

---

# **REFLECTION OF THE PROVISIONS OF THE BEIJING RULES, RIYADH GUIDELINES, AND CONVENTION ON THE RIGHTS OF THE CHILD IN THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015**

---

Sonali Debbarma, LL.M. (Criminal Law), Faculty of Law, ICFAI University, Tripura  
Kamalghat, Mohanpur, West Tripura

## **ABSTARCT**

The Juvenile Justice (Care and Protection of Children) Act, 2015, constitutes a significant legislative reform in India, designed to promote a child-centric approach to the adjudication and rehabilitation of minors in conflict with the law. This article aims to critically analyse the extent to which the Act integrates and reflects the core principles established in three foundational international legal instruments on juvenile justice: the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines, 1990), and the United Nations Convention on the Rights of the Child (CRC, 1989), to which India is a signatory. The article commences with a concise overview of these instruments and subsequently evaluates the degree to which their provisions have been incorporated into the structure and functioning of the Juvenile Justice Act. Key areas of analysis include the prioritization of the best interests of the child, the focus on rehabilitation and reintegration rather than punitive measures, the provision of legal aid, diversion, child participation, and the use of institutionalization as a measure of last resort. While the Act embodies many of these principles, particularly in the domains of care, protection, and non-institutional alternatives such as adoption and foster care, it also introduces contentious provisions most notably, the potential for trying children aged 16–18 as adults for heinous offenses. Because of this gap, people have questioned whether the Act fulfils the CRC's promise of ensuring equal treatment and complete protection for all minors. The article sums up by indicating that the JJ Act, 2015 mostly follows international standards, but issues in both interpretation and implementation must be handled swiftly. It underlines that juvenile justice in India should be built around rights, fairness and change, meeting global standards and addressing the particular issues that Indian children experience.

**Keywords:** Juvenile Justice Act, Child Rights, Beijing Rules, Riyadh Guidelines, UNCRC, Juvenile Law, Rehabilitation, Reformation.

## INTRODUCTION

The evolution of juvenile justice in India has undergone significant transformation over the years, marking a shift from punitive measures to a more reformatory and rehabilitative approach. Historically, children in conflict with the law were not distinguished from adult offenders, prompting widespread criticism and demands for reform. The initial legislative milestone was the Juvenile Justice Act of 1986, which was subsequently replaced by the Juvenile Justice (Care and Protection of Children) Act of 2000, in an effort to align national legislation with the United Nations Convention on the Rights of the Child (CRC), ratified by India in 1992. The current framework, the Juvenile Justice (Care and Protection of Children) Act of 2015, was introduced in response to increasing public demand for stricter measures against juveniles involved in heinous crimes, particularly following the 2012 Delhi gang rape incident.

This article aims to analyse how the 2015 Act embodies the principles and provisions of three key international instruments that underpin modern juvenile justice philosophy: the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines, 1990), and the United Nations Convention on the Rights of the Child (CRC, 1989). The scope of the article includes a comparative assessment of the principles enshrined in these instruments with the statutory and procedural framework established under the JJ Act, 2015. The significance of international standards in shaping national juvenile justice systems is paramount. These instruments provide universal benchmarks for the protection, rehabilitation, and treatment of juveniles, ensuring that countries develop child-centric legal mechanisms. As a signatory to the CRC and a participant in international human rights forums, India bears both moral and legal obligations to implement laws that uphold the rights and dignity of every child. This article seeks to explore whether the JJ Act, 2015 fulfils that commitment in both spirit and practice.

## OVERVIEW OF INTERNATIONAL INSTRUMENTS

### 1. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985) <sup>1</sup>

---

<sup>1</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-administration-juvenile> (last visited on May 31, 2025)

The Beijing Rules represent the inaugural comprehensive international standards specifically targeting juvenile justice. They advocate for a justice system that is child-centric, rehabilitative, and proportional, underscoring that the deprivation of liberty should be a measure of last resort and for the shortest appropriate duration.

Key principles: Minimum intervention in the legal process. Diversion of juveniles from formal judicial proceedings. Fair and humane treatment, with respect for the child's dignity. Legal representation and procedural safeguards during adjudication. A strong emphasis on reintegration and social rehabilitation.

## **2. United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines, 1990)<sup>2</sup>**

The Riyadh Guidelines adopt a broader social perspective, prioritizing prevention over response. They highlight the roles of families, schools, communities, and social policies in addressing the root causes of juvenile delinquency. Key principles include: Promoting social inclusion and development of children. Encouraging constructive use of leisure time and peer influence. Discouraging the criminalization of status offenses and victimless crimes. Ensuring positive adult and peer role models in a child's life. These guidelines emphasize that society collectively bears the responsibility of preventing juvenile delinquency through investment in youth and families.

## **3. United Nations Convention on the Rights of the Child (CRC, 1989)<sup>3</sup>**

The CRC is the most comprehensive treaty on children's rights, ratified by nearly every nation globally, including India in 1992. It asserts that all individuals under the age of 18 are entitled to certain inalienable rights, particularly in legal contexts.

Relevant provisions:

Article 3: The best interests of the child must be the primary consideration.

---

<sup>2</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-guidelines-prevention-juvenile-delinquency-riyadh> (last visited on May 30, 2025)

<sup>3</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (last visited on May 30, 2025)

Article 12: The right of the child to be heard in all judicial proceedings affecting them.

Article 37: Protection from torture and unlawful deprivation of liberty; prohibition of the death penalty or life imprisonment without parole for children.

Article 40: Child-friendly justice that emphasizes rehabilitation over retribution. The CRC imposes a significant obligation on states to establish separate legal mechanisms for children, ensuring their protection, dignity, and development within any justice process.

These international instruments have laid the groundwork for the evolution of juvenile justice laws worldwide, including India's Juvenile Justice Act, 2015. The subsequent section will examine how these principles are integrated into the Indian legal framework and the extent to which they are reflected in both letter and spirit.

## **JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015<sup>4</sup> – KEY FEATURES**

The Juvenile Justice (Care and Protection of Children) Act, 2015<sup>5</sup> was enacted to supersede the Juvenile Justice Act of 2000<sup>6</sup>, with the objective of establishing a more comprehensive legal framework for addressing offenses committed by juveniles and for the care, protection, rehabilitation, and adoption of children. This Act was introduced in response to national outrage over heinous crimes involving juveniles and seeks to balance societal demands for justice with India's international obligations towards children. Key features of the JJ Act, 2015 include:

### **1. Dual Categories of Children**

The Act distinctly categorizes children in Conflict with Law those alleged or found to have committed an offense. Children in Need of Care and Protection those who are orphaned, abandoned, or subjected to abuse, trafficking, or exploitation. Separate procedures and authorities are prescribed for addressing these categories, ensuring targeted rehabilitation and protection.

---

<sup>4</sup> <https://blog.ipleaders.in/introduction-overview-juvenile-justice-care-protection-act-2015/> (last visited on May 30, 2025)

<sup>5</sup> *Ibid.*

<sup>6</sup> <https://blog.ipleaders.in/all-about-juvenile-justice-act/> (last visited May 31, 2025)

## **2. Preliminary Assessment for Heinous Offenses (Section 15)**

One of the most debated provisions of the Act is the authority granted to the Juvenile Justice Board to conduct a preliminary assessment of juveniles aged 16–18 who are alleged to have committed heinous offenses. Based on this assessment, such juveniles may be transferred to the Children's Court for trial as adults. This has raised concerns over potential violations of the CRC's principles, particularly the presumption of reduced culpability and the focus on rehabilitation.

## **3. Child Welfare Committees (CWCs)<sup>7</sup>**

For children in need of care and protection, the Act mandates the establishment of Child Welfare Committees in every district. CWCs have the authority to make decisions regarding custody, placement in shelter homes, and long-term rehabilitation.

## **4. Juvenile Justice Boards (JJBs)**

JJBs are specialized bodies empowered to address children in conflict with law. They consist of a Metropolitan or Judicial Magistrate and two social workers (at least one female). Their procedures are designed to be child-friendly, informal, and non-adversarial, ensuring the protection of the child's dignity and rights.

## **5. Emphasis on Rehabilitation and Social Reintegration**

The Act emphasizes non-institutional care, such as: Foster care, Sponsorship, Adoption (regulated by the Central Adoption Resource Authority - CARA). It also provides for aftercare programs for children who leave institutional care upon reaching adulthood.

## **6. Prohibition of Corporal Punishment and Child Abuse**

The Act includes provisions to protect children from physical and mental abuse within child care institutions, with penalties for violations.

## **7. Streamlining of Adoption Procedures**

A notable addition in the 2015 Act is the creation of a centralized adoption mechanism under

---

<sup>7</sup> <https://blog.ipleaders.in/powers-and-functions-of-child-welfare-committee/> (last visited on May 30, 2025)

CARA to ensure transparency, efficiency, and protection of children's rights in adoption processes.

In essence, the JJ Act, 2015 is a comprehensive legal framework aimed at integrating child-friendly procedures, protection mechanisms, and rehabilitative services, while introducing stricter provisions for serious offenses. However, its compatibility with international norms particularly in light of the transfer of juveniles to adult courts remains a matter of critical analysis, as discussed in the next section.

## **COMPARATIVE ANALYSIS: INTERNATIONAL INSTRUMENTS & JUVENILE JUSTICE ACT, 2015**

This section critically evaluates the alignment of the Juvenile Justice (Care and Protection of Children) Act of 2015 with three significant international instruments: the Beijing Rules, the Riyadh Guidelines, and the UN Convention on the Rights of the Child (CRC). While the JJ Act contains some progressive themes from these publications, some sections, particularly the transfer of juveniles aged 16-18 to adult courts, raise concerns about conformity with international child rights standards.

### **1. REFLECTION OF THE PROVISION OF BEIJING RULES IN JJ ACT, 2015**

#### **A. Focus on Rehabilitation and Reformation**

Beijing Rules: Prioritizes rehabilitation over punishment, pursuing the juvenile's best interests through reformation rather than revenge.

The JJ Act of 2015 promotes rehabilitation and social integration through a variety of provisions including counselling, education, skill development, and aftercare programs (Sections 40 and 44). Its goal is to reduce recidivism by emphasizing reformatory tactics.

#### **B. Non-discriminatory Treatment**

Beijing Rules: Supports the right to equality and non-discriminatory treatment regardless of race, colour, gender, or other status.

The JJ Act of 2015 ensures equal care and protection for all children in conflict with the law and prohibits discrimination.

### **C. Separate System for Juveniles**

Beijing Rules: Requires a separate structure for handling juvenile matters from adults in order to ensure a more protective approach.

JJ Act 2015: The Act stipulates a separate Juvenile Justice Board (JJB) and Child Welfare Committees (CWCs) to deal exclusively with juvenile cases (Section 4–27), ensuring children do not interface with the adult criminal system.

### **D. Minimum Use of Institutionalization**

Beijing Rules: Encourages community-based remedies such as probation and therapy, rather than incarceration.

JJ Act 2015: Institutionalization is viewed as a last choice, with non-institutional alternatives like as foster care, sponsorship, and adoption prioritized (Sections 39, 42). This guarantees that youngsters can reintegrate into society without requiring extended institutional care.

### **E. Proportionality and Fair Treatment**

The Beijing Rules require that the response to juvenile infractions be commensurate to both the offense and the juvenile's circumstances.

JJ Act 2015: The Act uses proportionality by categorizing offenses (petty, serious, and heinous) and establishing appropriate processes for each, particularly for heinous offenses committed by 16-18-year-olds (Sections 15, 18).

### **F. Right to Privacy and Confidentiality**

The Beijing Rules emphasize the importance of respecting minors' privacy and confidentiality in order to avoid stigmatization.

The JJ Act of 2015 bans the release of juvenile records, guaranteeing that no media or public exposure of identification occurs (Section 74), thus protecting the child's right to privacy.

### **G. Use of Diversion and Alternative Dispositions**

Beijing Rules: Encourages diverting adolescents from court processes whenever possible.

JJ Act 2015: Allows for diversionary options such as community service and group counseling, and the JJB can issue orders based on the child's unique circumstances rather than just punitive measures.

### **H. Right to Legal Representation**

Beijing Rules: Ensures that adolescents have access to legal aid and representation in order to protect their fair trial rights.

The JJ Act of 2015 mandates legal aid for juveniles (Sections 12 and 13), supporting their right to a fair process.

## **2. REFLECTION OF THE PROVISION OF RIYADH GUIDELINES IN JJ ACT, 2015**

### **A. Emphasis on Prevention and Early Intervention**

The Riyadh Guidelines emphasize the significance of preventing adolescent delinquency through social, educational, and familial support systems.

JJ Act: The Act supports this preventive strategy by establishing Child Welfare Committees (CWCs) and Juvenile Justice Boards (JJBs), which strive to address issues early on and divert youngsters from criminality through intervention and aid.

### **B. Decriminalization and Avoiding Harsh Punishments**

Riyadh Guidelines: They propose decriminalizing actions committed by youngsters and avoiding punitive measures if possible.

The JJ Act, while establishing alternative treatment for juveniles aged 16 to 18 for serious actions, focuses primarily on restorative justice and rehabilitation. It discourages imprisonment and ensures a non-penal environment in child care establishments.

### **C. Rehabilitation and Social Reintegration**

The Riyadh Guidelines emphasize that the fundamental purpose of juvenile justice should be reintegration into society, not vengeance.



The JJ Act makes rehabilitation a primary goal, and it includes extensive measures for juvenile care, protection, treatment, education, and vocational training. It also requires post-release monitoring and follow-up to facilitate reintegration.

#### **D. Education, Skills Development, and Recreation**

The Riyadh Guidelines stress access to education, vocational training, and recreational activities as preventive strategies.

The JJ Act requires the provision of education and skill development within juvenile institutions, ensuring that minors have opportunities for learning and personal development, which can help avoid recidivism.

#### **E. Community and Family-Based Approaches**

Riyadh Guidelines: Community involvement is encouraged to support adolescents and avoid delinquency, as well as programs to enhance family systems.

JJ Act: The Act emphasizes community and parental involvement in the juvenile's development, particularly through CWCs and other support systems focused at family-based care.

#### **F. Focus on the Best Interests of the Child**

Riyadh Guidelines: They prioritize the child's welfare and best interests in all interventions.

JJ Act: This principle is enshrined in the Act, which mandates that all proceedings under the law focus on the best interest of the child, emphasizing rehabilitation over punishment.

### **3. REFLECTION OF THE PROVISION OF CONVENTION ON THE RIGHTS OF THE CHILD (CRC, 1989) IN JJ ACT, 2015**

#### **1. Best Interest of the Child**

UNCRC Principle: The best interests of the child should be prioritized in all acts involving children (Article 3).

JJ Act Reflection: The JJ Act requires that the best interests of the child be key to all decision-making procedures and processes. This includes decisions related to rehabilitation, restoration, and adoption.

## **2. Right to Participation**

UNCRC Principle: Children have the right to be heard in any judicial or administrative procedures that affect them (Article 12).

JJ Act Reflection: The JJ Act ensures that a child's voice is heard through systems such as the Child Welfare Committee (CWC) and Juvenile Justice Boards (JJBs), which allow youngsters to express their opinions and concerns.

## **3. Right to Protection from Abuse and Neglect**

The UNCRC Principle states that children should be protected from all forms of physical or mental violence, injury, abuse, neglect, or exploitation (Article 19).

JJ Act Reflection: The JJ Act includes laws designed to protect children from neglect, abuse, and exploitation. It also establishes sanctions for crimes against children, particularly those in need of care and protection.

## **4. Non-Discrimination**

Article 2 of the United Nations Convention on the Rights of the Child states that all children have equal rights without discrimination.

JJ Act Reflection: The JJ Act promotes equal treatment for all children, regardless of background, gender, caste, or religion, and ensures non-discriminatory procedures for children in dispute with the law as well as those in need of care and protection.

## **5. Right to Family Environment**

UNCRC Principle: Children have the right to family life and should grow up in a loving and caring environment (Article 9).

JJ Act Reflection: The JJ Act emphasizes family-based rehabilitation and promotes foster care,

adoption, and sponsorship programs. Institutions are considered a last choice, and efforts are made to reconcile children with their families when possible.

## **6. Rehabilitation and Social Reintegration**

UNCRC Principle: The rehabilitation of children robbed of their liberty must be prioritized (Article 40).

JJ Act Reflection: The JJ Act provides for a variety of rehabilitation programs for children in conflict with the law, including as counselling, skill development, and vocational training, to aid in their reintegration back into society.

## **7. Minimum Age of Criminal Responsibility**

The United Nations Convention on the Rights of the Child advises states to establish a minimum age for criminal culpability that takes into account a child's developmental stage.

JJ Act Reflection: Although the JJ Act mandates several techniques based on age, it establishes a minimum age threshold for separating juveniles from adult offenders. Children under the age of 18 are typically treated in juvenile care systems; however, children aged 16 to 18 can be tried as adults for heinous offenses after a suitable assessment by the JJB.

## **8. Right to Education and Health**

UNCRC Principle: Every child has the right to education (Article 28) and to the highest attainable standard of health (Article 24).

JJ Act Reflection: The JJ Act ensures that children in institutional care have access to education, healthcare, and recreation facilities, promoting their overall development.

## **CRITICAL REFLECTION & CHALLENGES**

While the Juvenile Justice (Care and Protection of Children) Act, 2015 adopts principles from international treaties, the way it is applied shows many issues and contradictions that weaken its approach as a rehabilitative justice system for children. Here, this section studies these challenges and assesses the problems preventing effective juvenile justice in India.

## **1. Adult Trial of Juveniles: A Regressive Step**

The most contentious provision of the 2015 Act is the preliminary assessment for children aged 16–18 involved in heinous offenses, which potentially allows them to be tried as adults. Although this measure was introduced to address public concerns regarding accountability, it contradicts the CRC's unequivocal definition of a child as anyone under 18, and The Beijing Rules, which emphasize that juvenile justice must prioritize rehabilitation over punishment. The subjectivity and lack of standardized protocols in preliminary assessments by the Juvenile Justice Board (JJB) also raise concerns about the fairness and consistency of decisions. Such practices risk criminalizing adolescents rather than reforming them.

## **2. Disparity in Implementation**

Despite the Act's uniform national applicability, its implementation varies across states, particularly in the constitution and functioning of Juvenile Justice Boards and Child Welfare Committees. The issues include Vacancies or lack of trained personnel in JJBs and CWCs. Poorly maintained child care institutions lacking adequate infrastructure or psychosocial support. Delays in adoption and foster care processes due to bureaucratic hurdles. This uneven enforcement undermines the Act's objective of providing timely and effective care and rehabilitation.

## **3. Preventive and Community-Based Approaches Are Weak**

The Riyadh Guidelines emphasize preventive strategies such as community-based interventions, education, and family support to address juvenile delinquency. However, India lacks a comprehensive national delinquency prevention strategy. There is minimal emphasis on School-based behavioural programs. Community engagement to identify at-risk children. Investment in mental health services for vulnerable youth. This gap reflects a systemic failure to address the root causes of juvenile conflict with the law, such as poverty, abuse, neglect, or substance use.

## **4. Institutional Bias and Limited Alternatives**

Although the JJ Act promotes non-institutional alternatives, in practice, institutionalization remains the norm. Children are often placed in observation homes or shelter homes without sufficient review or consideration for family-based care options. Many of these institutions

face overcrowding and understaffing, Lack of individualized rehabilitation plans, Reports of abuse and neglect, violating CRC Articles 19 and 37. This undermines the rehabilitative intent of the Act and violates children's right to live in a safe and supportive environment.

## **5. Child Participation and Legal Representation**

While the Act mandates child-friendly procedures, children's voices are often marginalized in actual proceedings. Access to qualified legal aid, counsellors, and support persons is inconsistent. There is little awareness or training among stakeholders (police, magistrates, social workers) about the importance of meaningful child participation as mandated by Article 12 of the CRC.

## **RECOMMENDATIONS**

### **1. Examine the policy on taking juveniles to adult courts.**

Revise Section 15 of the JJ Act to stop juveniles aged 16–18 from being tried in adult courts. So, add experts in psychology and child rights to the Juvenile Justice Boards (JJBs) so they can give lasting help to troubled children. Introduce tested and standard approach for assessment to prevent making arbitrary judgments.

### **2. Proper implementation of the Rules in all States**

Put in place a main monitoring system through the National Commission for Protection of Child Rights (NCPCR) to ensure the JJ Act is carried out. See that JJBs, CWCs and child care institutions are staffed with well-trained team members. Make it necessary for child care homes to be regularly inspected and checked through audits and follow up on any issues found.

### **3. Improve efforts to stop the spread of the disease and get people involved.**

Put in place a juvenile delinquency prevention policy based on the Saudi Riyadh Guidelines. Set up counselling services, life skills lessons and mentoring groups within schools and in communities. Organize programs to remove the stigma against children in conflict with law and help them become part of society.

### **4. Value care options provided outside hospitals and care provided by families.**

Provide more money and better policies to support foster care, group care and kinship care instead of institutionalising children. Plan unique rehabilitation programs for every child and keep monitoring each case in the long run. Support partnerships involving both the government and private groups to grow local services for children.

#### **5. Making sure Legal Representation is provided and Children are involved is necessary.**

Provide each child with the service of a trained child rights lawyer or legal aid counsel from start to finish of the proceedings. Ensure children have the right to be heard by allowing them to take part in decisions at the level they can handle (using child advocates or multimedia tools among other methods). Provide training to people involved in child protection such as police, magistrates and social workers on child psychology and protecting children's rights.

### **CONCLUSION**

The Juvenile Justice Act of 2015 is a big step forward in India's work to protect child rights in the justice system. As this article showed, the Act includes main ideas from international agreements. These include the UN Convention on the Rights of the Child, the Beijing Rules, and the Riyadh Guidelines. It focuses on helping children recover, using care outside institutions, and making procedures easy for children to understand. This shows India sees juvenile justice as an area needing care, protection, and chances for change.

Nevertheless, despite good legal rules, certain problems with implementing them, institutional difficulties and strict provisions for trying juveniles as adults might put the goals of the law in danger. Adding these measures which address tougher sentences, goes against the rehabilitation principles set by international laws. Also, how the Act is applied can vary widely across states, while little is spent on preventing or treating crime, showing that the system needs urgent change.

India has shown that it is serious about international child rights, but this should be maintained by having policies, resources and monitoring that never weaken. In addition, the efficiency of the juvenile justice system depends on having strong community involvement, capable people in all positions and always putting the child first when making decisions.

The juvenile justice framework has to focus on accountability and security but not overshadow the rights of juveniles to recover and rejoin society. A truly fair society works to look after, discipline and re-engage children instead of punishing them.