

## CONCEPTUAL FRAMEWORK OF JUVENILE JUSTICE AND GENDER-BASED CRIMES

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### THEORETICAL AND LEGAL DISCUSSIONS

In the contemporary legal and social discourse, gender-based crimes and juvenile justice are key issues of discussion. Protection of individuals, particularly women and children, against gender-based violence and handling minors in legal difficulty remain crucial human rights issues. A well-rounded legal and policy structure that ensures justice, rehabilitation, and protection of vulnerable persons is necessary because of the interrelation between gender-based crimes and juvenile justice. Gender-related crime and juvenile justice are among the burning issues in contemporary legal and social debate. Protection of individuals, especially women and children, from gender-related violence and the handling of children in legal issues are still major human rights concerns.<sup>874</sup> Due to the interrelatedness of gender-related crimes and juvenile justice, a holistic legal and policy framework that ensures justice, reform, and protection for vulnerable individuals is necessary. While structural inequities, psychological problems, and social conditions often lead to juvenile delinquency, gender-based crimes are a product of institutional defects, patriarchal systems, and deeply embedded cultural norms. Overcoming these problems requires a multidisciplinary approach encompassing legal systems, policing methods, judicial construction, and societal changes (Sheehan, 2018).<sup>875</sup>

GRASP - EDUCATE - EVOLVE

<sup>874</sup> A Bose, *Juvenile Justice and Legal Frameworks* (Oxford University Press 2021).

<sup>875</sup> R Sheehan, *Women and Children in the Criminal Justice System* (Routledge 2018).

The development of Indian and international legal instruments has had a significant influence on victim protection policies meant to safeguard the rights of gender-based violence and child victims. Juvenile justice is a term used to describe the legal system for the handling of juveniles' crime. The most important pillar of global juvenile justice systems is rehabilitation over retribution, considering that children and youth are less mature, less knowledgeable, and less responsible than adults (UNICEF, 2020).<sup>876</sup> Juvenile justice is a derivative of the broader topic of criminology, which considers developmental differences between children and adults and supports a distinct legal system with remedial and reformative approaches (Hogeveen and Smandych, 2001)<sup>877</sup>.

The 19th-century welfare paradigm, on which the state's duty to safeguard children was focused, formed the basis of the juvenile justice system today. *Parens patriae* theory (Latin for "parent of the country") played a crucial role in legitimizing government intervention in situations involving teen misconduct. According to this perspective, the government is allowed to intervene as a custodian over children who are minors, battered children, or juvenile offenders. Nevertheless, as crime levels among young people have increased, juvenile justice systems globally have also toughened over the last decade or so, generating concerns over the weakening of the rehabilitative principle and violations of children's rights.

In India, the Juvenile Justice (Care and Protection of Children) Act of 2015 regulates how juveniles who have violated the law are treated. The Act revised the Juvenile Justice Act of 2000 and contained provisions to try teens aged 16–18 years old as adults for serious crimes (Ministry of Women and Child Development, 2015).<sup>878</sup> The action attempted to balance rehabilitation with accountability,

indicating public concern for the rise of minors' role in serious wrongdoings. Detractors argue that punishing juveniles as adults jeopardizes the basic premise of juvenile justice, founded on rehabilitation (Kethineni, 2017).<sup>879</sup>

Gender crimes are dealt with in India under a range of legal codes, such as the Protection of Women from Domestic Violence Act of 2005 and the Criminal Law (Amendment) Act of 2013, which broadened the definition of sexual crimes and raised penalties for offenders (Government of India, 2013). International agreements like the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) inform India's response to them, with a focus on a justice system that prioritizes victim rights and offender rehabilitation (UN, 1979).

This discussion highlights the need to approach juvenile delinquency and gender-based crimes with an intersectional framework, where legal interventions are both fair and rehabilitative. The courts and judicial system have to ensure justice while furthering social change through education and sensitization (Bose, 2021).

#### INTERNATIONAL LEGAL INSTRUMENTS.

1. United Nations Convention on the Rights of the Child (UNCRC), 1989

The UNCRC is widely seen as the most inclusive world treaty safeguarding children's rights (United Nations, 1989). It sets universal standards for children's well-being, protection, and development, emphasizing four elementary principles: respect for the child's opinions, non-discrimination, the best interests of the child, and the right to life, survival, and development (UNICEF). Two particular articles within the UNCRC refer to juvenile justice. Article 37 prohibits torture, capital punishment, and life imprisonment of children and highlights the use of detention as a measure of last resort. Article 40 ensures children suspected of violating the law are treated fairly, with legal assistance and

<sup>876</sup> UNICEF, *Juvenile Justice Systems and Child Rights* (United Nations 2020).

<sup>877</sup> B Hogeveen and R Smandych, *Towards a Critical Criminology of Youth Justice* (University of Toronto Press 2001).

<sup>878</sup> United Nations, *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* (1979).

<sup>879</sup> S Kethineni, *Juvenile Justice in India: A Historical and Contemporary Perspective* (Routledge 2017).

rehabilitation-based measures (United Nations, 1989)

2. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), 1985

The Beijing Rules, established in 1985, provide international standards for juvenile justice systems (United Nations 1985). The main aim is to reduce unnecessary institutionalization and emphasize rehabilitation. Equal treatment, diversion measures such as counseling and community service, and social reintegration through education and vocational training (OHCHR) are central features.

3. United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), 1990

The Riyadh Guidelines aim at decreasing adolescent delinquency through addressing its causative factors (United Nations 1990). The guidelines call for preventive measures such as establishing family support systems, broadening educational opportunities for vulnerable young people, undertaking social policies to promote positive activities, and designing community-based programs to deter criminal behavior (UNODC).

4. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979<sup>880</sup>

CEDAW, or the International Bill of Rights for Women, is a binding international convention aimed at eradicating all types of discrimination against women (UN, 1979). Signature governments are obligated to ensure equal rights for women in politics, society, and the economy, to provide legal recourse for gender-based violence, to ensure equal participation of women in government, and to fight women's trafficking and exploitation (UN Women).

5. Universal Declaration of Human Rights (UDHR), 1948<sup>881</sup>

The Universal Declaration of Human Rights forms the basis for international human rights law. The United Nations endorsed it in 1948, and it sets basic rights for all humanity. According to Article 1, all human beings are born equal and free in dignity and rights; Article 3 provides the right to life, liberty, and security; Article 7 affirms equality before the law; and Article 5 forbids torture or inhuman treatment (UN).

6. Declaration on the Elimination of Violence Against Women (DEVAW), 1993

The UN General Assembly created the DEVAW in 1993 to specifically address violence against women. It urges governments to enact laws against violence against women, to implement support services for survivors, to initiate public campaigns to counter cultural and societal attitudes that perpetuate gender-based violence, and to train law enforcement officers to manage cases effectively (OHCHR).

7. United Nations Guidelines for the Protection of Children Deprived of Their Liberty (Havana Rules), 1990

The Havana Rules contain comprehensive provisions for the handling of children in custody (UN, 1990). They state that children who are deprived of liberty shall be kept in facilities distinct from those of adults, provided with education, medical care, and legal assistance, shielded from physical and psychological mistreatment, and afforded a chance for rehabilitation and reintegration into society (UNODC).

8. International Labour Organization (ILO) Convention No. 182 on the Worst Forms of Child Labour, 1999<sup>882</sup>

ILO Convention No. 182 is a landmark treaty aiming to ban the worst forms of child labor. It urges nations to ban and abolish child labor

<sup>880</sup> United Nations, *Convention on the Elimination of All Forms of Discrimination Against Women* (1979) <https://www.unwomen.org> accessed [date]

<sup>881</sup> United Nations, *Universal Declaration of Human Rights* (1948) <https://www.un.org> accessed [2<sup>ND</sup> MARCH 2025].

<sup>882</sup> International Labour Organization, *Convention No. 182 on the Worst Forms of Child Labour* (1999) <https://www.ilo.org> accessed [2<sup>ND</sup> MARCH 2025].

activities such as child prostitution, forced labor, and slavery, to adopt policies for the removal of children from harmful work, to institute education and rehabilitation programs for the children involved, and to subject exploiters to stiff punishments (ILO).

### Impact and Implementation Challenges

While such international legal agreements set high standards, application varies from nation based on a wide range of issues. With no enforcement mechanism, it becomes challenging to comply, especially in the case of non-binding accords like the UDHR and DEVAW (United Nations, 1948; 1993). Cultural and social barriers within certain civilizations impede enforcing those laws protecting children and women. Scarce resources in developing nations constrain their capacity to undertake legislative and social reforms. Lastly, political will is the key in enforcing and enforcing such international agreements.

### INDIAN LEGAL INSTRUMENTS

India has put in place a robust legislative system to protect the rights of children and women, and ensure justice as well as crime prevention. The Juvenile Justice (Care and Protection of Children) Act 2015, the Protection of Children from Sexual Offences Act 2012<sup>883</sup>, and the newly passed Bharatiya Nyaya Sanhita (BNS) Act 2023 are all instrumental in dealing with juvenile justice, sexual offenses, and crimes against children and women. In this article, these landmark legislations are probed and its impact on Indian legal scenario assessed.

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

The Juvenile court (Care and Protection of Children) Act of 2015 replaced the Juvenile Justice Act of 2000, bringing major reforms to juvenile court administration (Ministry of Women and Child Development, 2015). The legislation included additional provisions to

ensure that children in conflict with the law are dealt with in a humane manner while maintaining an equilibrium in approach to justice.

One of its most controversial aspects is that 16- to 18-year-olds can be tried as adults for serious crimes if the Juvenile Justice Board (JJB) deems they must be. The act also mandates the setting up of Child Welfare Committees (CWCs) and Joint Justice Boards (JJBs) in every district to provide proper adjudication and welfare provisions for children in conflict with the law.

Apart from legal safeguards, the law ensures rehabilitation and reintegration into the community through foster care, adoption, and aftercare schemes. The law facilitates a child-friendly justice system by granting children legal and psychological assistance during proceedings (MWCD).

#### 2. Protection of Children from Sexual Offences (POCSO) Act, 2012

The POCSO Act of 2012 was signed into law with the objective to address the escalating cases of child sexual abuse and exploitation in India. The Act identifies and criminalizes some forms of abuse, which involve penetrative as well as non-penetrative sexual assault, sexual harassment, and pornography involving children.

The provision of Special Courts to deal with POCSO cases is an integral aspect of this act, so that victims get justice in a shorter period of time. Mandatory reporting is also made by the law, which states that individuals, such as teachers, doctors, and relatives, are required to report any suspected child sexual assault. Neglecting this is punished under the act.

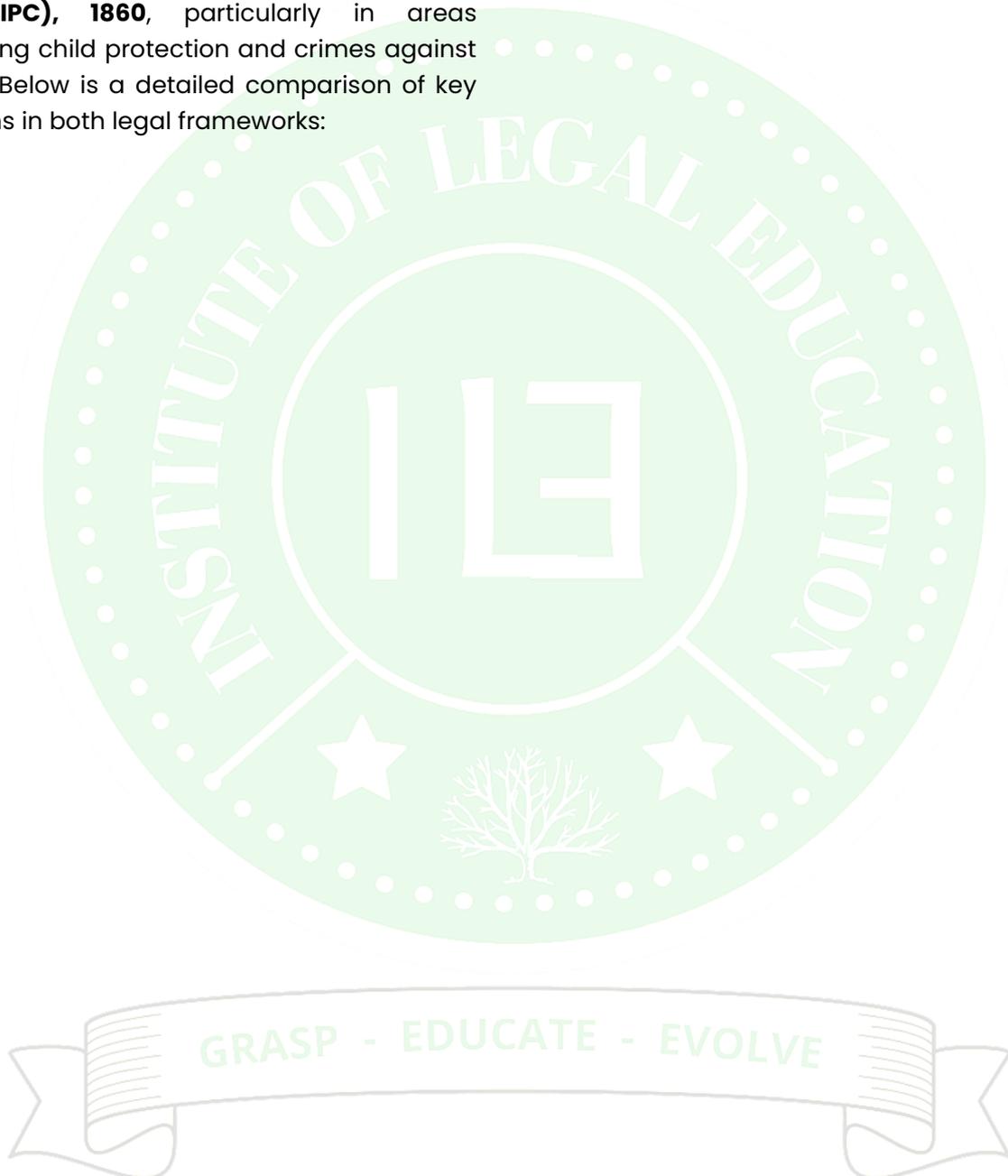
The legislation also includes child-friendly procedures at the investigation and trial stages, including in-camera proceedings, disallowing direct cross-examination of child victims, and providing psychological support through trained counselors. These are designed to minimize trauma for victims and improve

<sup>883</sup> Ministry of Law and Justice, *Protection of Children from Sexual Offences Act, 2012* (2012) <https://www.ncpcr.gov.in> accessed [4<sup>TH</sup> MARCH 2025]

conviction rates in cases of child abuse (NCPCR).

**3. Bharatiya Nyaya Sanhita (BNS), 2023:  
Replacing the Indian Penal Code,  
1860<sup>884</sup>**

The **Bharatiya Nyaya Sanhita (BNS), 2023**, marks a significant overhaul of the **Indian Penal Code (IPC), 1860**, particularly in areas concerning child protection and crimes against women. Below is a detailed comparison of key provisions in both legal frameworks:



<sup>884</sup> Ministry of Home Affairs, *Bharatiya Nyaya Sanhita, 2023* (2023) <https://www.mha.gov.in> accessed [4<sup>TH</sup> MARCH 2025].

CRIME	INDIAN PENAL CODE. 1860	BHARATIYA NYAY SANHITA, 2023.
Sexual assault	Sections 375 and 376 defined rape and provided harsh punishments.	While retaining definition, sections 63 and 64 enhance the scheme of punishment and the procedural protection for child victims.
Sexual harassment	Sexual harassment is criminalized under section 354a	Section 67 enhances protection against sexual harassment for children
Voyeurism	Section 354c criminalized recording private behavior.	Section 69: enhances punishment, especially in cases of children
Trafficking	Section 370, 370a- addresses human trafficking, particularly of minors.	Section 103 – enhances anti-trafficking measures, with increased penalties for children.
Repeat offenders.	Section 376e- introduced capital punishment.	Section 66(2) – carries on the same method with more procedural protection.
Use of juveniles crimes.	Not explicitly covered.	Section 110 – Particularly criminalizes the employment of children in organized crimes
Stalking	Section 354d- penalized stalking	Section 70 – increased definitions and penalties for cyberstalking children.

### Impact and Challenges in Implementation

For enhanced protection of children and victims of gender-based offenses, the BNS, 2023, amends and extends some IPC sections. Stronger procedural safeguards, stricter punishment, and the inclusion of clauses aimed at newer crimes such as cyberstalking and trafficking on virtual platforms are some of the features.

Even with solid legal structures, India faces insurmountable challenges in their implementation and enforcement. Prolonged trials, a shortage of specialized training for law enforcement personnel, and insufficient public awareness are among the key hindrances.

The Juvenile Justice Act has been faulted for prosecuting 16-18-year-olds like adults, an act

that violates the rights of children and concepts of rehabilitation. In contrast, POCSO Act enforcement issues with poor conviction rates, delay in setting up special courts, and social stigma that keeps victims from reporting offenses.

The BNS, 2023, though exhaustive, is estimated to require massive training for law enforcement agencies and judicial officials to facilitate a seamless shift from IPC provisions to the new criminal code. Additional awareness campaigns, better funding for victim support services, and forensic investigation upgradation are essential to the effective enforcement of these laws.

### GENDER AND CRIME THEORIES

1. **Feminist Criminology:** Feminist criminology analyzes how structural discrimination, patriarchy, and gender inequality affect women's criminality. It criticizes mainstream criminology for not considering female victims and offenders. Feminist criminology explores youth victimization and criminalization, especially among young women, due to patriarchy, power disparities, and social institutions (Chesney-Lind & Pasko, 2013). Bloom and Covington (2001) assert that since offenders are disproportionately female and also have trauma, abuse, and neglect histories, conventional juvenile justice systems are often ineffective in meeting their unique needs. Gender-responsive solutions being absent result in systemic injustice and further victimization (UNODC)<sup>885</sup>. Feminist criminology also highlights the way in which laws and policies often ignore women's experiences, imposing stricter punishments on female offenders while neglecting to safeguard victims of gender-based crimes.
2. **Strain Theory:** On strain theory (Merton, 1938), the root causes of gender crime are social pressure and disparities that force people into criminal activity<sup>886</sup>. Deviant conduct, especially against marginalized groups like women and children, can result from a lack of ability to achieve culturally defined goals. Feminist criminology highlights prosecution and persecution of youth, especially young women. Bloom and Covington (2001)<sup>887</sup> argue that most juvenile justice systems often do not address the special needs of offenders, who are disproportionately female, traumatized, abused, and neglected. Gender-responsive solutions are not provided, leading to systemic injustice and enhanced victimization (NCJRS)<sup>888</sup>. Strain theory describes why gendered crimes like domestic violence, sexual harassment, and human trafficking happen and emphasizes the role of economic inequalities and social expectations in generating criminal behavior.
3. **Social Learning Theory:** Violence is learned and rewarded, as social learning theory would have it, leading to gender violence. Normalization of violence against women makes it more likely to be continued. This theory explains how individuals learn violent behavior by observing social norms, family relations, and media portrayals that normalize or downplay gender violence (Akers & Jensen, 2007)<sup>889</sup>. The capacity to comprehend the social learning process is what guides policymakers to construct interventions that refute and undermine negative

<sup>886</sup> RK Merton, 'Social Structure and Anomie' (1938) 3(5) *American Sociological Review* 672.

<sup>887</sup> B Bloom and S Covington, *Effective Gender-Responsive Interventions in Juvenile Justice: Addressing Trauma and Abuse* (National Institute of Corrections 2001).

<sup>888</sup> RL Akers and GF Jensen, *Social Learning Theory and the Explanation of Crime* (Transaction Publishers 2007).

<sup>889</sup> RL Akers and GF Jensen, *Social Learning Theory and the Explanation of Crime* (Transaction Publishers 2007).

<sup>885</sup> United Nations Office on Drugs and Crime, *UNODC* <https://www.unodc.org> accessed [4<sup>TH</sup> MARCH 2025].

behavioral reinforcements (WHO)<sup>890</sup>. Based on research, victims of domestic violence are more apt to develop their own aggressive characteristics and thereby recreate the cycle of gendered crime.

4. Routine Activities Theory: The routine activities theory provides understanding of the function of opportunity, motivated offenders, and the absence of supervision in women's and children's crimes (Cohen & Felson, 1979)<sup>891</sup>. Instead of concentrating on the motivation of the criminal, it illustrates how situations enable crime. For instance, conditions of inadequate surveillance, lack of policing, or inefficient community engagement increase the probability of crimes like sexual assault and human trafficking (Felson & Eckert, 2018)<sup>892</sup>. Based on the theory, crime can be decreased by enhancing protective elements like enhanced policing, community awareness, and societal awareness (BJS)<sup>893</sup>. By research, offenses such as street harassment and job discrimination are often the result of situations where offenders think they will get away with their actions. Enhancing institutional action and enhancing police response can lower gender-based crime.

In addition to these notions, contemporary criminologists are examining intersectionality—the way in which different social identities, like gender, ethnicity and class, intersect with each other and impact criminal activity and victimization. Intersectional feminism argues that gendered crime cannot be explained outside of the context of other forms of oppression. Underprivileged women, for

instance, are at greater risk of violence and have reduced access to justice due to systematic bias (Amnesty International)<sup>894</sup>.

Another significant issue addressed in gender and crime theories is masculinity and crime. Researchers assert that conventional definitions of masculinity are responsible for violent crime as they socialize males to demonstrate power and violence (Messerschmidt, 1993)<sup>895</sup>. This perspective explains why men disproportionately commit violent crimes, especially against women and gender minorities.

Understanding gender and crime concepts is essential in developing effective strategies. Governments and institutions worldwide have developed gender-sensitive policies to deal with the root causes of gender-based crime. Initiatives like gender equality education, stronger domestic violence enforcement, and rehabilitation of offenders have revealed promising impacts (UN Women)<sup>896</sup>

In constructing safer spaces, experts suggest enhancing women's access to legal representation, increasing women's presence within the police and judiciary, and encouraging gender-responsive training for the police and judges. Policymaking in feminist criminology, strain theory, social learning theory, and routine activity theory can lead to better crime prevention and an equal justice system.

#### NATURE OF GENDER-BASED CRIMES

There is an increasing concern over the involvement of juveniles in gender-based offenses, both as victims and offenders. Though there are instances of forced marriage, trafficking, and sexual assault on juveniles, especially girls, there is also a growing pattern of juveniles committing sex crimes, cyberbullying, and other crimes with a gender bias motive. Due to its complexity, this topic has

<sup>890</sup> A Bandura, *Social Learning Theory* (Prentice Hall 1977).

<sup>891</sup> RL Akers and GF Jensen, *Social Learning Theory and the Explanation of Crime* (Transaction Publishers 2007).

<sup>892</sup> World Health Organization, WHO <https://www.who.int> accessed [6<sup>TH</sup> MARCH 2025].

<sup>893</sup> LE Cohen and M Felson, 'Social Change and Crime Rate Trends: A Routine Activity Approach' (1979) 44(4) *American Sociological Review* 588.

<sup>894</sup> M Felson and M Eckert, *Crime and Everyday Life* (SAGE Publications 2018).

<sup>895</sup> JW Messerschmidt, *Masculinities and Crime: Critique and Reconceptualization of Theory* (Rowman & Littlefield 1993).

<sup>896</sup> UN Women, 'Ending Violence Against Women' <https://www.unwomen.org> accessed [6<sup>TH</sup> MARCH 2025].

to be discussed from the standpoints of law, society, and psychology.

In spite of the legislative actions, loopholes remain in the implementation and rehabilitation of laws like the Protection of Children from Sexual Offences (POCSO) Act of 2012, the Juvenile Justice (Care and Protection of Children) Act of 2015, and corresponding sections of the Indian Penal Code (IPC). The police often struggle to handle child offenders while maintaining victims' rights and dignity. In addition, an absence of gender-sensitive training of judicial and police officials has further aggravated the issue, leading to inefficient delivery of justice.

### 1. Forced Marriages and Trafficking

Forced marriage and trafficking are among the most severe aspects of gender-based offenses perpetrated against children. Girls, especially those from poor regions, are often forced into early marriages, which is a violation of their human rights and puts them at risk of domestic violence and sexual abuse. The Act of Prohibition of Child Marriage in 2006 seeks to restrict such practices, though enforcing it is still weak in some areas because of socio-cultural acceptance and ignorance (Kumar, 2021)<sup>897</sup>

Another grave problem is trafficking, where children are enticed with false promises and coerced into work or commercial sex. The Immoral Traffic (Prevention) Act of 1956 and IPC Sections 370 and 370A make trafficking illegal, but law enforcement agencies have difficulty tackling organized networks of traffickers that cut across borders and states (UNICEF)<sup>898</sup>

### 2. Sexual Violence and Abuse

Child sexual abuse is a sad reality, with the POCSO Act of 2012 attempting to provide full legal protection. Still, child sexual abuse cases keep rising, especially in schools, institutions,

and even within homes (Bajpai, 2017)<sup>899</sup>. Most such instances go unreported due to stigma, fear, and ignorance. Even with mandatory reporting under POCSO, societal hesitancy and weak victim assistance mechanisms hamper justice (National Crime Records Bureau)<sup>900</sup>

### 3. Juveniles as Perpetrators of Gender-Based Crimes

Children are increasingly likely to commit gender-based offences, including cybercrime and sexual assault. Lack of proper guidance, being exposed to violent media, and peer pressure are all contributory factors leading to increased juvenile delinquency. Children exposed to violent families or neighbourhoods are likely to adopt aggressive traits and engage in gender-based offences (Choudhary, 2019)<sup>901</sup>.

The Juvenile Justice (Care and Protection of Children) Act of 2015 authorizes 16- to 18-year-olds to be tried as adults for serious offenses. Although this amendment attempts to deter serious criminals, it has raised concerns about rehabilitation and reintegration (UNODC) [6].

### 4. Cyberbullying and Online Exploitation

Cybercrimes against women and children, like cyberstalking, online harassment, and revenge pornography, have gained prominence as the globe has increasingly become more connected digitally. The Information Technology Act of 2000, along with IPC Sections 354D and 67, criminalize cyber harassment and sexual exploitation through digital means. Nevertheless, the police do not possess the necessary skills to track and prevent such crimes effectively (Sharma, 2020)<sup>902</sup>

Teenagers, with their ubiquitous access to the internet and social media, are both victims and aggressors when it comes to cyberbullying.

<sup>897</sup> R Kumar, *Child Marriage in India: A Socio-Legal Perspective* (Oxford University Press 2021).

<sup>898</sup> UNICEF, 'Child Trafficking Prevention Strategies' <https://www.unicef.org> accessed [7<sup>TH</sup> MARCH 2025].

<sup>899</sup> A Bajpai, *Child Rights in India: Law, Policy, and Practice* (Oxford University Press 2017).

<sup>900</sup> National Crime Records Bureau, *Crime in India Report* <https://ncrb.gov.in> accessed [7<sup>TH</sup> MARCH 2025].

<sup>901</sup> P Choudhary, *Gender Crimes and Juvenile Delinquency: An Empirical Study* (SAGE Publications 2019).

<sup>902</sup> R Sharma, *Cyber Crimes Against Women and Children* (Bloomsbury India 2020).

Awareness campaigns and stricter monitoring of internet platforms are needed in order to curb exploitation (Cyber Crime Reporting Portal)

903

### 5. Legal and Policy Gaps

Although laws are in place to deal with gender-based offenses perpetrated by teenagers, there are loopholes in their enforcement and effectiveness. Long judicial processes, inadequate services for victims, and the absence of gender-sensitive training for law enforcers all hinder efforts towards justice. In addition, rehabilitation services for teenage offenders are underdeveloped and often do not treat the root causes of their actions (Singh, 2018)<sup>904</sup>.

### 6. Need for a Holistic Approach

Glad handing of gender-related crimes involving juveniles requires an all-encompassing approach through legal changes, educational drives, and society mobilization. Important interventions involve enhancing training and supervision of provisions like the POCSO and JJ Act for efficient implementation.

- Creating awareness campaigns to inform children about gender equality and online safety.
- Enhancing victim care systems through rehabilitation and counseling clinics.
- Encouraging community participation to curb gender-based violence at the grassroots level.
- Gender-sensitive curricula in schools to encourage respect and understanding from an early age (UN Women, 2010).

### ROLE OF PATRIARCHY & CULTURAL NORMS

Traditional legal systems and cultural norms that placed women under male domination led to systematic discrimination. Historically,

patriarchal norms have influenced legal and social institutions, restricting women's rights and freedom. Dowry, child marriage, and sati were deeply rooted in culture, reinforcing male dominance and restricting women's freedom. These practices guaranteed that women remained economically and socially dependent on their male relatives. Even in ancient civilizations' legal systems, like India's Manusmriti and other patriarchal laws across the globe, gender inequality was institutionalized by giving secondary roles to women and withholding their rights to inheritance and decision-making (Forbes, 1996).

In spite of legal efforts aimed at promoting gender equality, patriarchal norms still play a significant role in modern society. Women still face significant challenges, such as unequal remuneration, political underrepresentation, and limitations in personal and professional life (United Nations, 2021). Honor-based violence, domestic violence, and limited access to justice persist, especially in societies where traditional norms dominate. Gender biases at work hinder job progression for women, yet domestic expectations within households often prefer them to be homemakers over being career-minded (Basu, 2018)<sup>905</sup>. Women cannot escape loops of discrimination and violence due to cultural stories advancing male dominance and female submissiveness. In addition, legal protections for women's rights are constantly undermined by social opinions that discourage crimes from being reported or justice being pursued.<sup>906</sup>

Perhaps one of the largest hurdles to overcoming gender-based crime is victims' hesitation to come forward with crimes because of the pressure from society, intimidation, or stigmatization. Numerous victims of domestic violence, sexual harassment, and honor killing stay quiet with the fear of ostracization or revenge (National Crime Records Bureau, 2022;

<sup>903</sup> Government of India, *Cyber Crime Reporting Portal* <https://cybercrime.gov.in> accessed [7<sup>TH</sup> MARCH 2025].

<sup>904</sup> M Singh, *Juvenile Delinquency in India: Causes and Prevention Strategies* (Routledge 2018)

<sup>905</sup> T Basu, *Gender and Society in India* (Oxford University Press 2018).

<sup>906</sup> Human Rights Watch, 'Women's Rights in India' (2020) <https://www.hrw.org> accessed [10<sup>TH</sup> MARCH 2025].

<https://ncrb.gov.in>). Adversarial systems' requirement to prove guilt to the satisfaction of a court and time-consuming judicial processes at times deter victims from seeking redress. In most cases, victims of gender-based violence are subjected to insensitive interrogation and victim-blaming tendencies in the judicial system, which dissuades them from pursuing justice (Kapur, 2012)<sup>907</sup>. In addition, laws aimed at safeguarding women, like those that ban dowry harassment or sexual abuse, are often abused or poorly enforced, weakening their impact (Goel, 2019).<sup>908</sup>

The impact of patriarchy is not even, but instead differential based on caste, class, and ethnicity, further excluding specific groups. Women of lower socioeconomic backgrounds, tribal groups, and religious minorities are often subject to numerous types of discrimination, which makes it even harder for them to access legal and social services (Crenshaw, 1991)<sup>909</sup>. Indian Dalit women, for instance, suffer from gender and caste oppression, which makes them more susceptible to violence and exploitation (Rege, 2006).<sup>910</sup> Likewise, indigenous and migrant women around the world suffer from systematic inequalities that hinder their access to education, healthcare, and justice<sup>911</sup>. Intersectional feminism acknowledges that gender oppression cannot be understood separately and needs to be studied in conjunction with other forms of discrimination in order to create inclusive and effective policy solutions.

## CONCLUSION

Through the years, courts have struggled to counter patriarchal prejudices by making landmark rulings that advance gender equality. In **Vishakha v. State of Rajasthan** (1997), the Supreme Court of India set guidelines to ban

sexual harassment in the workplace, paving the way for subsequent legislative measures. Just the same, case law such as **Shayara Bano v. Union of India** (2017), which struck down instant triple talaq as illegal, and the case of **Sabarimala Temple Entry** (2018), where the court allowed women's worship freedom, reflects judicial attempts at countering prejudiced practices (Kumar, 2020)<sup>912</sup>.

In spite of such legislative victories, implementation proves problematic since deeply embedded societal attitudes regularly stand against pro-growth reformatations (Indian Law Institute, 2019).<sup>913</sup>

The gender offense and juvenile justice jurisprudence is evolving with international conventions, Indian statutes, and recent reforms under the Bharatiya Nyaya Sanhita, 2023, providing general protections. There are huge challenges with regard to enforcement, popular acceptance, and institutional capacity. Strengthening judicial institutions, enhancing public awareness, and devising reforms with a gender-sensitive perspective are all essential to achieving justice for marginalized groups. Social transformation initiatives that counteract patriarchal perceptions and advocate for gender equality across all strata of society need to complement efficient legal interventions (Sen & Dhawan, 2021).

The jurisprudence of juvenile justice and gender offenses is changing, with international conventions, Indian legislation, and recent changes under the Bharatiya Nyaya Sanhita, 2023, establishing extensive protections. There are nevertheless implementation, enforcement, and societal hurdles. Institutional capacity needs to be strengthened, legal awareness enhanced, and reforms framed using a gender perspective in order to provide for the justice of vulnerable groups.

<sup>907</sup> R Kapur, *Feminist Perspectives on Law and Justice* (2012).

<sup>908</sup> A Goel, *Legal Challenges in Gender-Based Crimes* (Routledge 2019).

<sup>909</sup> K Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (1991) *Stanford Law Review*.

<sup>910</sup> S Rege, *Writing Caste, Writing Gender: Narrating Dalit Women's Testimonios* (Zubaan 2006).

<sup>911</sup> UN Women, 'Intersectionality and Gender Justice' (2021) <https://www.unwomen.org> accessed [10<sup>TH</sup> MARCH 2025].

<sup>912</sup> V Kumar, *Legal Reforms in India: A Gendered Perspective* (2020).

<sup>913</sup> Indian Law Institute, *Judicial Activism in Gender Justice* (2019).

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