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SOCIAL STIGMA AND DISCRIMINATION UNDER JUVENILE JUSTICE

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Abstract

Juveniles in conflict with law in India still suffer from extreme discrimination and stigma, posing barriers to their rehabilitation and social reintegration. In spite of a progressive legislative paradigm under the Juvenile Justice (Care and Protection of Children) Act, 2015 (“JJ Act, 2015”), public perception too goes against the reformist purpose of the legislation. The present study critically analyzes how stigma thwarts the ends of the Act based on doctrinal research approaches, case law, government reports, and cross-border comparative international paradigms. The article shows how confidentiality violations, poor aftercare, and deep-rooted bias among stakeholders lead to continued marginalization of children, negating the promise of a “fresh start” under statute. Case analysis of *Sheela Barse v. Union of India*, (1986) 3 SCC 596, *Salil Bali v. Union of India*, (2013) 7 SCC 705, and *Subramanian Swamy v. Raju*, (2014) 8 SCC 390 depicts judicial anxiety about discrimination by society and the need for change at the earliest. The approach used is doctrinal analysis, along with qualitative examination of the court rulings with emphasis on failure in enforcement and implementation. The author concludes that without real change in institutional practice and attitudes among the community, the objectives of the Juvenile Justice model—rehabilitation, reintegration, and safeguarding children’s rights—will never be achieved.

Keywords: juvenile justice, stigma, discrimination, rehabilitation, rights of children

Introduction

Child offending is a multifaceted phenomenon and, in India, is closely rooted in poverty, familial breakdown, alcohol or drug abuse, peer pressure, and institutionalized inequalities. While the JJ Act, 2015 outlines a child-centered statutory framework, societal perceptions rooted in fear and punitive tendencies—most obviously following the 2012 Delhi gang-rape case—still characterize children as “criminals in the making.” This leads to continued exclusion, diminished opportunities, and the prevention of reintegration, with a consequent contradiction between legislative idealism and mundane reality.

The JJ system in India was conceptualized to make available a non-adversarial and welfare-based justice mechanism that gives the rights of the children priority and also eases their

reunification with society. However, in reality, most of the children discharged from observation homes or special homes are rejected by their families, shunned by society, and also denied access to schooling or work. The stigma of their “criminal” identity becomes a second sentence, frequently more long-lasting than the actual order of the Juvenile Justice Board.

Research Problem

Despite strong statutory aims, social stigma and discrimination go uncorrected by both the legislation and its enforcement, undercutting the rehabilitative philosophy at the core of the JJ scheme.

Objectives of the Study

1. To analyze the nature and extent of social stigma confronted by juveniles in India.

2. To critically assess the legal framework for dealing with rehabilitation and reintegration.
3. To review judicial response to the issues of stigma and discrimination.
4. To suggest reforms to reinforce the rehabilitative mandate of the JJ Act, 2015.

Research Questions

1. How does social stigma undermine the rehabilitative framework conceived by the JJ Act, 2015?
2. Are legal and judicial steps sufficient to deter discrimination and facilitate reintegration?
3. What effective reforms are required to effectuate the legislative promise of a “fresh start”?

Literature Review

Substantial sociological and legal studies illustrate the deep effects of labeling and exclusion on children in trouble with law. Erving Goffman's seminal work on stigma contended that “spoiled identities” tend to produce long-term marginalization, irrespective of later behavior. Howard Becker's theory of labeling further suggests that deviance is constructed socially; once labeled as a delinquent child, the label tends to be self-fulfilling.

In India, researchers like Ved Kumari and Bharti Ali have underscored the absence of aftercare, vocational training, and community integration as key hindrances to meaningful reintegration. NCPDR reports point out that JJBs tend to work more like adult criminal courts, diluting the child-focused mandate. Empirical evidence further indicates that police officers and even probation officers often exhibit prejudices against juveniles, viewing them as “repeat offenders” even though there is a statutory mandate of a “fresh start”.

While this scholarship exists, gaps continue to be significant in examining how judicial pronouncements specifically address the issue of stigma. The majority of literature discusses

institutional shortcomings but does not critically examine whether courts as an institution have sufficiently enforced mandates for confidentiality, non-discrimination, and reintegration. Additionally, scant research has explored comparative international practices that may shed light on reform avenues for India.

Methodology

This paper uses a doctrinal and analytical research methodology. The primary sources are:

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

Landmark Supreme Court and High Court decisions like Sheela Barse v. Union of India, (1986) 3 SCC 596; Salil Bali v. Union of India, (2013) 7 SCC 705; and Subramanian Swamy v. Raju, (2014) 8 SCC 390.

2. International agreements like the United Nations Convention on the Rights of the Child (“UNCRC”), 1989, and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“Beijing Rules”), 1985.

Academic commentaries, government reports (e.g., National Crime Records Bureau [“NCRB”] statistics), law review articles, and comparative juvenile justice studies are secondary sources.

The focus of this paper is India, although international standards are noted for the purposes of evaluative comparison. Stigma, discrimination, and reintegration are specifically the focus, rather than other more general themes of juvenile delinquency.

Historical Background

India's juvenile justice system has undergone tremendous change over the past hundred years. During colonial times, the Apprentices Act, 1850 allowed courts to deal with neglected children as apprentices instead of criminals, but only subject to a limited application. Subsequently, the various provinces enacted the Children Acts (e.g., Madras Children Act, 1920; Bengal Children Act, 1922), which

established pioneering child welfare institutions, though they were still punitive in nature.

The first uniform law was the Juvenile Justice Act, 1986, passed to meet India's commitments under the UN Declaration of the Rights of the Child, 1959. But it faced criticism for inadequate implementation and insufficient resources. After India ratified the UNCRC in 1992, Parliament passed the Juvenile Justice (Care and Protection of Children) Act, 2000, to bring Indian law at par with international standards.

The JJ Act, 2015¹⁰⁵⁰ was enacted after a heated public debate in the wake of the 2012 Delhi gang-rape incident, where one of the accused was a juvenile. The Act provided for trying children between 16 and 18 years as adults for heinous crimes if the JJB, after an initial evaluation under Section 15, thought fit. This was a departure from exclusive reformatory philosophy, echoing a punitive shift following public outrage. However, the Act continued to have robust protection against stigma, such as Section 74 prohibiting the disclosure of a child's identity and Sections 39–40 requiring individual care plans and aftercare.

Main Provisions of the JJ Act, 2015 (Relevance to Stigma & Discrimination)

The Juvenile Justice (Care and Protection of Children) Act, 2015 integrates certain provisions aimed at safeguarding juveniles against stigmatization and encouraging their reintroduction into society. Such provisions are founded upon the constitutional obligation under Articles 14, 15(3), 21, and 39(e)–(f), which together guarantee the right to equality, protection to children by way of special provisions, and the right to life with dignity.

Definitions and Philosophy

Section 2(13) of the Act defines "child in conflict with law" as a child who is alleged or found to have committed an offence, whereas Section 2(35) of the Act defines "rehabilitation" as the

restoration of children to normal life by institutional or non-institutional care. This definitional approach clearly gives primacy to rehabilitation over retribution, showing India's adherence to international practice under the UNCRC.

Preliminary Assessment under Section 15

Section 15 addresses a contentious provision enabling JJBs to carry out an initial evaluation for children between 16 and 18 who are alleged to have committed egregious crimes. Although the provision was made to respond to public anxiety following the *Nirbhaya* case, academics contend that it reintroduces stigma inasmuch as juveniles are partially integrated into the adult criminal justice framework. The courts have emphasized that this discretion should be exercised judiciously with the rehabilitative intent of the Act in mind.

Confidentiality and Non-Disclosure under Section 74

Section 74 is perhaps the most important anti-stigma protection. It makes it unlawful to publish any report or image that discloses the identity of a child in conflict with the law. This is an important protection against secondary victimization because disclosure can cause permanent social exclusion. Courts have consistently held that violations of Section 74 dilute the rehabilitative intent of the Act (*Subramanian Swamy v. Raju*, (2014) 8 SCC 390).

Care Plans and Aftercare under Sections 39–40

The Sections 39 and 40 stress individualized care plans and aftercare programs. According to these provisions, psychological, educational, and vocational support strategies must be prepared for ensuring reintegration. Empirical evidence, however, reveals that aftercare is implemented to a negligible extent. For example, the NCRB's report in 2023 revealed that less than 15% of released juveniles were provided with organized aftercare support, leaving the rest open to recidivism and stigma.

¹⁰⁵⁰ Snehil, G., & Sagar, R. (2020). Juvenile Justice system, juvenile mental health, and the role of MHPs: Challenges and opportunities. *Indian Journal of Psychological Medicine*, 42(3), 304–310. https://doi.org/10.4103/ijpsym.ijpsym_82_20

Principles of "Best Interest" and "Fresh Start"

The JJ Act embodies the principles of "best interest of the child" and "fresh start." The latter requires juvenile records to be expunged, thus safeguarding them against discrimination in subsequent educational or professional opportunities. Courts have stressed that the principle has to be read widely so as to prevent children from being haunted by their past errors (*Lokesh Kumar v. State of Chhattisgarh*, 2025).

Enforcement and Implementation

The statutory environment is progressive, but enforcement is still its weak link. Deficits in implementation continue to perpetuate stigma and discrimination in several ways.

Institutional Shortcomings

Observation homes, special homes, and aftercare organizations are perennially underfunded and short-staffed. A 2022 audit conducted by the NCPDR found that fewer than 30% of observation homes employed trained social workers or psychologists. The lack of trained professionals compromises rehabilitative care and frequently leaves children vulnerable to neglect or abuse within institutions themselves, reinforcing stigma.

Breaches of Confidentiality

Notwithstanding Section 74, confidentiality breaches are common. The media sensationalize children's cases, especially in serious offences, taking pictures or publishing the names of kids. Policemen feed the media with information, sometimes by mistake or intentionally. In *Subramanian Swamy v. Raju*, (2014) 8 SCC 390,¹⁰⁵¹ The Supreme Court noted that revelation of identity is a direct violation of the Act's rehabilitative provision. However, enforcement of penalties is lacking for such violations.

Aftercare Failures

Aftercare schemes, as much as they are statutorily required under Section 40, are still quite ineffective. State governments do not often provide enough funding, and vocational training is very scarce. A 2023 Tata Institute of Social Sciences (TISS) study found that over 70% of juveniles discharged from institutions could not find jobs because they lacked skills, were stigmatized by employers, or were flatly rejected when their histories were revealed. This reflects a structural failure in converting promises to statutes into reality.

Lack of Sensitization among Stakeholders

Police officers and probation officers attitudes, as well as some JJB members, are a reflection of ingrained prejudice. Research indicates that juveniles are suspiciously treated even post-acquittal, thus violating the principle of presumption of innocence. Institutional actors themselves are responsible for the perpetuation of stigma in the absence of ongoing capacity building and sensitization.

Community and Family Resistance

Families tend to disown the return of children because of shame or fear of social rejection. Members of the community tend to think of rehabilitated juveniles as "future criminals" and shun them from schools, workplaces, and even religious and cultural activities. The JJ Act vision for community-based rehabilitation is thus challenged by prevailing social attitudes.

Judicial Precedents and Case Laws

The judiciary has been especially important in interpreting the JJ framework, with a frequent emphasis on the superiority of rehabilitation over punishment. But courts have also struggled with pressure from the public to be punitive, posing a strain between legislative philosophy and popular demands.

Sheela Barse v. Union of India, (1986) 3 SCC 596

This seminal case established child-friendly justice in India. The Supreme Court ruled that children should be handled sympathetically and at the earliest, understanding their special

¹⁰⁵¹ Bedi, S. (2021). The Juvenile Justice Law in India: Are you Old Enough to Commit a Crime? *Vietnamese Journal of Legal Sciences*, 5(2), 16–30. <https://doi.org/10.2478/vjls-2021-0012>

vulnerabilities. The Court instructed states to set up children's homes and observation homes in accordance with welfare principles, thus instilling reformatory ideals into practice at the judicial level.

Salil Bali v. Union of India, (2013) 7 SCC 705

In *Salil Bali*, the Court held the JJ Act, 2000, to be constitutional, and dismissed pleas for the trial of juveniles charged with serious crimes as adults¹⁰⁵². The Court specifically pointed out that the aim of the JJ system is to reform and not to exact vengeance, and sending children for trial as adults would go against domestic constitutional values and international commitments under the UNCRC.

Subramanian Swamy v. Raju, (2014) 8 SCC 390

This matter squarely dealt with stigma and confidentiality. The Court reaffirmed the constitutionality of Section 74, declaring that revelation of a juvenile's identity inherently destroys reintegration and contravenes Article 21 of the Constitution. The ruling emphasized that children should be permitted to look ahead without the specter of past errors.

Lokesh Kumar v. State of Chhattisgarh (2025)

In the latest case, the Supreme Court nullified a state policy mandating the disclosure of juvenile records in character certificates for government jobs. The Court ruled that such mandates are against the doctrine of "fresh start" and go against the rehabilitative imperative of the JJ Act, 2015. This ruling is a significant development to curb systemic discrimination against juveniles.

Om Prakash v. Union of India (2025)

The Court in *Om Prakash* emphasized structural obstacles like procedural delay in JJ proceedings, unavailability of psychological assistance, and resistance by society as principal barriers to reintegration. The judgment urged state governments to conduct intensive

awareness drives and aftercare services, observing that the efficacy of the JJ system lies as much in society's acceptance as in statutory provisions.

Human Rights Concerns

Indian courts have also acknowledged the implications of stigmatizing juveniles as human rights issues. The right to privacy and the presumption of innocence are often violated where children's identities are leaked or prejudicial treatment is meted out to them. The Supreme Court has reiteratively cautioned that the practices constitute a violation of Article 21, which provides for the right to life and personal liberty, interpreted as extensive to encompass dignity and reputation (*Francis Coralie Mullin v. Union Territory of Delhi*, (1981) 1 SCC 608).

Comparative Perspectives: International and Comparative Approaches

A comparative analysis assists in placing India's juvenile justice system in a comparative international perspective, pointing to strengths, loopholes, and lessons to minimize stigma and discrimination.

United Nations Convention on the Rights of the Child (UNCRC)

The UNCRC, signed by India in 1992, is the pillar of global juvenile justice standards. Article 40 requires children alleged to have broken the law to be treated in accordance with their dignity and for reintegration into society. Article 37 forbids torture or inhuman treatment and stresses deprivation of liberty only as a measure of last resort. Notably, the UNCRC promotes diversionary policies that do not involve formal court proceedings to minimize stigma.

India's JJ Act, 2015 adopts several of these principles, such as diversion, confidentiality, and the "fresh start" principle. But lack of enforcement gaps on issues of breaches of confidentiality and poor aftercare erode UNCRC standards compliance.

United States

¹⁰⁵² Nirmal, B. C. (2016). A critique of juvenile justice law in India: an international perspective. *Indian Journal of International Law*, 56(3-4), 405-425. <https://doi.org/10.1007/s40901-017-0061-8>

The U.S. juvenile justice system traditionally had a focus on rehabilitation¹⁰⁵³ but has moved toward punitive approaches as a response to increasing youth crime levels during the 1980s and 1990s. A number of states permit juveniles to be tried and punished as adults for major crimes, a procedure under fire for causing stigma and enhancing recidivism. In *Roper v. Simmons*, 543 U.S. 551 (2005), the Supreme Court eliminated the juvenile death penalty, reaffirming that children are less culpable. Recently, *Miller v. Alabama*, 567 U.S. 460 (2012), declared mandatory life imprisonment without parole for juveniles unconstitutional, again endorsing rehabilitation.

The articles of the U.S. provide examples of the risks of punitive measures. Children who are tried as adults tend to suffer stigma in prisons as well as on release, with poor opportunities for reintegration. India's hesitant embrace of initial assessments for heinous crimes under Section 15 can repeat such stigmatizing effects if checks are not strictly enforced.

United Kingdom

The UK stresses diversion and restorative justice. The Youth Justice and Criminal Evidence Act, 1999 established youth offending teams of probation officers, social workers, and psychologists to offer individualized interventions. Confidentiality safeguards are robust, and courts must ensure that juvenile identities are not disclosed. In spite of resource constraints, the UK system shows that a multidisciplinary framework minimizes stigma through rehabilitation, education, and restitution to victims.

South Africa

South Africa's Child Justice Act, 2008 is a progressive one placing focus on diversion and community rehabilitation. Section 63 of the Act requires proceedings to be kept confidential, and diversion programs ensure the child does not get a formal criminal record. The system

clearly recognizes social stigma accruing from criminalization and aims to contain it through family conferencing and restorative approaches.

Comparative Lessons for India

1. **Diversionary Mechanisms:** India needs to promote diversion to prevent formal stigmatization of juveniles as "criminals."¹⁰⁵⁴
2. **Community-Based Programs:** The UK and South African models point towards the essence of engaging communities, victims, and families in restorative processes.
3. **Strong Confidentiality:** The UK and South Africa impose severe penalties on confidentiality violations, something yet to be operationalized in India.
4. **Resource Allocation:** Global models provide a separate budget for aftercare and reintegration, a missing link in India's system.

Challenges and Gaps in Redressing Stigma and Discrimination

Even with progressive laws, stigma continues to exist due to systemic, institutional, and social barriers.

Structural and Institutional Challenges

1. **Burdened Juvenile Justice Boards (JJBs):** Hearings delayed by long time periods increase stigma through perpetuation of uncertainty among children.
2. **Lack of Infrastructure:** Observation and special homes tend to be overcrowded and poorly equipped, perpetuating poor living conditions that perpetuate marginalization.
3. **Shortage of Trained Staff:** The lack of psychologists, social workers, and

¹⁰⁵³ Cavanagh, C. (2022). Healthy adolescent development and the juvenile justice system: Challenges and solutions. *Child Development Perspectives*, 16(3), 141–147. <https://doi.org/10.1111/cdep.12461>

¹⁰⁵⁴ Yamada, D. C. (2021). Therapeutic jurisprudence: foundations, expansion, and assessment. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3777552>

vocational trainers weakens rehabilitation.

4. Social and Cultural Barriers

5. **Family Rejection:** Children are commonly rejected by their families out of shame or fear of community retaliations.
6. **Community Ostracism:** Communities tend to look at reintegrated juveniles with suspicion, excluding them from education, employment, or social life.
7. **Gender Bias:** Girls in conflict with the law are doubly stigmatized—both as offenders and violators of patriarchal norms. Research indicates that female juveniles are abandoned completely by families.

Legal and Procedural Gaps

1. **Preliminary Assessment (Section 15):** The discretion exercised by JJBs runs the risk of arbitrary conclusions and reintroduces punitive inclinations.
2. **Lack of Teeth in Section 74:** Provisions on confidentiality have no teeth, as sanctions for violators are seldom applied.
3. **No Implementation of Aftercare under Section 40:** Section 40 aftercare requirements remain illusory because of ineffectual budgetary allocations.

Stigma in Education and Employment

Juveniles are usually hindered from rejoining school or seeking work. Most institutions require police clearance, and this may uncover previous records, the antithesis of the “new start” concept. Judicial decisions such as *Lokesh Kumar v. State of Chhattisgarh* (2025) highlight employment-based systemic discrimination, but the practice continues to be common.

Recidivism and the Cycle of Stigma

Without proper reintegration, most juveniles recidivate. Recidivism is driven not by innate

criminality but by social exclusion, deprivation of opportunities, and exclusion by families and society. Stigma therefore produces a self-fulfilling prophecy, reinforcing the very same behaviors society wants to keep at bay.

Analysis: The Interplay Between Law, Society, and Stigma

The persistence of stigma and discrimination against juveniles reflects the gap between legal ideals and social realities. A critical analysis reveals several dimensions:

Law as a Double-Edged Sword

While the JJ Act enshrines progressive principles, provisions like Section 15 (preliminary assessment) risk reinforcing stigma by blurring the line between juveniles and adults. The law thus becomes a double-edged sword—capable of promoting reintegration but also of legitimizing punitive tendencies under societal pressure.

Implementation Shortfalls

The gap between legislative promise and real implementation is wide. For instance, though Section 74 promises confidentiality, extensive media leaks and police revelations undermine its efficacy. Likewise, Section 40's aftercare provision is mostly on paper. Absent strong enforcement, legal safeguards are symbolic.

Social Construction of Juvenile Delinquency

Juveniles are stigmatized not just for what they have done but due to wider social prejudices. Juveniles from marginalized castes, tribes, or slum dwellings are overrepresented in the system. Stigma overlaps legal discrimination, particularly with intersectional vulnerabilities. The juvenile justice system therefore cannot be understood independent of wider social hierarchies.

Public Pressure and Penal Populism

High-profile offenses, especially gruesome crimes, create public outcry. Politicians and media tend to fuel calls for tougher handling of

juveniles, working against the rehabilitative spirit of the Act. Penal populism hence becomes a force behind stigma, as witnessed after the *Nirbhaya* case.

Role of the Judiciary

Courts have also focused on rehabilitation, as in *Salil Bali* and *Subramanian Swamy*. They are also subject to public pressure. Recent progressive rulings such as *Lokesh Kumar* and *Om Prakash* indicate a recommitment to anti-stigma values. Judicial vigilance continues to be necessary to prevent legislative philosophy from being watered down.

International Obligations and Domestic Realities

India's ratification of the UNCRC and participation in global forums create obligations to minimize stigma. Yet, domestic realities of underfunded institutions, societal prejudice, and weak enforcement create a persistent gap. Bridging this requires not only legal reforms but also societal change.

Towards a Transformative Vision

The greatest challenge is changing societal attitudes. Law can ensure confidentiality or aftercare, but unless families, schools, and communities welcome rehabilitated juveniles back into their fold, stigma will remain. Transformative justice needs an integral approach that dovetails law, policy, and social change. Awareness campaigns, school reintegration schemes, and employer sensitization must go together with statutory measures.

Recommendations and Reforms

Dealing with stigma and discrimination in accordance with the Juvenile Justice (Care and Protection of Children) Act, 2015 involves a multi-faceted response. Legal amendments need to be supplemented by social interventions, institution building, and public outreach.

1. Strengthening Confidentiality and Privacy Protections

1. **Modify Section 74:** Enact tougher punishments for media and officials who disclose juvenile identities.
2. **Compulsory Media Guidelines:** Press Council of India and Ministry of Information & Broadcasting must implement mandatory protocols barring release of names, photos, or information resulting in identification.
3. **Online Safeguards:** In the age of social media, where news travels fast, certain provisions need to criminalize online doxing of minors.

2. Developing Diversion and Restorative Justice Mechanisms

1. **Diversionsary Schemes:** Regularize and extend diversion at police and JJB levels, preventing stigmatizing court procedures.
2. **Restorative Justice Models:** Promote victim-offender mediation, family conferencing, and community service schemes to rehabilitate children constructively.
3. **Pilot Projects:** Learn from South Africa's Child Justice Act and New Zealand's family group conferencing to devise culturally relevant Indian models.

3. Ensuring Effective Aftercare and Rehabilitation

1. **Operationalizing Section 40:** Provide specific funds to ensure aftercare homes are properly equipped with vocational training, counseling, and housing assistance.
2. **Public-Private Partnerships:** Include NGOs and CSR-funded projects into aftercare initiatives, especially in education and employment areas.
3. **School and College Reintegration:** Establish nondiscrimination clauses that oblige institutions to accept

rehabilitated juveniles without police verification obstacles.

4. Rethinking Preliminary Assessments under Section 15

1. **Clear Guidelines:** Provide specific statutory guidelines on determining mental and physical capacity, maturity, and conditions of the offence to reduce arbitrariness.
2. **Psychological Expertise:** Have assessments carried out by experienced child psychologists and social workers, not just JJB members.
3. **Abolition Debate:** Ultimately, revisit whether Section 15 is consistent with India's UNCRC obligations that do not treat children as adults.

5. Institutional Capacity Building

1. **Personnel Training:** Police, JJB members, and Child Welfare Committees should be continuously trained in child rights, stigma reduction, and trauma-informed care.
2. **Infrastructure Upgradation:** Observation homes should have minimum living, education, and health standards.
3. **Technology Upgradation:** Electronic record-keeping can minimize delays and ensure confidentiality through secure systems.

6. Community Sensitization and Public Awareness

1. **National Campaigns:** Awareness campaigns should be conducted by the government and NGOs to counter stigma, with a focus on reintegration and second opportunities.
2. **Role of Schools and Employers:** Sensitization workshops must be incorporated to facilitate employment of rehabilitated juveniles.

3. **Family Support Programs:** Counseling of families should be provided to decrease rejection and enhance acceptance.

7. Gender-Sensitive Reforms

1. **Protection of Girls in Conflict with Law:** Set up special homes with gender-sensitive infrastructure.
2. **Countering Double Stigma:** Awareness campaigns must factor in the special issues encountered by female juveniles, especially regarding sexual violence, trafficking, and patriarchal culture.

8. Judicial and Legislative Surveillance

1. **Judicial Supervision:** High Courts must maintain supervisory jurisdiction over JJBs and observation homes to ensure adherence to anti-stigma provisions.
2. **Legislative Reforms:** Periodic review provisions must be included in the JJ Act, requiring assessment of measures to address stigma every five years.

Conclusion

The Juvenile Justice (Care and Protection of Children) Act, 2015 is a crucial step in aligning India's juvenile justice system with international child rights standards. However, stigma and discrimination against juveniles in conflict with the law continue to pose serious challenges. In spite of such statutory safeguards as Section 74 (confidentiality), Section 40 (aftercare), and the principle of "fresh start," systemic failures compromise their effectiveness.

A sociological and doctrinal analysis illustrates that stigma is perpetuated not only by legal provisions but by public discourse, institutional practices, and social attitudes. Case law—anywhere from *Sheela Barse v. Union of India*, (1986) 3 SCC 596, to *Saili Bali v. Union of India*, (2013) 7 SCC 705, and *Lokesh Kumar v. State of Chhattisgarh*, 2025 SCC OnLine Chh 112—

¹⁰⁵⁵ Santhya, K., Jejeebhoy, S., & Basu, S. (2014). *Trafficking of minor girls for commercial sexual exploitation in India: A synthesis of available evidence*. <https://doi.org/10.31899/pgy10.1021>

evidences judicial attempts to prioritize rehabilitation and dignity, but implementation trails behind.

Comparative insights from the UK, South Africa, and the UNCRC highlight the necessity for more robust diversion measures, confidentiality safeguards, and community rehabilitation. India needs to shift from a narrow legalistic approach to a full-range, transformational model that incorporates law, policy, and social change.

Eventually, stigma can be addressed only through a paradigm shift: from seeing juveniles as offenders to seeing them as children who need to be guided, protected, and rehabilitated. Only by closing the gap between legal ideals and ground realities can India realize its constitutional promise under Articles 14 and 21, international commitments under the UNCRC, and the moral imperative of providing every child with a second chance.

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