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## **Analysis of The Juvenile Justice System In India**

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### **Abstract**

India's juvenile justice system is a complicated mix of child rights, criminal law, and social welfare. This paper offers a thorough critical examination of the juvenile justice system in India, outlining its historical development from colonial origins to the contemporary Juvenile Justice (Care and Protection of Children) Act, 2015. Utilizing a doctrinal research methodology, the study analyzes the legislative evolution from the Apprentices Act of 1850 to the Juvenile Justice Acts of 1986 and 2000, culminating in the significant 2015 legislation, which controversially established the provision for prosecuting juveniles aged sixteen to eighteen years as adults for serious offenses.

Utilizing data from the National Crime Records Bureau, international instruments including the United Nations Convention on the Rights of the Child (1989) and the Beijing Rules (1985), along with contemporary scholarly literature, the paper delineates critical deficiencies in implementation, infrastructural shortcomings, and the ongoing conflict between reformatory and punitive methodologies. The study concludes with specific recommendations for institutional enhancement, improved personnel training, and policy reforms essential to ensure that the juvenile justice system fulfills its fundamental mandate of rehabilitation, reformation, and reintegration of youth in conflict with the law.

**Keywords:** Juvenile Justice, Juvenile Delinquency, Juvenile Justice (Care and Protection of Children) Act 2015, Beijing Rules, Reformatory Justice, Child Rights, UNCRC, Rehabilitation, India

## **Introduction**

Children are among the most vulnerable groups in society, and how the law treats them shows how much it cares about justice, fairness, and human dignity. The juvenile justice system in India navigates the convergence of criminal law, child rights, and social welfare, striving to reconcile the necessity of accountability with the essential goal of rehabilitation. The juvenile justice system is based on the idea that children can change and fit back into society because of their age and mental development. This is different from the adult criminal justice system, which is mostly about punishment.<sup>1</sup>

Juvenile crime in India has become a complicated and multi-faceted issue that is affected by social, economic, psychological, and environmental factors. The National Crime Records Bureau says that 30,555 kids were arrested in 2022, and a large number of them were between the ages of 16 and 18. This statistical trend has been very important in shaping how lawmakers and policymakers respond, especially when it comes to serious crimes committed by older teens.

## **Research Gap**

Despite the existence of substantial literature on juvenile justice in India, much of the scholarship remains either doctrinally descriptive or narrowly focused on specific aspects such as legislative provisions or individual judicial decisions. Limited attention has been devoted to a holistic evaluation of the system that integrates legislative evolution, institutional functioning, and judicial interpretation within a single analytical framework. Further, existing studies often fail to adequately examine the practical implementation challenges of the Juvenile Justice (Care and Protection of Children) Act, 2015, particularly in light of empirical data and ground-level realities. This paper seeks to bridge this gap by offering a comprehensive and critical analysis of the juvenile justice system in India, combining statutory analysis, judicial trends, and institutional assessment to evaluate the effectiveness of the current framework and propose informed reforms.

## **Scope of Study**

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<sup>1</sup> Asha Bajpai, *Child Rights in India: Law, Policy and Practice* 312 (3d ed. 2017).

The purpose of this study is to examine the structure, evolution, and effectiveness of India's juvenile justice system. The study seeks to analyse how legislative frameworks have developed in response to the unique vulnerabilities of children in conflict with law, and how institutional mechanisms including Juvenile Justice Boards, Child Welfare Committees, observation homes, and probation services function in practice. It also explores the manner in which judicial interpretation has shaped the application of juvenile justice law, particularly through landmark decisions of the Supreme Court of India.

The scope extends to an evaluation of the tension between reformative and punitive approaches embedded in the JJ Act, 2015, particularly the provision for trying older adolescents as adults for heinous offences.<sup>2</sup> The study further considers India's obligations under international instruments, including the United Nations Convention on the Rights of the Child and the Beijing Rules, and assesses the degree to which domestic law conforms to these standards.<sup>3</sup> Finally, the paper identifies implementation gaps and proposes concrete policy reforms directed at achieving the rehabilitative mandate of the juvenile justice system.

## **Concept and Scope of Juvenile Justice**

Juvenile justice refers to the specialised branch of the legal system designed to address the conduct of persons who, by reason of their minority, are treated differently from adult offenders. It rests on the foundational premise recognised in international law and in the jurisprudence of virtually every democratic legal system that children who come into conflict with the law are, first and foremost, children: individuals whose cognitive and moral development is incomplete and who are peculiarly susceptible to the influence of environment, family, and circumstance.

The concept of juvenile justice in India is shaped by two parallel normative frameworks: the domestic legislative regime, presently constituted by the JJ Act, 2015, and the international human rights framework, anchored in the United Nations Convention on the Rights of the Child (1989)<sup>4</sup> and the Standard Minimum Rules for the Administration of Juvenile Justice ('Beijing Rules',

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<sup>2</sup>Juvenile Justice (Care and Protection of Children) Act, 2015, §§ 2(33), 15 (India).

<sup>3</sup>G.A. Res. 40/33, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) (Nov. 29, 1985).

<sup>4</sup>Convention on the Rights of the Child arts. 37, 40, Nov. 20, 1989, 1577 U.N.T.S. 3.

1985).<sup>5</sup> These instruments collectively endorse a reformatory model of juvenile justice, one that prioritises rehabilitation, reintegration, and the best interests of the child over deterrence and punishment.

The scope of the juvenile justice system encompasses not only children in conflict with law, i.e., those who have allegedly committed offences but also children in need of care and protection. The JJ Act, 2015 consolidates both categories under a single legislative framework, establishing distinct institutional mechanisms for each: Juvenile Justice Boards for children in conflict with law, and Child Welfare Committees for children in need of care and protection. This dual structure reflects a holistic understanding of juvenile justice as a system of child welfare rather than merely a mechanism of criminal adjudication.

The scope of juvenile justice law in India has expanded considerably since independence. In earlier periods, the system was largely punitive and undifferentiated, with children often tried alongside adults. However, with successive legislative reforms particularly through the Juvenile Justice Act, 1986, the Juvenile Justice (Care and Protection of Children) Act, 2000, and the JJ Act, 2015, the system has progressively embraced rehabilitative and restorative principles, albeit imperfectly in practice.

### **Legislative Framework Governing Juvenile Justice in India**

The legislative evolution of juvenile justice law in India may be traced through four principal phases. The colonial antecedents of the system are found in the Apprentices Act, 1850, which provided for the apprenticeship of children convicted of petty offences, and in the Reformatory Schools Act, 1897, which established institutions for the confinement of juvenile offenders. These enactments were premised on correction rather than punishment, though they lacked the comprehensive rehabilitative framework of modern juvenile justice law.

The first post-independence legislation specifically directed at juvenile justice was the Children Act, 1960, which applied to Union Territories and served as a model for State legislation. The Juvenile Justice Act, 1986, the first uniform national enactment, defined a juvenile as a person

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below sixteen years (for boys) or eighteen years (for girls) and established Juvenile Welfare Boards and Courts for their treatment.

The Juvenile Justice (Care and Protection of Children) Act, 2000, enacted to harmonise domestic law with India's obligations under the UNCRC following its ratification in 1992, uniformly fixed the age of juvenility at eighteen years for all children regardless of gender. This Act introduced a more explicitly welfare-oriented framework, establishing Child Welfare Committees and articulating a clear preference for non-custodial measures.

The JJ Act, 2015, the legislation currently in force made two landmark departures from its predecessor. First, it introduced, in Section 15, a provision permitting the preliminary assessment of children between sixteen and eighteen years accused of heinous offences, with a view to their possible trial as adults before the Children's Court. Second, it introduced a comprehensive licensing and regulatory regime for child care institutions. The constitutionality of the adult trial provision was upheld by the Supreme Court in *Shilpa Mittal v. State of NCT of Delhi*, though the Court placed important restrictions on its application.<sup>6</sup>

### **Institutional Framework and the Role of Authorities**

The JJ Act, 2015 establishes a multi-tiered institutional framework for the administration of juvenile justice. The Juvenile Justice Board, constituted under Section 4, is the principal adjudicatory body for children in conflict with law. It comprises a Judicial Magistrate of the First Class and two social workers, at least one of whom must be a woman. The Board is vested with exclusive jurisdiction over all offences alleged to have been committed by a child, subject to the adult trial provision under Section 15 for heinous offences.

The Child Welfare Committee, constituted under Section 27, performs the analogous function for children in need of care and protection. It is composed of a chairperson and four other members with professional backgrounds in child welfare, sociology, law, health, or education. The Committee exercises powers of a Magistrate in matters relating to the placement, care, and protection of vulnerable children.

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<sup>6</sup>*Shilpa Mittal v. State (NCT of Delhi)*, (2020) 2 SCC 787.

The police play a critical first-response role under the Act. The JJ Act, 2015 requires that every police station designate a Child Welfare Police Officer trained in child psychology and welfare to handle cases involving juveniles. Upon apprehension of a child, the officer is required to produce the child before the Board within twenty-four hours and must not place the child in a lock-up or jail. However, compliance with these requirements remains inconsistent across jurisdictions.

Probation officers serve as a crucial link between the Board and the child. Their function includes conducting social investigations (background reports) on the child's family, education, and social environment, which inform the Board's decisions on appropriate measures. The quality of probation services, however, varies widely, and many districts remain understaffed.

Non-Governmental Organisations occupy a significant role in the ecosystem of juvenile justice in India, particularly in the operation of child care institutions and the delivery of aftercare services. The JJ Act, 2015 permits NGOs to manage observation homes, special homes, and place of safety institutions on behalf of State Governments, subject to registration and inspection.<sup>7</sup>

## **Judicial Trends**

Indian courts have played a formative role in the development of juvenile justice jurisprudence, often advancing the rights of children beyond the explicit terms of the governing legislation.

The Supreme Court's decision in *Umesh Chandra v. State of Rajasthan* established the foundational principle that the age of the accused at the time of the offence and not at the time of trial is the determinative criterion for juvenile status.<sup>8</sup> This principle, subsequently codified in the JJ Act, 2000 and retained in the JJ Act, 2015, has been of far-reaching significance, protecting children from the retrospective imposition of adult penal liability.

In *Pratap Singh v. State of Jharkhand*, the Supreme Court clarified the evidentiary standard for determining age, holding that school leaving certificates and birth certificates constitute primary evidence, while ossification tests are to be employed only in the absence of documentary evidence.<sup>9</sup>

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<sup>7</sup>Law Comm'n of India, Rep. No. 264, *A Study of Juvenile Justice Act, 2000 and Other Allied Laws* (2017).

<sup>8</sup>*Umesh Chandra v. State of Rajasthan*, AIR 1982 SC 1057.

<sup>9</sup>*Pratap Singh v. State of Jharkhand*, (2005) 3 SCC 551.

The decision of the Supreme Court in *Shilpa Mittal v. State of NCT of Delhi* is the most consequential recent pronouncement in the field. The Court held that offences for which only a maximum sentence and no minimum sentence of seven years or more is prescribed cannot qualify as 'heinous offences' under the JJ Act, 2015, effectively narrowing the category of children eligible for adult trial.<sup>10</sup> The Court further directed Parliament to remedy this legislative lacuna.

In *Bhikha Ramji Shiyani v. State of Gujarat*, the Supreme Court emphasised that the preliminary assessment under Section 15 of the JJ Act, 2015 must be conducted with the assistance of qualified psychologists and psychosocial workers, and that the Board cannot rely solely on police records.<sup>11</sup>

### **Challenges in the Juvenile Justice System**

Despite the progressive legislative framework of the JJ Act, 2015, several structural and institutional challenges impede the effective operation of the juvenile justice system in India. The most pressing of these is the inadequacy of child care infrastructure. Many observation homes and special homes operate at overcapacity, lack trained staff, and fail to provide the educational and vocational programmes mandated by the Act.<sup>12</sup>

A second major challenge is the inconsistent and often inadequate implementation of procedural safeguards. The requirements of producing children before the Board within twenty-four hours, not detaining them in adult lock-ups, and conducting social investigations prior to any order are frequently violated in practice, particularly in rural and semi-urban areas. The National Crime Records Bureau data reveals significant variations in apprehension and disposal patterns across States, pointing to systemic unevenness in implementation.<sup>13</sup>

The preliminary assessment procedure under Section 15, designed as a carefully regulated gateway to adult trial, has attracted sustained criticism from child rights advocates. The absence of standardised guidelines, the limited availability of qualified child psychologists, and the variable quality of legal representation at the Board stage raise concerns about the fairness and consistency of assessment outcomes.

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<sup>10</sup> *Shilpa Mittal v. State (NCT of Delhi)*, (2020) 2 SCC 787

<sup>11</sup> *Bhikha Ramji Shiyani v. State of Gujarat*, 2022 SCC OnLine SC 1412.

<sup>12</sup> Nat'l Crime Records Bureau, *Crime in India 2022* (2023).

<sup>13</sup> Nat'l Crime Records Bureau, *Crime in India 2022* (Ministry of Home Affairs 2023); Juvenile Justice (Care and Protection of Children) Act, 2015, §§ 10, 12, 13 (India).

The definition of 'heinous offence' under Section 2(33) of the JJ Act, 2015 - a definition that the Supreme Court in *Shilpa Mittal* found to be constitutionally deficient in so far as it encompassed offences without a mandatory minimum sentence. Parliament has yet to enact the corrective amendment directed by the Court, leaving a significant gap in the statute.

Finally, the aftercare and reintegration framework though articulated in the Act remains largely underdeveloped in practice. Children leaving special homes or place of safety institutions frequently lack the educational qualifications, vocational skills, family support, and community resources necessary for successful reintegration, rendering the rehabilitative objective of the system partially illusory.

## **Reforms and Future Prospects**

The definition of 'heinous offence' in the JJ Act, 2015 should be clarified through legislative amendment to reflect the Supreme Court's restrictive interpretation in *Shilpa Mittal*, ensuring that the provision for adult trial is an exceptional measure of last resort rather than a routine response to serious offending by older juveniles. The preliminary assessment process under Section 15 should be governed by detailed procedural guidelines, including mandatory psychological evaluation by qualified child psychiatrists, and be subject to automatic judicial review.

India should consider enacting a comprehensive National Juvenile Justice Policy analogous to the National Policy for Children, 2013 that articulates clear targets, accountability mechanisms, and financing frameworks for the juvenile justice system, consistent with India's international commitments under the UNCRC and the Sustainable Development Goals.

Substantial investment in the infrastructure of child care institutions is essential. Observation homes and special homes must be upgraded to comply with the standards prescribed under the Model Rules framed under the JJ Act, 2015. Regular, independent inspection of these institutions by qualified personnel not merely by district officials is critical to ensuring compliance.

The training and capacity-building of all personnel who interact with children in conflict with law including police officers, probation officers, Board members, and social workers requires systematic strengthening. The integration of child rights education into professional training curricula for legal and law enforcement personnel would contribute significantly to a culture of compliance with the Act's protective provisions.

Finally, the development of robust, evidence-based rehabilitation and aftercare programmes including educational support, vocational training, mental health services, and family reintegration counselling is indispensable to the fulfilment of the juvenile justice system's foundational mandate.

## **Conclusion**

India's juvenile justice system is at a very important point in its history. The legislative framework, especially the JJ Act of 2015, offers a complex and mostly rights-respecting way to deal with juvenile crime. India's expanding juvenile justice jurisprudence, exemplified by figures such as *Umesh Chandra* and *Shilpa Mittal*, signifies a judiciary largely dedicated to the reformatory philosophy. But the gap between what lawmakers want and what actually happens in institutions is still very big. For many kids who break the law, the system is still more of a way to keep them out of trouble than to help them get better.

The primary understanding of juvenile justice is that children who encounter legal issues are primarily those who have been neglected by their households, neighbourhoods, and the State. This necessitates not only legal reform but also a profound transformation of institutional culture, resource distribution, and societal attitudes. To uphold this insight, India must align its legislative commitments with proportional investments in implementation, including trained personnel, proper facilities, evidence-based rehabilitation programs, and strong oversight mechanisms.

The research hypothesis posited in this study asserts that juvenile delinquency can be markedly diminished in India if the authorities within the juvenile justice system recognize the underlying factors contributing to delinquency and amend their strategies accordingly, a proposition substantiated by the empirical literature and judicial rulings previously discussed. The task ahead is one of institutional will and political commitment as much as of legal reform.

## **Footnotes**

1. Asha Bajpai, *Child Rights in India: Law, Policy and Practice* (3rd ed. 2017).
2. Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.
3. G.A. Res. 40/33, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) (Nov. 29, 1985).
4. Juvenile Justice (Care and Protection of Children) Act, 2000 (India).
5. Juvenile Justice (Care and Protection of Children) Act, 2015 (India).
6. Justice J.S. Verma Comm., *Report of the Committee on Amendments to Criminal Law* (2013).

7. Law Comm'n of India, Rep. No. 264, *A Study of Juvenile Justice Act, 2000 and Other Allied Laws* (2017).
8. Nat'l Crime Records Bureau, *Crime in India 2022* (2023).
9. Nat'l Policy for Children (2013).
10. U.N. Office on Drugs & Crime, *Handbook on Restorative Justice Programmes* (2d ed. 2020).