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## THE JUVENILE JUSTICE SYSTEM IN INDIA

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REFORM, RESPONSIBILITY, AND ROAD AHEAD

### INTRODUCTION

Every society is judged not just by how it treats its law-abiding citizens, but also by how it treats its offenders especially when those offenders are children. The Juvenile Justice system in India reflects this principle by recognizing that young people, though capable of committing offences, are also capable of reform. It seeks to provide them with a chance at rehabilitation rather than lifelong condemnation.

In India, the framework is guided by the Juvenile Justice (Care and Protection of Children) Act, 2015, which consolidates earlier laws while adapting to modern challenges. Children in need of care and protection as well as those in legal trouble are addressed, demonstrating that juvenile justice involves more than just punishment but also nurturing, dignity, reform, and social reintegration.

### EVOLUTION OF JUVENILE JUSTICE IN INDIA

India's journey toward juvenile justice has been shaped by both international and domestic developments:

- The Children Act, 1960 first provided a legal structure for dealing with young offenders.
- A revamped Juvenile Justice Bill was passed in the Lok Sabha on 7 May 2015.
- The Juvenile Justice Act, 1986 was enacted to bring uniformity across states.
- The Act also sought to create a universally accessible adoption law for India, overtaking the Hindu Adoptions and Maintenance Act (1956) (applicable to Hindus, Buddhists,

Jains, and Sikhs) and the Guardians and Wards Act (1890), which also applies to Muslims, but not taken in to consideration . The Act became operative on January 15, 2016.

- The Juvenile Justice (Care and Protection of Children) Act, 2000 aligned India's framework with the United Nations Convention on the Rights of the Child (UNCRC), which India ratified in 1992.
- To streamline adoption procedures for orphan, abandoned and surrendered children, the existing Central Adoption Resource Authority (CARA) has been given the status of a statutory body to enable it to perform its function more effectively.
- Finally, the 2015 Act was introduced after the 2012 Delhi gang rape (Nirbhaya case), where one of the accused was a minor. Stricter laws against minors involved in horrible crimes were pushed for by public outcry.

## **KEY FEATURES OF THE JUVENILE JUSTICE ACT, 2015**

### **1. CLASSIFICATION OF CHILDREN**

- Children in Conflict with Law
- Children in Need of Care and Protection

### **2. JUVENILE JUSTICE BOARDS (JJBs)**

JJBs serve as kid-friendly quasi-judicial entities, such as social workers and magistrates. Their focus is on inquiry, not trial, ensuring sensitivity and fairness.

### **3. HEINOUS OFFENCES AND 16–18 YEAR AGE GROUP**

For serious offences like murder and rape, juveniles aged 16–18 can be assessed for mental capacity and, if found mature enough, tried as adults.

### **4. REHABILITATION AND SOCIAL REINGRATATION**

Instead of imprisonment, children are sent to observation homes, special homes, or foster care. The law emphasizes education, counselling, and vocational training.

### **5. ADOPTION PROVISIONS**

The Act also introduced simplified adoption procedures through the Central Adoption Resource Authority (CARA), reinforcing child welfare as a core objective.

## **WHY A SEPARATE SYSTEM FOR JUVENILES?**

Children are often products of circumstances poverty, broken families, neglect, peer influence, or abuse. Unlike adults, they lack the maturity to fully understand the consequences of their actions. A punitive approach risks turning them into hardened criminals, while a reformative approach gives them a chance at a better life.

For instance, a minor caught in petty theft may not be a criminal at heart but a child driven by hunger. By addressing the root causes through education and rehabilitation, the law prevents deeper cycles of crime.

## **CHALLENGES IN IMPLEMENTATION**

Despite progressive provisions, the system faces practical hurdles:

**Inadequate Infrastructure:** Juvenile homes are often overcrowded, understaffed, and poorly maintained.

**Stigma and Social Reintegration:** Once branded as offenders, children often struggle to re-enter schools or find employment.

**Public Pressure in Heinous Crimes:** In cases like the Nirbhaya case, society often demands retribution rather than rehabilitation, putting pressure on lawmakers and boards.

**Lack of Awareness:** Many parents, communities, and even local police are not fully aware of the child-centric procedures under the Act.

## **STRIKING A BALANCE BETWEEN JUSTICE AND REFORM**

The Juvenile Justice system in India represents a delicate balance. On the one hand, it must ensure accountability and protect society; on the other, it must preserve the possibility of reform for the child offender.

The Supreme Court of India, in *Sheela Barse v. Union of India* (1986), emphasized that children must be treated differently from adults and provided with facilities for care, protection, and rehabilitation. Similarly, in *Salil Bali v. Union of India* (2013), the Court upheld the constitutional validity of treating juveniles differently, stressing reform over retribution.

## **2021 AMENDMENTS**

There were 629 adoption cases pending in different courts as of July 2018. The new amendment gives the district magistrate the authority to issue adoption orders, which will speed up the adoption process.

The Indian parliament passed the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, in 2021. According to the aforementioned clauses, a child's adoption is finalized once the civil court issues an adoption order. According to the new amendment, the district magistrate will make these adoption orders rather than the court.

Juvenile offenses are divided into three categories under the 2015 Act: heinous, serious, and petty. Three to seven years in prison are considered serious offenses. According to the new amendment, non-heinous offenses that carry a maximum sentence of more than seven years in prison and a minimum sentence of either less than seven years or no prescribed punishment will also be considered serious offenses.

## **WAY FORWARD**

For the system to achieve its true purpose, India needs to:

- 1. INVEST IN REHABILITATION:** Improve infrastructure in observation and special homes with trained psychologists, teachers, and counsellors
- 2. COMMUNITY SUPPORT:** Encourage NGOs, local bodies, and schools to play an active role in reintegration.
- 3. SENSITIZATION PROGRAMS:** Train police officers, judges, and social workers in child psychology.
- 4. PUBLIC AWARENESS:** Build campaigns to reduce stigma and promote acceptance of reformed juveniles.

## **CONCLUSION**

The Juvenile Justice system in India is not without its flaws, but it reflects a vision of justice rooted in compassion, reform, and hope. It recognizes that while children may falter, they also deserve opportunities to rebuild their lives. Society must not see them merely as offenders, but as individuals with the potential to contribute positively when guided rightly.

2025

Justice for juveniles, therefore, is not just about protecting society it is also about protecting the future of the child. And in doing so, we protect the future of society itself.

### **REFERENCES**

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- 3.** Salil Bali v. Union of India, (2013) 7 SCC 705
- 4.** United Nations Convention on the Rights of the Child (1989), ratified by India in 1992.
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