
JUVENILE JUSTICE SYSTEM IN INDIA

By- Chanchal Pandey¹

ABSTRACT

The Indian Juvenile Justice System exemplifies a socio-legal framework that prioritizes rehabilitation over punishment, addressing the unique developmental and societal needs of young offenders. Rooted in principles of equity and fairness, the system aims to safeguard children while fostering environments conducive to their transformation into responsible citizens. This paper critically examines the evolution of juvenile justice in India, tracing its trajectory from the enactment of the Children Act, 1920, to the pivotal Juvenile Justice (Care and Protection of Children) Act, 2015, and its subsequent amendments. It explores the systemic shift influenced by global frameworks such as the United Nations Convention on the Rights of the Child, underscoring the integration of child-friendly judicial practices.

Juvenile delinquency, as analyzed in the paper, is linked to multifaceted factors including socio-economic deprivation, dysfunctional family structures, and psychological vulnerabilities. Key legal provisions and landmark judgments shaping the juvenile justice discourse are discussed, highlighting the balance between addressing heinous crimes and preserving the reformative ethos. The paper also delves into the contentious age-reduction debate, the implications of the 2012 Delhi gang rape case, and the recent amendments promoting foster care and adoption.

Despite its progressive objectives, the Juvenile Justice Act faces challenges such as inconsistent implementation, inadequate infrastructure, and overemphasis on punitive measures in certain contexts. The analysis concludes with recommendations for strengthening institutional capacities, enhancing rehabilitation frameworks, and fostering a holistic approach to juvenile justice that

¹ BBA.LLB(Hons) Student, Law College Dehradun, Uttarakhand University.

aligns with constitutional and international mandates. This comprehensive review provides critical insights into ensuring the effective administration of justice for juveniles in India.

INTRODUCTION

The Indian juvenile justice system is a legal framework created to protect children's rights and well-being while providing them with appropriate care and protection. Its basis is not punitive measures, but rather renewal and transformation. A number of laws and regulations that are designed to ensure the welfare and growth of juvenile offenders govern this system. We will examine the Indian juvenile justice system, relevant laws, and representative court cases.

MEANING AND CONCEPT OF JUVENILE

When someone is referred to as "Juvenile," it means that they are still acting like children. "Delinquency" refers to not abiding by social norms or neglecting obligations, which may entail breaking the law or doing anything improper. "Justice" is associated with equity, fairness, and sincere regard for human dignity. Seeking moral righteousness and equitable treatment in opposition to unfair behavior is the goal. Under the purview of criminal law, the juvenile justice system serves the requirements of those under the age of majority who cannot yet be held fully accountable for their unlawful behavior. Juvenile delinquency is the result of young people acting in ways that are not acceptable to society. Ensuring children and young people get just, fair, and equitable treatment in order to help them develop into contributing members of society is known as juvenile justice.

The problems that children and society face are addressed by the juvenile justice system. Its main goal is to safeguard children by treating them appropriately and establishing an atmosphere that promotes healthy human development. It is a socio-legal strategy for creating circumstances that will aid in the rehabilitation of young offenders. Juvenile justice laws are in place in almost all civilized nations in order to treat young offenders fairly and enable them to live morally upright, democratic lives. Those under the age of eighteen are subject to these laws. Juvenile courts that are kid-friendly are used to administer juvenile justice.

The main aim of this system is to focus on rehabilitation rather than punishment. When a child or young person breaks the law, the juvenile court uses special institutions to provide supportive care. This helps young offenders find a way to lead a responsible and ethical life.

EVOLUTION OF THE JUVENILE JUSTICE SYSTEM IN INDIA

Throughout its history, India's juvenile justice system has undergone important evolutionary stages that have been indicative of a developing awareness of the complex requirements of young offenders. A global movement has emerged in recent years, even in industrialized nations like the United States and the United Kingdom, calling for special treatment for juvenile offenders. This movement started in the late 1700s. Juvenile offenders were treated the same as adult criminals prior to this shift. A significant milestone was reached in 1920 when the Children Act of 1920 allowed for the opening of Bombay (now Mumbai)'s first juvenile court. This signaled the realization that children under the age of sixteen needed special protection and upbringing, which resulted in the creation of a separate legal system devoted to dealing with juvenile offenses.

The Juvenile Justice Act's replacement of the Children Act of 1920 marked a turning point in 1986. This groundbreaking legislation recognized that young people who were in trouble with the law were not typical criminals, but rather people who required care and protection. In order to supervise the Act's implementation, the innovative idea of a Juvenile Welfare Board was developed. Additionally, observation houses were established to offer children temporary housing while they awaited court cases.

On November 20, 1989, the United Nations General Assembly adopted the Convention on the Rights of the Child, recognizing the need to protect the rights of juvenile offenders. This treaty aims to support the social reintegration of young offenders by prohibiting court trials and actions against them, ensuring their best interests are protected.

The Juvenile Justice Act of 1986 replaced the Children Act of 1960, aiming to implement the principles of the Standard Minimum Rules for the Administration of Juvenile Justice, approved by U.N. member states in November 1985.

This act, consisting of 63 sections and 7 chapters, applied throughout India, except in Jammu and Kashmir. Its primary goal was to assist neglected young offenders by offering development, protection, therapy, and rehabilitation. The act aimed to:

- 1.Create a uniform juvenile justice framework that safeguards juveniles' rights and interests.
- 2.Outline the necessary infrastructure for the care, protection, treatment, development, and rehabilitation of juvenile offenders.
- 3.Provide basic provisions for fair and proper administration of justice in serious crimes involving juveniles.

In response to the U.N. Convention, the Juvenile Justice Act of 1986 was repealed and replaced by the Juvenile Justice (Care and Protection of Children) Act, 2000. This significant change aligned the Juvenile Justice Act with the principles of the Convention, raising the age of juvenile delinquency from 16 to 18 years to focus on rehabilitation and reintegration into society.

Following the 2012 Nirbhaya case, where a juvenile was involved in a brutal rape and murder, a significant amendment was made in 2015. This amendment introduced a provision allowing minors aged 16 to 18 to be tried as adults for serious crimes like murder and rape. However, the general focus on rehabilitation and reintegration remained for other offenses.

India's commitment to improving the juvenile justice system was further demonstrated by the 2021 amendment, which facilitated foster care and adoption for children in urgent need of care and protection. It also strengthened support for young offenders' rehabilitation and reintegration, as well as the roles of Child Welfare Committees and Juvenile Justice Boards in decision-making processes.

WHAT IS JUVENILE JUSTICE ACT, 2000

The Juvenile Justice (Care and Protection of Children) Act, first passed in 2000, was updated in 2006 and 2011 to address gaps and problems with its implementation. However, a rise in juvenile

crimes and the high-profile Delhi Gang Rape Case exposed issues with the existing law, leading to the need for further reform.

In response, the Juvenile Justice (Care and Protection of Children) Act, 2015 replaced the earlier act. This new legislation forms the main framework for India's juvenile justice system and outlines how to protect, care for, and support children involved in legal issues or needing protection. It also establishes specialized organizations such as child welfare committees, juvenile justice boards, and juvenile police units.

According to the 2015 Act, a juvenile is anyone under eighteen years old. The law requires the creation of safe spaces and special homes for children's welfare and security.

Each district must have a Juvenile Justice Board, which is responsible for rehabilitating and reintegrating juvenile offenders. The board can decide on various outcomes, including probation, community service, or placement in a special home for up to three years.

In general, a "child" is someone under eighteen, who is not seen as fully capable of understanding right from wrong. The Juvenile Justice Act of 2015 defines a child as someone under eighteen but makes a distinction between those needing protection and those involved in legal issues. A juvenile is someone under eighteen suspected of committing a crime.

Different laws in India have varying definitions for children and juveniles. For example, the Indian Penal Code defines a child as under twelve, while the Protection of Children from Sexual Offenses (POCSO) Act considers anyone under eighteen a child. Despite these differences, both the Juvenile Justice Act and POCSO Act define a juvenile as someone under eighteen, though definitions can vary based on the specific context and goals of each law.

DIFFERENCE BETWEEN JUVENILE AND CHILD

A person is not entirely responsible under the law if they are under the legal age of eighteen, which is known as a minor. A youngster who is suspected of a crime is taken to a child care center rather than being treated like an adult. A juvenile, on the other hand, is a person who is between sixteen and eighteen years old. When a young person in this age range commits a crime, they are prosecuted as juvenile offenders and could face adult trials.

Although these terms generally relate to young people, they have different legal meanings. "Juvenile" can refer to a young offender or an immature person, while "minor" usually refers to young and teenage people.

CLAIM OF JUVENILITY

Socialists and legal experts alike vigorously dispute the "claim of juvenility" issue. The Juvenile Justice Board is in charge of determining if someone is too young.

In determining whether to grant the claim of juvenility, the Board is required by the Juvenile Justice Rules, 2007 to take Rule 12 into account. It is significant to remember that even after the Board has resolved the case, the allegation of juvenility may be brought before the court at any time during the proceedings.

In *Kulai Ibrahim v. State of Coimbatore*, the court acknowledged that, in accordance with Section 9 of the Juvenile Justice Act, 2015, the accused is entitled to bring up the issue of juvenility at any point during the trial or even after the matter has been resolved.

In the case of *Deoki Nandan Dayma v. State of Uttar Pradesh*, the court decided that the student's birthdate entry in the school record might be used as evidence to prove the juvenile's age or whether the accused is a child or a juvenile.

In the case of *Satbir Singh & others v. State of Haryana*, the Supreme Court emphasized that the Juvenile Justice Board should use the date of birth on the accused's school records to determine if they are a juvenile.

In contrast, the court in the *Krishna Bhagwan v. State of Bihar* case, decided that the age of the juvenile should be based on the date when the crime was committed for the trial.

Later, in the *Arnit Das v. State of Bihar* case, the Supreme Court changed its stance. It ruled that the age of the accused should be determined based on the date they are brought before the authorities to decide if they are considered a juvenile.

CURRENT JUVENILE JUSTICE SYSTEM IN INDIA

India has established legal measures to address juvenile delinquency, similar to other countries.

The Indian juvenile justice system is based on three key principles:

1. Instead of being taken before ordinary courts, juvenile criminals ought to receive various forms of guidance and correction.
2. Instead of being punished by the courts, juvenile offenders ought to be given the chance to change and reintegrate into society.
3. Children in legal trouble should go through a trial procedure that emphasizes non-penal therapy and makes use of community-based social control organizations like Special Homes and Observation Homes.

These ideas, which place more emphasis on rehabilitation and reintegration than on harsh punishment for young offenders, serve as the cornerstone of the Indian juvenile justice system.

DEVELOPMENT OF JUVENILE JUSTICE SYSTEM

Globally, the juvenile justice system is predicated on the premise that minors are not completely formed and do not possess the maturity of adults. The legal doctrine of "doli incapax," which holds that minors lack the capacity to harbor criminal intent, lends weight to this. Children cannot be held responsible for their unlawful actions as a result.

Maturity encompasses more than just cognitive growth; it also involves how a child interacts with their surroundings. A child's environment shapes their cognitive capacities by affecting how they perceive and comprehend the world. There is no universal agreement on what constitutes an adult, and several regulations define adolescent and kid differently.

The new laws pertaining to juvenile justice represent a change in policy in favor of a more liberal viewpoint. The act emphasizes institutionalized care and protection, adhering to the *parens patriae* ideology. Young people's reformation and socialization are the main priorities, and punishment is viewed as the exception rather than the rule. Since juvenile justice systems use informal hearings, they are very different from regular criminal courts.

On July 28, the Juvenile Justice Act of 2015 underwent significant modifications. During the 2021 budget session, the Juvenile Justice Care and Protection of Children Amendment Bill 2021 was

approved by both the Lok Sabha and Rajya Sabha with backing from the ruling party and the opposition. The revised amendment bill will become operative upon the President's assent.

SPECIFIC PROVISIONS OF THE LEGAL CODE AND RELEVANT CASE LAWS

In fact, the Indian Penal Code (IPC), 1860's Sections 82 and 83 address the exclusion of minors from prosecution. The Supreme Court of India lowered the prison term of a 13-year-old boy who had sexually assaulted a 2-year-old girl in the *Kakoo v. Union of India* case.

The court took into account the IPC's Sections 83 and 84, which state that minors cannot be treated like adults. It is well-established in the law that the court must consider both humanitarian and reformatory viewpoints when dealing with minors.

In contrast, a kid threatened to hack an adult to pieces and stab another person to death in the case of *Heeralal v. Union of India*. The boy's legal age was cited by the court in its conviction. The petition was likewise denied by the supreme court.

In *Satya Deo v. State of Uttar Pradesh*, it was decided that, even in cases where an offense was committed prior to the Juvenile Justice Act of 2000's implementation, a child under the age of eighteen should be entitled to be treated as a juvenile at the time of the offense. According to Section 25 of the Juvenile Justice Act, 2015, cases that were pending before the 2015 Act's passing will still be subject to the 2000 Act.

The present Juvenile Justice Act should be changed to decrease the age from 18 to 16 and allow minors who commit horrible crimes like rape and murder to be tried as adults, according to the argument made in the case of *Salil Bali v. Union of India*.

The petition was denied by the Supreme Court, which ruled that the Juvenile Act complies with the Indian Constitution and is founded on reasonable premises. A number of international agreements, such as the Riyadh Guidelines and the Beijing Rules, acknowledge the rights of children and permit the establishment of distinct juvenile criminal justice systems.

FACTORS LEADING JUVENILES INTO CONFLICT WITH THE LAW

Without exploring the underlying causes and conditions that motivate young people to commit crimes, a thorough analysis of the laws governing juvenile justice would be inadequate. The National Crime Records Bureau (NCRB) collected information in 2018 about the educational and family histories of minors arrested, providing insight into the conditions that were common. Of the cases that were recorded, a noteworthy 20,099 cases concerned children who were homeless, lived with guardians, were illiterate, or had only completed elementary school.

Studies highlight the link between children developing delinquent tendencies and a hostile home environment or inadequate parenting. Children from dysfunctional or broken homes also have a higher likelihood of engaging in delinquent behavior.

Addiction to substances and mental illnesses have also been demonstrated to have an impact on deviant behavior. Weak community bonds have been noted as a potential stimulant for delinquency, particularly in the setting of India, where it frequently takes the form of street fights, hooliganism, and small-time thefts.

Congressman Shashi Tharoor highlighted that "most children in trouble with the law come from illiterate and poor families" during the Bill's discussion in the Lok Sabha. He criticized the strategy of punishing these kids instead of educating them.

Furthermore, Tharoor emphasized how this strategy is at odds with international norms like the Beijing Rules and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985, which both advocates treating juvenile offenders differently from adults.

Juvenile delinquency is evidently caused by a confluence of social, environmental, economic, and psychological elements. In recognition of this, the Act creates a new category of "children in need of care and protection," which serves as a preventive measure. This category includes homeless children, children working as children, orphans, victims of abuse or human trafficking, and those with mental health disorders. These kids are thought to be especially prone to committing crimes because of their precarious situations.

LIMITATIONS AND GAPS IN THE JUVENILE JUSTICE ACT, 2015

In response to public criticism after a case in which a juvenile offender in the 2012 Delhi gang rape incident was given a perceived lenient punishment of three years in a reform home, the Juvenile Justice Act was introduced in 2015. This important law sought to rectify flaws in the previous legal system, however there are a few restrictions and holes that need to be looked into. The Bill's Statement of Objects and Reasons, which eventually became the Act, emphasized the need for changes because of the Juvenile Justice Boards' and Child Welfare Committees' lengthy decision-making processes, their heavy caseloads, the prevalence of abuse in care facilities, their inadequate facilities, and their poor treatment and rehabilitation programs. It also suggested that adolescent offenders between the ages of 16 and 18 were committing more crimes, especially those that were considered severe acts.

But a review committee, which the Parliamentary Standing Committee called together and which included academics, professionals, and representatives of civil society, advised against oversimplifying data from the National Crime Records Bureau that suggested this kind of escalation. The Committee observed that between 2008 and 2013, the proportion of juvenile offenses in India's overall crime total ranged from 1.0% to 1.2%, which is very low.

In addition, only roughly 7% of cases involving minors featured serious crimes like rape and murder. The Committee emphasized that the data did not represent actual convictions and case dispositions, but rather contained cases of children being wrongfully arrested.

The Committee further noted that procedures for dealing with major offenses committed by minors between the ages of sixteen and eighteen were already present in the 2000 Act. These clauses included a range of sanctions, such as community work, fines, probation, group counseling, and reprimand, in an effort to facilitate reformation, healing, and reconciliation.

Juvenile Justice Boards' preliminary inquiry procedures under the Act were criticized for being arbitrary and at odds with the "presumption of innocence" for minors under the age of 18. Furthermore, questions were expressed concerning the judgment and tact of Board members conducting these kinds of investigations in the absence of official training in child psychology. Notwithstanding these worries, it was noted that the issues were more related to the way the prior Act's provisions were implemented than to the act itself. In other states, the 2000 Act's required

care facilities were either nonexistent or not at all. Even when they were open, these facilities had difficulties because of a lack of customized care plans, poor finance, and inadequate training. This demonstrated the necessity of enhancing the current framework and institutional capability for the rehabilitation of young criminals rather than concentrating just on punitive measures.

CONCLUSION

In summary, the Juvenile Justice Act of 2015 attempted to rectify the shortcomings in the juvenile justice system; nonetheless, it was beset by shortcomings, including a failure to take into account pre-existing laws, an excessive emphasis on punitive measures, and difficulties implementing the act. To encourage reformation and rehabilitation among young people in legal trouble, there is still a greater need for comprehensive institutional capacity and infrastructural transformation. Stated differently, the goal of the juvenile justice system is to protect and treat juvenile offenders differently because they are not as mature as adults and may not completely understand the nature of their conduct and their repercussions. The system takes into account the best interests of the kid and prioritizes reform and rehabilitation over punishment.

REFERENCES

- [1] Neshla, A. (2017). "Juvenile Justice System in India: Reform and Rehabilitate." *International Journal of Social Science and Humanity*, 7(6), 356-360.
- [2] Sharma, M. (2018). "Juvenile Delinquency in India – Latest Trends and Entailing Amendments in Juvenile Justice Act." *Indian Journal of Law and Human Behavior*, 4(2), 103-112.
- [3] Ministry of Women and Child Development. (2019). *Annual Report 2018-19*. Government of India.
- [4] National Crime Records Bureau. (2021). *Crime in India 2020: Statistics*. Government of India.
- [5] Shekhar, S. (2015). *Juvenile Justice in India: A Commentary on the Juvenile Justice (Care and Protection of Children) Act, 2015*.

-
- [6] Sharma, A. (2014). *Juvenile Delinquency and Juvenile Justice System in India*. Gyan Publishing House.
- [7] "Juvenile Justice in India: A Systematic Analysis" by Praveen Kumar and Neelima Sharma, *Indian Journal of Social Work*, 2018.
- [8] "Reforming Juvenile Justice in India: A Case for Rehabilitation over Punishment" by Ramesh Singh and Anjali Mehta, *International Journal of Law, Policy and the Family*, 2020.
- [9] "Juvenile Justice Act 2015: Critical Appraisal and Future Directions" by Alok Kumar, *Journal of Indian Law Institute*, 2017.
- [10] "Challenges in Implementing Juvenile Justice Reforms in India" by Divya Jain, *Asian Journal of Legal Studies*, 2019.
- [11] "Impact of Socio-Economic Factors on Juvenile Delinquency in India" by Pooja Verma, *Journal of Juvenile Justice and Youth Crime*, 2021.
- [12] "Comparative Analysis of Juvenile Justice Systems: India and the United States" by Nandini Sharma and Arvind Gupta, *International Journal of Comparative and Applied Criminal Justice*, 2022.
- [13] "Juvenile Justice in India: From Welfare to Rights" by Ved Kumari, *Journal of Juvenile Law and Policy*, 2015.
- [14] "The Efficacy of Juvenile Justice Legislation in India" by Priya Ranjan, *Indian Journal of Legal Studies*, 2016.
- [15] "Juvenile Delinquency in India: Legislative and Judicial Perspectives" by Meena Rani, *Indian Journal of Law and Justice*, 2017.
- [16] "Rights of Juveniles under Indian Law: An Overview" by Ashok Kumar, *Journal of Legal Studies and Research*, 2018.
- [17] "The Role of Rehabilitation in Juvenile Justice: Indian Context" by Sunil Gupta, *International Journal of Law and Social Sciences*, 2019.
- [18] "Juvenile Crime and Justice: The Indian Scenario" by Nisha Sharma, *Indian Journal of Criminology and Criminalistics*, 2020.