sup> (*duty of the state to promote the well-being of children in a secure environment*). The Court ordered District Magistrates to visit jails, remand homes, and observation homes to report back on conditions and ensure humane treatment of detainees. It also ordered state governments to file affidavits stating the number of juvenile courts, children's homes, and the conditions in such institutions. This judgment underlined the

---

<sup>12</sup> (2013) 14 SCC 632

<sup>13</sup> (2021) 4 SCC 369

<sup>14</sup> (1986) 3SCC 596

<sup>15</sup> Indian Constitution A-21

<sup>16</sup> Indian Constitution A-39(f)



need to safeguard vulnerable groups in custody and the enforcement of constitutional safeguards.

These cases have influenced India's legal system and approach to handling children who are in legal trouble, placing more emphasis on the necessity of rehabilitation and reintegration programs than on punishment and the significance of defending the child's rights and best interests.

## PARTICULAR ADVICE FOR YOUNG PEOPLE WHO COMMIT SERIOUS CRIMES

### ➤ REHABILITATION AND REINTEGRATION:

- **Focus on Rehabilitation:** Emphasize rehabilitation through counselling, education, and vocational training to help juveniles reintegrate into society. This approach should be tailored to the individual's needs and circumstances.<sup>17</sup>
- **Community-Based Programs:** Implement community-based programs that involve mentorship and family support to prevent recidivism.

### ➤ LEGAL FRAMEWORK ADJUSTMENTS:

- **Clear Definitions and Classifications:** Ensure that the legal framework clearly defines and classifies crimes as petty, serious, or heinous to guide appropriate responses.
- **Age Considerations:** Maintain the current provision allowing juveniles aged 16-18 to be tried as adults for heinous crimes, but ensure this is done with thorough assessments of their mental and physical capacity.<sup>18</sup>

### ➤ PROCEDURAL SAFEGUARDS:

- **Child-Friendly Trials:** Ensure that trials involving juveniles are conducted in a child-friendly atmosphere, respecting their rights and dignity.

---

<sup>17</sup> How should we treat juveniles who commit the most serious crimes? A view from India, Penal Reform International, <https://www.penalreform.org/blog/juvenile-juvenile-view-india/> (last visited Mar 3, 2025)

<sup>18</sup> Articles – Manupatra, <https://articles.manupatra.com/article-details/EXAMINING-INDIA-S-LEGAL-FRAMEWORK-FOR-OFFENSES-COMMITTED-BY-MINORS> (last visited Mar 3, 2025).

- **Assessment and Evaluation:** Conduct comprehensive assessments to evaluate the juvenile's understanding of the crime's consequences and their capacity for rehabilitation.<sup>19</sup>

➤ **PREVENTION STRATEGIES:**

- **Addressing Root Causes:** Identify and address underlying causes of juvenile crime, such as broken families, domestic violence, and poor parenting.
- **Early Intervention:** Implement early intervention programs to prevent minors from engaging in criminal activities.<sup>20</sup>

➤ **PUBLIC AWARENESS AND EDUCATION:**

- **Public Education:** Promote public awareness about juvenile justice laws and the importance of rehabilitation over punishment to foster a supportive environment for reintegration.
- **Professional Training:** Provide training for law enforcement and judicial officers to handle juvenile cases sensitively and effectively.<sup>21</sup>

➤ **IMPLEMENTATION CHALLENGES**

- **Resource Constraints:** Effective implementation requires adequate resources for rehabilitation programs and legal processes.
- **Societal Attitudes:** Changing societal attitudes toward juvenile offenders can be challenging, requiring sustained public education efforts. By adopting these recommendations, India can develop a more balanced approach to handling juveniles involved in serious crimes, focusing on both justice and rehabilitation.

---

<sup>19</sup> How does Indian law treat minors in cases of serious crimes? Nyaaya, <https://nyaaya.org/nyaaya-weekly/how-does-indian-law-treat-minors-in-cases-of-serious-crimes/> (last visited Mar 3, 2025).

<sup>20</sup> Criminal Advocate in Chennai, *Understanding Juvenile Crime in India: Causes, Consequences, and Solutions*, Rajendra Criminal Law Firm | Best Criminal Advocates in Chennai 24/7 (Apr. 6, 2023), <https://criminaladvocate.in/understanding-juvenile-crime-in-india-causes-consequences-and-solutions/> (last visited Mar 3, 2025)

<sup>21</sup> How should we treat juveniles who commit the most serious crimes? A view from India, Penal Reform International, <https://www.penalreform.org/blog/juvenile-juvenile-view-india/> (last visited Mar 3, 2025).

## **CONCLUSION**

In summary, India's system of juvenile justice has come a long way, from punishment to a more rehabilitative mechanism. The Juvenile Justice (Care and Protection of Children) Act, 2015, is a landmark attempt at achieving the protection of children's rights while ensuring accountability, especially in the context of serious offenses. Yet, implementation remains challenging with insufficient infrastructure, underqualified staff, and social attitudes. To make the system more effective, sustained focus on rehabilitation, unequivocal legal definitions, procedural protection, prevention programs, and public education is crucial. By bridging these loopholes and enforcing constitutional protections, India can assist the reintegration of juvenile offenders more effectively while maintaining community security.