



# The Indian Journal for Research in Law and Management

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## THE JUVENILE JUSTICE SYSTEM IN INDIA

~ *Mimansa Pandey*

The Juvenile Justice Act 2000 was the primary legal framework to deal with children. IT came into force in February 2001, but it did not allow the law to try children aged 16-18 as adults, even if a heinous crime was committed. Their main focus was on the rehabilitation and reintegration of children. They had the idea that they should always be given a chance, no matter what the crime is. They had the Child Welfare Committee to look after the cases and provide them protection. In this process, somewhere, the part of serving justice to victims was getting ignored. That's why in 2015, the Juvenile Justice Act 2000 was replaced by the Juvenile Justice Act 2015.

The juvenile Justice System now depends on the Juvenile Justice Act of 2015. The act is a separate set of rules and regulations that deal with offenders under 18. It is a comprehensive law that focuses on welfare and imposes responsibility on children. <sup>1</sup>According to section 2 (35), "juvenile" means a child below the age of eighteen years. According to Section 2(13) "child in conflict with law" means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence; A child who has committed some offence and falls in the bracket of the age group is then presented in the child's court. According to section 4, (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the State Government shall constitute for every district, one or more Juvenile Justice Boards for exercising the powers and discharging its functions relating to children in conflict with law under this Act. The child is then presented in the court, and the board decides whether we have to send the child should be sent to the Juvenile House or they can be given a chance. According to section 2 (10), "Board" means a Juvenile Justice Board constituted under section 4. They are the ones making the decision.

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<sup>1</sup> <https://cara.wcd.gov.in/pdf/jj%20act%202015.pdf>

The major changes that were seen are that now the latter one allows the children between the ages of 16-18 to be tried as adults in front of the law. The former act called all the children as child, but the latter one called them children in conflict with the law. In the latter one, the crimes were now categorised as petty, serious and heinous, and they focused more on the accountability of the children. So that they feel that the act done by them is not appreciated at all, and instead, it should not be repeated.

The whole idea of having this system looks very pleasing only when the crimes are not shaking the country and are not heinous. The country has witnessed the evolution of acts as well as the crimes, but the detail we have to focus on is not only the crimes but also those who commit them and their age. The crimes nowadays have taken a turn as they are heinous, and the fact that makes the crowd gasp is that they are committed by teenagers. The recent headlines in every newspaper about the Pune Porsche case should be making the lawmakers think on their feet if the laws they have made are a boon to the people of the country. The way the case was handled trembled the souls of people who looked upon the court in the hope for justice. The issue is not something new, it is not that the heinous crimes have surged in recent years. The Nirbhaya Case is also an example of how our justice system unknowingly supports the wrong side. The child who was part of such a gruesome crime made us question what mentality he had and how his capacity to think and comprehend was not something that scared the justice system. He was a 17-year-old child who was sentenced to only three years in a reformatory centre. On the other hand, the other rapists were sentenced to death penalty at the end. This reflects the intensity of the crime committed and how, just because he was not an adult and was 1 year younger than the adult age, he was given a way different punishment.

This should give us a lesson that we cannot see a crime in isolation with the one who committed only; we need to give thought to with whom it happened. We have to provide justice in parallel with accountability. This way we can curb the crimes rather than spreading the false idea to people that children can get away with crime.