

EVOLUTION OF JUVENILE JUSTICE LAWS IN INDIA: FROM THE JUVENILE JUSTICE ACT, 2000 TO CARE AND PROTECTION OF CHILDREN ACT, 2015

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Abstract

In response to growing concerns over major juvenile offences, India's Juvenile Justice (Care and Protection of Children) Act, 2015 substantially revised laws passed in the year 2000. As a result of this change in the law, the courts may now try juveniles (those between the ages of 16 and 18) for serious offences as adults. In addition, it improves protections for children in risky situations, establishes specialised courts, and fortifies rehabilitative frameworks. Prioritising the well-being of juveniles, this act aims to strike a careful balance between rehabilitative measures and the enforcement of accountability. Sceptics of the Act have raised concerns about possible negative consequences, such as the stigmatisation of juvenile offenders, and the Act's effectiveness in reducing juvenile delinquency has sparked heated discussion. In the end, this law is a reflection of India's changing view of juvenile justice, which aims to balance the need for public safety with the preservation of children's fundamental rights.

1. Introduction

Background

The system of laws that controls the treatment of juvenile offenders (those who have not yet attained the age of majority) is known as juvenile justice. Juvenile justice systems are built on the principle that children, at their developmental stage, may not fully comprehend the consequences of their acts, hence they focus on rehabilitation rather than punishment. A fair system for the rehabilitation and reintegration of juvenile offenders into society is the goal of juvenile justice legislation. Protecting and caring for children who have experienced abuse, neglect, or exploitation is also a part of these legal systems. There has been a sea change in India's policy on juvenile justice. The Juvenile Justice Act, passed in 2000 in reaction to a rising tide of children's rights advocates, sought to rehabilitate youth who had run afoul of the law.

But as time went on, questions arose about whether the laws passed in 2000 could adequately deal with the rising number of violent and other major offences committed by minors. In 2015, a new law called the Juvenile Justice (Care and Protection of Children) Act was introduced to update the current system and fix the problems with the old rules. In spite of the Juvenile Justice (Care and Protection of Children) Act of 2000 already being in place, this study investigates the reasoning for its implementation in 2015. The report analyses the results of the 2015 legislation's implementation and looks at the main changes it brought about. Along with examining the connections between the Juvenile Justice Rules and the Acts of 2000 and 2015, the research delves into the social, psychological, and legal implications of these changes.

2. Historical Context: Juvenile Justice Act, 2000

Overview of the Juvenile Justice Act, 2000

The Juvenile Justice Act of 2000 (JJA, 2000) created a robust legal framework focused on the welfare, safety, and rehabilitation of adolescents involved in criminal behaviour, marking a pivotal point in India's approach to child protection and juvenile justice. The Act mandated that juveniles' needs be addressed comprehensively, using rehabilitative measures that took into account the child's age, mental health, and the specifics of the offence, alongside legal proceedings. The Indian government enacted these rules in reaction to the UN Convention on the Rights of the Child, which emphasises the need of rehabilitating juvenile offenders instead than penalising them. The Juvenile Justice Act of 2000 required the establishment of Juvenile Justice Boards (JJBs) to address issues concerning adolescents in court proceedings. These boards had two social workers and a judge. The Act led to the creation of observation centres and specialised facilities for youngsters involved in the court system or requiring care and protection. The Act clearly defines a juvenile as an individual under the age of eighteen, emphasising rehabilitation above punishment in legal contexts. The primary objective of the Juvenile Justice Act of 2000 was to safeguard the rights of previously jailed juveniles and facilitate their reintegration into society via therapeutic, educational, and vocational programmes. The statute advocated for alternatives to jail, such as community service, probation, and foster care, where deemed appropriate.

Challenges Faced Under the 2000 Act

Due to several issues, the trailblazing Juvenile Justice Act of 2000 had to be rewritten. One major issue was the unclear minor age cutoff. The Act designated anybody under 18 as a minor, although many believed the age restriction was excessively high due to public concerns about older teens' significant criminal activity. Tolerance for adolescent offenders increased when they committed serious crimes.

Especially when the culprits were 16–18. Even worse, the JJA 2000's rehabilitation processes never happened. The Act's rehabilitative procedures were criticised for their limited infrastructure, personnel, and resources, which hindered its capacity to reintegrate juveniles into society. There were also concerns that ex-offenders would suffer social stigma when they returned home, making integration difficult. A series of violent youth crimes gained wide media publicity, fueling public and political dissatisfaction. This tendency escalated with the 2012 Nirbhaya incident, further demanding reform. Given the public outcry and desire for stronger sentences, many wonder whether the present court system can handle these crimes. Due to popular outcry and political debate, the Juvenile Justice (Care and Protection of Children) Act, 2015, was passed to fix previous legislation.

3. The Need for Change: Why the Juvenile Justice (Care and Protection of Children) Act, 2015 Was Introduced

The 2012 Nirbhaya Case^[1]

The December 2012 gang rape and killing of Jyoti Singh, known as Nirbhaya, changed India's criminal justice system, notably for serious crimes. The Juvenile Justice Act of 2000 classified a 17-year-old as a juvenile despite his horrific crimes. The juvenile justice system was questioned nationwide after this case sparked uproar. Despite its emphasis on rehabilitation, the Juvenile Justice Act of 2000 was criticised for failing to handle significant criminal behaviour by adolescents, especially violent offenders.

The Nirbhaya case exposed a major flaw in the legislative framework: the Act's broad definition of juveniles as individuals under 18 raised concerns about whether such provisions were strong enough to deliver justice in cases of grave crimes committed by minors. Public uproar demanding heavier sentences for teenagers committing serious crimes put great pressure on the government to rethink the legal

system. This demand, driven by social, political, and civic lobbying, helped modify juvenile justice legislation in India.

Drivers for Reform

The Youth Justice Act of 2000 was revised due to various significant reasons, including the system's inadequacy in addressing the complexities of youth criminal behaviour. The increasing incidence of grave offences perpetrated by adolescents, including sexual assault, murder, and terrorism, necessitated change. There is an urgent need for more stringent restrictions after high-profile incidences such as the Nirbhaya tragedy and other instances of youth perpetrating violent crimes. The public's demand for a legal framework imposing stringent penalties on young offenders, especially those committing egregious crimes, escalated. The widespread ineffectiveness of the rehabilitation initiatives under the Juvenile Justice Act of 2000 was another significant issue. Notwithstanding the statute's focus on rehabilitative and reintegrative initiatives, there were several deficiencies in the practical execution of these objectives. Insufficient financing resulted in several correctional facilities and juvenile detention centres being devoid of the necessary resources to provide competent rehabilitation programmes. Moreover, there was a significant absence of specialised initiatives aimed at addressing the psychological and behavioural challenges faced by juvenile offenders. Consequently, structural reforms were necessary to enhance rehabilitation programmes, enabling youngsters who had transgressed the law to get the assistance required for reintegration into society.

A shift in perception about the nature of juvenile delinquency also contributed to the reform. All juveniles, due to their youth, are inherently susceptible to circumstances requiring care and rehabilitation, as stipulated by the 2000 Act. It became evident that universal rehabilitation was not a successful strategy for all minors as criminologists, social scientists, and lawmakers

acquired a deeper knowledge of juvenile delinquency. For grave offences perpetrated by children, more stringent restrictions may be necessary to safeguard the public and ensure accountability for the perpetrators. A more complex and personalised approach to juvenile justice is necessary due to the growing acknowledgement that psychological and mental health disorders influence juvenile delinquency.

The Juvenile Justice (Care and Protection of Children) Act, 2015

To address the flaws of the 2000 Act and provide a more comprehensive framework for juvenile offenders, the Juvenile Justice (Care and Protection of Children) Act of 2015 underwent substantial change. The purpose of this law was to provide a better system for dealing with juvenile offenders and to safeguard children who were in need of care. Notably different from previous regulations, the 2015 Act stipulates that juveniles (those between the ages of 16 and 18) may be tried as adults for serious crimes including rape and murder.

This adjustment reflects a conscious shift in policy, acknowledging that those perpetrating violent and horrific crimes may need a distinct legal response compared to those engaged in less serious acts. The 2015 Act was largely shaped by the vigorous public conversation that followed the Nirbhaya catastrophe. The Indian government formed a committee headed by Justice (Retd.) M. S. Sharma to recommend changes to the present juvenile justice system in light of the pressing need for stricter rules. In December 2015, the Juvenile Justice (Care and Protection of Children) Act was enacted by the Indian Parliament after lengthy debates and careful revisions. This reform strikes a delicate balance between rehabilitating rehabilitable youth and providing justice to victims, particularly those impacted by severe juvenile crimes. The Child Welfare, Foster Care, and Adoption Act of 2015 strengthens safeguards for children by highlighting their importance within the system

of comprehensive child protection. Adopting this regulation shows that India's juvenile justice system has come a long way in its comprehension of adolescent delinquency and the critical need of finding remedies that are sympathetic and proportional to the gravity of the crime.

4. Key Changes in the 2015 Act Compared to the Juvenile Justice Act, 2000

Increased Focus on Juvenile Delinquents in Serious Crimes

A major amendment made by the "Juvenile Justice (Care and Protection of Children) Act, 2015" permitted the prosecution of minors (16 to 18 years old) as adults for grave offences. Rising concerns on the involvement of minors in serious crimes including rape, murder, and terrorism led to this change in legislation. Regardless of the seriousness of their criminal conduct, all individuals under the age of 18 were constantly classed as juveniles under the prior Juvenile Justice Act of 2000, which placed a focus on rehabilitation. When older teens committed serious crimes without being held accountable, the public became dissatisfied with this comprehensive categorisation. Prolonged calls for new laws were sparked by the Nirbhaya tragedy, in which a juvenile offender aged 17 was found guilty. Teens convicted of serious crimes between the ages of 16 and 18 may have their mental growth, maturity, and involvement evaluated by the Juvenile Justice Board, according to a provision in the 2015 Act that addressed strong public demand for change. The seriousness of the crime gave the Board the authority to recommend treating the minor as an adult, which might include applying adult punishments. This change acknowledged that a stricter legal framework may be necessary for some adolescents, especially those involved in violent or horrific acts, who may represent a greater danger to society.

Focus on Rehabilitation and Reintegration

The Juvenile Justice (Care and Protection of Children) Act of 2015 significantly strengthened its focus on institutional care and mental health aid, while maintaining the core principle of rehabilitation established by its 2000 predecessor. Although inadequate infrastructure and limited resources often hindered the proper execution of rehabilitation, it was acknowledged as a fundamental priority in the 2000 Act. In response to these shortcomings, the Act of 2015 included a number of provisions aimed at enhancing the quality of rehabilitation programmes, particularly those serving children who are struggling with substance abuse, mental illness, or emotional trauma. Adolescents who are unable to reside in family settings as a result of abuse, neglect, or other vulnerabilities were also given the term "institutional care" in the 2015 Act. It became necessary to put children in specialist facilities if they could not be safely reintegrated into family situations. Education, vocational training, counselling, and therapeutic therapies were the primary goals of these institutions, which aimed to provide a structured and supportive environment. The goal was to make sure that juvenile inmates got the help and guidance they need to become productive, responsible adults when they leave institutional care.

Strengthened Judicial and Social Framework

As a result of the Juvenile Justice (Care and Protection of Children) Act of 2015, Special Juvenile Police Units (SJPUs) were established, greatly enhancing the societal and legal framework of juvenile justice. The purpose of creating these specialist divisions is to guarantee that children get appropriate treatment while navigating the legal system, with the goal of protecting their rights at all times. Because it addressed previous problems with the inadequate treatment of juveniles by law enforcement personnel unskilled in child-sensitive legal standards, this innovation was a considerable improvement.

In addition, several care modalities, including adoption, aftercare, and foster care, were included in the more organised framework for social reintegration and rehabilitation that was created by the Act of 2015. The need of providing children with nurturing, family-like surroundings was highlighted by the introduction of foster care. At the same time, aftercare services minimised the chances of recidivism by ensuring that youth would get ongoing support upon their release from correctional facilities.

Formation of Juvenile Justice Boards and Child Welfare Committees

To hear cases involving minors accused of crimes, the Juvenile Justice (Care and Protection of Children) Act of 2015 created Juvenile Justice Boards (JJBs), which include a judge and two social workers. Decisions involving minors should be decided by persons well-versed in the complexities of child development and criminal conduct, which is why these Boards were set up. The purpose of forming the Boards was to ensure that juvenile justice decisions were informed by a wide range of perspectives, including legal, social, and psychological ones. Child Welfare Committees (CWCs) are responsible for the protection of children in need of care and support; their jurisdiction was significantly expanded by the 2015 Act, which was passed concurrently with the establishment of the JJBs. A more coordinated effort to combat issues including child abuse, neglect, and exploitation was encouraged by the revised legislation, which increased the role of CWCs. To ensure that children in danger get the help, care, and rehabilitation they need, these Committees are now crucial.

Clarifications Regarding 'Children in Need of Care and Protection'

In 2015, Congress passed the Juvenile Justice (Care and Protection of Children) Act, which greatly expanded the definition of "children requiring care and protection." Child abuse, neglect, and exploitation were given more

attention in the updated framework. The Act made guaranteed that more vulnerable children, especially those who were victims of domestic violence, sexual abuse, or human trafficking, could get the protection and assistance they needed by broadening the criteria. This broader approach went beyond the limited viewpoint stated in the 2000 Act and reflected a more nuanced and thorough understanding of the myriad of situations in which children can be at danger. By including this provision, the Act of 2015 acknowledged the multifaceted difficulties encountered by disadvantaged children and made it a priority to provide them with the safeguards and supports they needed to overcome those difficulties.

5. Juvenile Justice (Care and Protection of Children) Rules, 2016

To make sure the Juvenile Justice (Care and Protection of Children) Act, 2015 is put into effect and enforced properly, the Juvenile Justice (Care and Protection of Children) Rules, 2016 were made. Addressing the practical issues of juvenile justice and child protection in India, these regulations provide thorough recommendations for executing the Act's requirements.

Rules and Provisions

By providing thorough regulations for several components of juvenile care and rehabilitation, the 2016 Juvenile Justice (Care and Protection of Children) Rules supplement the 2015 Act. Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs) in the district are assigned the task of supervision by the District Magistrate (DM) in a crucial provision. Among the DM's responsibilities is the acquisition of necessary funds for child protection measures, such as the establishment of children's homes and observation centres, and the maintenance of compliance with regulations governing the treatment of children involved in legal disputes. Both the 2015 Act and the 2016 Rules rely heavily on juvenile justice boards (JJBs) and children's homes as part of their operational framework.

Adolescents in need of care and protection might find a safe haven in a children's home, where they can get important services including education, therapy, and rehabilitation. Compliance with statutory requirements and principles of child care are ensured by Juvenile Justice Boards, which comprise of a judge and two social workers. These boards adjudicate matters involving juveniles in legal conflict. Additionally, the rules define the roles and duties of Child Protection Units (CPUs), which are responsible for carrying out the Juvenile Justice Act's requirements in local communities. Children who have been victims of abuse, neglect, or exploitation must be located, rescued, and rehabilitated by CPUs who also make sure they have access to basic necessities like food, shelter, and education.

Procedures for Handling Children Who Commit Serious Crimes

The 2016 Rules delineate the protocols for managing adolescents involved in serious criminal crimes, namely those between the ages of 16 and 18. The Juvenile Justice Board is empowered to evaluate individuals to see whether they should be prosecuted as adults for grave offences. If the Board concludes that the juvenile comprehends the consequences of their actions, the case may be sent to a conventional court for further legal proceedings.

Strengthening the Implementation Mechanisms

Essential to the rehabilitation of juvenile offenders, the 2016 Rules lay forth detailed guidelines for the establishment and operation of Observation Homes, Special Homes, and Aftercare Organizations. While Special Homes provide long-term housing and rehabilitation for children requiring more intensive care, Observation Homes are short-term facilities for the assessment and monitoring of juveniles. Reintegration into society after release may be smooth with the help of aftercare programs, which provide children ongoing support, educational possibilities, and vocational training.

Juveniles with ties to the justice system should have access to mental health and welfare services, according to the 2016 Rules. People who have experienced abuse, mental illness, or drug use will need special accommodations. The rules state that these kids have to have therapeutic treatments and individualised psychotherapy to help them get back on their feet, with enough care for their mental and emotional health provided all the while.

6. Post-Implementation Impact and Criticism of the Juvenile Justice (Care and Protection of Children) Act, 2015

Impact on Juvenile Crime and Justice

An important change in India's stance on juvenile delinquency has occurred since the Juvenile Justice (Care and Protection of Children) Act was passed in 2015. There were 340,168 recorded cases of juvenile crimes between 2013 and 2022, with thirteen states having more than 10,000 cases. On the other hand, four of the northeastern states—Nagaland, Meghalaya, and Andhra Pradesh recorded less than 1,000 cases. [2] The Act's essential provision, which permits the trial of juveniles (16–18 years old) as adults for serious offenses, has drastically altered the way courts operate over the country. According to this model, Juvenile Justice Boards (JJBs) evaluate the mental capacity and involvement of these youths to provide them with a more complex and proportional legal punishment for their serious offenses. A more deliberate and tailored approach to dealing with juvenile misbehavior in India is shown by this change.

Social and Psychological Implications

The usefulness of the provision in addressing the reasons of adolescent criminal conduct has been the subject of continual discussion. It allows for the prosecution of minors aged 16 to 18 as adults. Skeptics contend that this method might exacerbate existing problems by criminalizing and stigmatizing children, all the while ignoring systemic causes like economic inequality, broken families, and mental illness.

In addition, there have been significant obstacles to the Act's implementation, such as lengthy adoption delays and inadequate maintenance of rehabilitation facilities. This undermines the law's ability to reduce youth criminality and facilitate significant rehabilitation and reintegration, which are two of its stated goals. [3]

Public Perception and Legal Challenges

Many people feel strongly about different aspects of the Juvenile Justice Act of 2015. Opinions on the matter are divided: some regard it as a step forward in providing victims of serious crimes with justice, while others worry it would weaken the juvenile justice system's core principles of rehabilitation. An important turning point in the debate was in May 2015 during the Lok Sabha session, when Shashi Tharoor, a member of parliament, stressed that the Act differs from global standards, which advocate for educational reform instead of punitive measures for minors. [4]

There have been disagreements in the court system, particularly over the prosecution of minors as adults. More stringent laws pertaining to juvenile offenders was demanded after a wave of public outcry after the Nirbhaya case, in which the juvenile offender was given a brief three-year term in a penal facility. This incident brought to light an important issue that substantially influenced the 2015 Act: the complicated conflict between providing victims with justice and safeguarding the rights of juvenile offenders.

Conclusion

In comparison to its predecessor, the Juvenile Justice Act of 2000, the Juvenile Justice (Care and Protection of Children) Act of 2015 made a number of significant changes. In response to widespread concerns about perceived leniency towards serious juvenile criminals, a notable change has been made: individuals between the ages of 16 and 18 may now be tried as adults for serious offenses. Adolescent offenders are the focus of the 2015 Act, which

prioritizes rehabilitation via the integration of mental health services, institutional care, and aftercare programs. Court and community structures responsible for regulating problems involving juveniles have been significantly enhanced via the introduction of Juvenile Justice Boards, Child Welfare Committees, and Special Juvenile Police Units. Regardless of these changes, the Act has been heavily criticized, particularly for its provision that allows minors to be tried as adults. This has led some to wonder whether laws like this address the causes of juvenile delinquency or just make things worse for these young offenders. Between the years 2000 and 2015, India's juvenile justice system saw substantial reforms. Though it maintained the fundamental principles of caring for and protecting children, the 2015 Act included stricter procedures to deal with serious offenders, in contrast to the 2000 law's emphasis on rehabilitation strategies. In line with international human rights standards, any future reforms should seek a middle ground between victim justice and the rights of juvenile offenders. Resolving public concerns about justice and safety must not take a back seat to the continued emphasis on rehabilitation and reintegration, which includes giving youths chances to change. Finding a reasonable middle ground in India's juvenile justice system between protection, rehabilitation, and justice is an ongoing challenge.

[1] *Mukesh & Anr. v. State for NCT of Delhi & Ors.*, (2017) 6 SCC 1

[2] <https://recordoflaw.in/juvenile-crime-on-the-rise-in-india-causes-trends-solutions>

[3] <https://gjl.in/wp-content/uploads/2022/05/Pranay-ECONOMICS-OF-JUVENILE-DELINQUENCY-IN-INDIA.pdf>

[4] https://en.wikipedia.org/wiki/Juvenile_Justice_Care_and_Protection_of_Children_Act_2015

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