

## ANALYSIS OF THE JUVENILE JUSTICE ACT AND SYSTEM IN INDIA

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### ABSTRACT

The Juvenile Justice system in India aims to provide care, protection, and rehabilitation to children in conflict with the law while upholding their rights and ensuring their reintegration into society. Governed primarily by the Juvenile Justice (Care and Protection of Children) Act, 2015, the system distinguishes between juveniles and adult offenders, emphasizing reform over punishment. And the Act introduced significant reforms, including provisions for trying juveniles aged 16–18 as adults for heinous crimes, sparking debates on child rights and the balance between justice and reformation. Despite progressive legal frameworks, the implementation faces challenges such as inadequate infrastructure, lack of trained personnel, and societal stigma. As well as this paper examines the evolution, structure, and effectiveness of juvenile justice in India, highlighting the need for a more child-centric approach that prioritizes rehabilitation over retribution.

The Juvenile Justice System in India serves the largest population of two significant groups of at-risk children: those lacking family or familial support and those who are alleged to have committed offenses. The current primary framework for this system is the Juvenile Justice (Care and Protection of Children) Act, 2000, which was further revised in 2006. This Act integrates provisions pertaining to children from the Indian Constitution, UN guidelines, and principles of Child Rights. The Juvenile Justice Act categorizes children into two groups: a) “Child in Need of Care and Protection” and b) “Juvenile in Conflict with Law.” The legislation differentiates between these two groups of children and establishes distinct and independent processes to address their respective concerns.

**KEYWORDS:** Juvenile Justice System, Juvenile Justice Act, Children Rights, Indian Constitution, Children Care and Protection Act

### INTRODUCTION:

Kids are viewed globally as invaluable assets to the nation. The long-term future of the state lies in the hands of children, who are regarded as exceptional resources; however, due to a general lack of concern within our society, these future partners are not adequately acknowledged, leading to an increase in juvenile delinquency. Child delinquency is a troublingly growing issue that raises concerns universally. Children ought to be the main focus of development planning, research, and welfare

in India; unfortunately, this is not the case. Despite the constitutional promise of a robust and joyful childhood protected from abuse and exploitation, the majority of children in India still lack proper care, safety, and substantial opportunities.

India is a signatory to the United Nations Declaration on the Rights of the Child, 1959, which outlined and recognized various rights for children, including the right to health care, protection from abuse, safety from exploitation, safeguarding from neglect, access to

education, freedom of expression, and the right to nourishment, among others, which are established as fundamental rights by the Convention on the Rights of the Child. The Union Parliament subsequently enacted a uniform law on juvenile justice for the entire nation, passing the pivotal legislation on Juvenile Justice in 1986. Prior to these laws, numerous other laws addressing the same issues existed in various countries around the world. However, these laws were not uniform or consistent. The essential uniform law on juvenile justice, while intended to prompt significant improvements in the treatment of juveniles, failed to result in any substantial change. Concerns persisted in human rights circles regarding the treatment of juveniles in detention centers, which were designated as special homes and juvenile facilities.

#### **HISTORY OF JUVENILE JUSTICE ACT:**

In 1986, legislation was enacted aimed at protecting young individuals, which was followed by the introduction of various other laws. Prior to this law, each state had its unique legislation regarding juvenile justice, leading to differences in how the judicial systems treated young offenders. However, the main uniform law on juvenile justice failed to bring about significant improvements in the treatment of minors. The law continued to spark considerable concern in human rights circles, particularly regarding the way juveniles were handled in detention centers designated as special facilities and juvenile homes. As international attention intensified on juvenile justice issues in the late 1990s, the topic gained traction even in local discussions, accompanied by a series of consultations on juvenile justice at both national and local levels.

#### **JUVENILE SYSTEMS IN OTHER COUNTRIES:**

The United States has established a clear distinction between juveniles who are victims of a stagnant society and those who are fully aware of the cruelty of their actions. The laws in the country allow, in certain instances, considering the severity of the crime

committed, to treat juvenile offenders as adults. The rationale behind this decision is to acknowledge the fundamental principle of accountability or remorse. By postponing its jurisdiction, the court recognizes that the offender is beyond the reach of juvenile rehabilitation and justifies the transfer of jurisdiction as a means of safeguarding society at large from the offender.

Australia follows a system similar to that of the UK. Referring to Australia's Juvenile Justice Act of 2000, it is important to note that instead of having flexible sentencing options, we have opted for a rigid and sweeping approach. This is a system where the maximum sentence served by a juvenile who engages in theft to support themselves is the same as that given to a hardened repeat offender or murderer; notably, both categories fall under individuals who are under eighteen years old.

#### **REASONS FOR JUVENILE SYSTEM:**

Interdisciplinary research on juvenile delinquency indicates that around the globe, numerous behavioral modifications occur among juveniles and adolescents, closely tied to rapid bodily changes due to hormonal fluctuations associated with puberty. These transformations are most visible in physical aspects, such as height and weight changes in adolescents, followed promptly by additional sexual and physical developments associated with maturity.

In certain situations, juveniles develop a deviant sub-culture due to the social struggles and feelings of disappointment regarding their status (Albert Cohen, 1955). They often adopt these deviant behaviors due to peer pressure. According to Walter B. Miller (1958), some youths—typically from lower socioeconomic backgrounds—upend the prevailing cultural norms, thereby rejecting societal values that are generally regarded as positive. In their place, they embrace an entirely opposing value system. Consequently, when certain ethical standards are upheld by the broader society, juvenile delinquents abandon these principles,

striving instead to excel in areas of defiance, harm to others, and activities that provide them with excitement, as defined by Miller. The theory of deviant sub-culture has been applied in recent studies in the United States, particularly with new attitudes of juveniles towards law enforcement in China drawing focus.

There are also psychological explanations for delinquency, which can be understood through Freudian concepts of the id, ego, and superego. When the id (the instinctual part of one's personality) becomes excessively dominant and the superego (the socially influenced part of personality) becomes weak, the individual's character shifts towards anti-social behavior (K. S. Williams 2012). Often, when social control and discretion from primary groups weaken, juveniles may develop deviant tendencies. The disintegration of social institutions has also been linked to deviance and delinquency (Chris Knoester and Dana L. Haynie, 2005). There is a substantial connection between the psychological state of adolescents and their propensity for delinquency. An examination of female inmates in Bangladesh indicated a notably high prevalence of mental health issues among the offenders in the Female Juvenile Centre, with these individuals also exhibiting a significant incidence of substance abuse.

Biological perspectives suggest that individuals are influenced by their genetic or biological makeup. They are not merely victims of biological determinism, but this predisposition makes them more inclined toward delinquent behavior. Hormonal changes in the bodies of juveniles are responsible for their impulsive and rebellious conduct. Environmental, natural, and economic factors also serve as significant triggers in the lives of juveniles. However, it is generally the interplay of these various factors that collectively contributes to the phenomenon of juvenile delinquency.

### **JUVENILE JUSTICE (CARE AND PROTECTION) ACT, 2015:**

The tragic incident led to extensive discussions. Additionally, a key focus of these conversations

was the participation of the young offender, who was just six months shy of turning eighteen. This situation raises the implications of the Juvenile Justice (Care and Protection) Act, 2015, which resulted in the court giving the offender a mere three-year sentence. In reaction to this Supreme Court decision, numerous protests emerged, advocating for reforms in the existing Juvenile Justice system. Nevertheless, this particular case alone did not motivate the government to present this legislation. The two primary justifications included delays in the implementation and processes of the Juvenile Justice Act of 2000. Moreover, data from the National Crime Records Bureau (NCRB) highlighted an increase in juvenile offenses among those aged 16 to 18 (rising from 1% in 2003 to 1.2% in 2013). In addition to the major advocates, some child activists critiqued this Act for various reasons, primarily claiming it was more punitive than rehabilitative. The passage of The New Juvenile Justice (Care and Protection of Children) Act, 2015, has introduced several significant modifications to the prevailing Juvenile Law. One of the central changes is that minors between the ages of sixteen and eighteen will be prosecuted as adults. Furthermore, those who turn twenty-one while serving their sentence will be incarcerated for the remainder of their term. However, all such determinations are at the discretion of the Juvenile Justice Board. This paper has concentrated on a variety of controversial aspects relating to the newly established Juvenile Justice Act, especially by considering the perspectives of various activists. Additionally, the paper has explored the possible outcomes that could emerge when the New Juvenile Justice Act of 2015 is interpreted alongside the Protection of Children from Sexual Offenses Act of 2012 and the Prohibition of Child Marriage Act of 2006.

### **BRIEF EVOLUTION OF JUVENILE JUSTICE LEGISLATIONS IN INDIA:**

A number of researchers have explored the origin and evolution of Juvenile Justice in India (Mousami Dey, 2014). Before British colonization

in India, children's behaviors were governed by existing Hindu and Muslim laws, where the respective communities of the individuals were responsible for overseeing their children's actions. The British colonial period highlighted the need for new legislation concerning children in India. Between 1850 and 1919, several specific laws were enacted, including the Apprentice Act (1850), the Code of Criminal Procedure (1861), and the Reformatory School Act (1876 and 1897).

The Apprentice Act (1850) stipulated that impoverished or minor offenders aged between 10 and 18 should be treated separately, with the convicted youth required to work as apprentices for employers. Section 82 of the Indian Penal Code of 1860 acknowledged the distinctive status of children. It established age limits for criminal liability, exempting those under 7 years old from culpability. Children aged between 7 and 12 were deemed to possess sufficient maturity to comprehend the nature of their actions in certain contexts.

The development of juvenile justice in India showcases the nation's increasing recognition of children's rights, the significance of rehabilitation, and the impact of global trends on local legislation. In ancient and medieval times, there was no separate legal framework for minors, and the modern understanding of juvenile delinquency was absent—children were regarded as integral members of the community and bound by the same societal standards as adults, with families and communities traditionally playing a key role in moral instruction and correction. The introduction of the first formal legal distinction between juvenile and adult offenders occurred during British colonial rule with the Indian Penal Code (1860), which set the minimum age for criminal responsibility at seven, followed by the Reformatory Schools Act of 1897, designed to establish a separate correctional system for boys under 15 found guilty of crimes, although its applicability was limited. After gaining independence, India's juvenile justice system began to better reflect international standards, particularly following the United Nations

Declaration of the Rights of the Child (1959) and later the UN Convention on the Rights of the Child (UNCRC), which India ratified in 1992.

A significant advancement was made with the Juvenile Justice Act of 1986, which aimed to streamline and enhance previous laws, focusing on care, protection, and rehabilitation instead of punishment, while instituting separate procedures for juveniles in conflict with the law and those requiring care and protection. Nonetheless, issues in consistency and implementation led to the introduction of the more comprehensive Juvenile Justice (Care and Protection of Children) Act, 2000, which aligned Indian law more closely with the UNCRC and instated child-friendly practices, including the establishment of Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs), along with mandates for observation homes and special homes. This 2000 legislation was subsequently revised in response to public outrage following the Nirbhaya gang rape incident in 2012, where one of the accused was a minor; this resulted in the contentious Juvenile Justice (Care and Protection of Children) Act, 2015, which permitted the prosecution of juveniles aged 16 to 18 as adults for severe crimes, based on an initial evaluation by the JJB—a drastic shift from a primarily rehabilitative approach to one that incorporated retributive elements for serious offenses.

While child rights advocates and international organizations criticized this amendment for potentially contravening the presumption of innocence and the developmental comprehension of adolescence, the government justified it as essential for public security and justice. The 2015 Act also established adoption regulations and aimed to enhance and unify the mechanisms for child protection and rehabilitation. Over the years, India's juvenile justice landscape has continued to evolve, striving to balance child welfare with the necessity for accountability, with further initiatives implemented through programs like the Integrated Child Protection Scheme (ICPS)

and the contributions of the National Commission for Protection of Child Rights (NCPCR). Despite the advancements, challenges persist in areas such as implementation, capacity building, infrastructure, and combating societal stigma towards children involved with the law. Overall, the juvenile justice system in India has transitioned from colonial-era reformatory efforts to a more sophisticated, rights-oriented, and rehabilitative framework, although ongoing reforms and consistent enforcement are essential to ensure that justice for children is truly meaningful and equitable.

#### **RELATED CASE LAWS:**

In a 3-judge Bench decision by the Supreme Court regarding:-

**Umesh Chandra Vs. State of Rajasthan**<sup>625</sup>, it was ruled that: “Concerning the final applicability of the Act, we are clearly of the opinion that the relevant date for the applicability of the Act is the date on which the offense occurs. The Juveniles Act was established to protect young children from the consequences of their criminal actions on the understanding that their mindset at that age cannot be considered fully developed for attributing responsibility, as is the case with an adult. This being the intention of the Act, it must be clearly noted that the significant date for its relevance is the date of the offense... We are unequivocally of the view that the crucial date for considering the Act concerning the age of the accused, who claims to be a minor, is the date of the occurrence, rather than the date of the trial.”

In 2000, there appeared to be a shift in the perspective of the Hon'ble Supreme Court in the case of:-

**Arnit Das Vs. State of Madhya Pradesh**<sup>626</sup>, which stated: “Considering the context, we are clear in our judgment that the relevant date for determining whether someone is a juvenile is

the date on which they are presented before the competent authority.” This critical issue was further addressed by a 5-judge Bench in the case of **Pratap Singh Vs. State of Jharkhand**, which determined that: “The relevant date for assessing the age of a juvenile is the date of the offense and not the date when they are brought before the authorities or in a court of law.”

In **Navin Pawar v. State**<sup>627</sup>, the possibility of a legal redundancy is not grounds to deny bail.

In **Gurudev v. State**<sup>628</sup>, custody of the child was granted to the father, a government employee, despite lower courts denying bail based on moral, physical, or psychological risks.

In **Ace Abhishek v. State**<sup>629</sup>, it was noted that actions which amount to “obstructing the ends of justice” were significant considerations in **Shashi Immanuel Kant Saini v. State**<sup>630</sup>, with the observations made in SIR being material to the granting of bail.

#### **CONCLUSION:**

Before concluding, it's important to explore several theories that can help explain the reasons behind juvenile delinquency. Two prominent theories are the Psychodynamic theory and the Social Learning theory. Sigmund Freud's psychodynamic theory posits that a child is born with an Id (primal instincts), which is moderated by the ego that recognizes reality. The superego develops through social interactions, but since it cannot fully control primal instincts, this may lead to delinquent behavior in juveniles. Another theory, the Social Learning theory, suggests that while a child is inherently good at birth, their environment influences their behavior as they learn by imitating adults. In both cases, the influence of parents, society, and the environment plays a pivotal role. There are numerous reasons why a juvenile might engage in criminal activity, many of which are beyond the control of the young child. In many situations, imposing social

<sup>625</sup> 1982 AIR 1057

<sup>626</sup> AIR 2001 SC 3575

<sup>627</sup> 2012 AIR 1523

<sup>628</sup> AIR SC 1766

<sup>629</sup> 2024 AHC 109367

<sup>630</sup> AIR ONLINE 2020/2541

control on a juvenile who is in conflict with the law is not always a viable solution, as noted by scholars. Therefore, keeping these considerations in mind, the author believes it is essential for the government to reassess and review child-friendly reforms in the recent Juvenile Justice Act, 2015 to address the shortcomings in juvenile justice.

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