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INSIDE THE JUVENILE JUSTICE SYSTEM IN INDIA: A LEGAL AND HUMAN PERSPECTIVE

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ABSTRACT

The Indian constitution provides special provisions for the special protection and empowerment of children, which often contradict juvenile crimes. The Juvenile Justice system in India tries to uphold the rights and well-being of children in conflict with the law within the country's legal framework. While the recent cases of 2025, where the plea of juvenility was raised for the accused, often raise questions whether such serious crimes like rape should be addressed for the victim's right to justice, or will it be considered in terms of the age of the person accused? By addressing such questions, the blog also examines more about how the Juvenile system in India can truly balance the need for child reform and effective punishment.

INTRODUCTION

It's crazy, what your brain tells you to do when you're a kid - from a popular

TV series Adolescence highlights the psychology of a criminal teenage child, who can also be referred to as a "juvenile ". In the Indian legal system, according to **the Juvenile (Care and Protection) Act, 2015**, a child means one who is under the age of eighteen and conflicts with the law, while also requiring specialised care and protection. It's been ten years since the last major reform, but we still find a lack of clarity and implementation. At the same time, the NCRB data shows 31,000 FIRs registered against juveniles in India, which shows 6% rise from 2024¹ In June 2025, the death case of a 17-year-old boy in a government-run juvenile home in Delhi defines how India's juvenile justice system, where children in conflict with the law are treated as criminals rather than individuals who need rehabilitation and care. We must

¹ Vijaya Pushkarna, *Juvenile crime in national capital a major cause of concern*, Citizen Matters (Oct. 4, 2022), < <https://citizenmatters.in/ncrb-juvenile-crime-records-delhi-policing-police-policy/>.

understand these challenges since children define the moral strength of any justice system, as we will further analyse the need and aspects of such a system.

LEGAL FRAMEWORK OF JUVENILE JUSTICE SYSTEM IN INDIA

The Indian Constitution ensures that every citizen in the country, including children, will be treated equally and with enough legal protection for their development while safeguarding the interests of society. It also makes provisions for government-related machinery in Part IV as Directive Principle of State Policies and Part III as Fundamental Rights, which guarantees children's welfare, which includes:

- **Article 15(3)**- for the upliftment and betterment of children and women
- **Article 21A²**- Right to free and compulsory elementary education for all children between the ages of 6 to 14 years.
- **Article 23** - protection from human trafficking
- **Article 39(e) and (f)³**-The right to protection against all forms of abuse by adults.

The Indian juvenile system is often defined with the Latin term “*nil novi spectrum*,” which means that nothing is new on this earth, with a presumption that juveniles should be dealt with leniency, as they generally respond with frustrated and aggressive approaches. The primary legislation for the juvenile system in India is **the Juvenile Justice (Care and Protection of Children) Act, 2015**, which defines a juvenile in Section 2(35) as a child below the age of 18 years. And defines it in two broad-based categories in Section 2(13) as a child in conflict with the law, and Section 2(14) as a child who needs protection and care due to exploitation.⁴The act came as a reform after the 1986 and 2000 JJ acts and the famous *Nirbhaya murder case of 2012*, which caused a large public outrage, as it included more aspects of care and protection by setting up juvenile justice boards and child welfare committees, but also allowed juveniles aged 16-18 years to be treated as adults for heinous crimes. Thus, it gave a two-way approach as the act aligns with the United Nations Convention on the Rights of the Child (UNCRC), which India ratified in 1992, but often contradicts with *Protection of Children from Sexual Offences Act, 2012 (POCSO Act, 2012)*.⁵

² Ind. Const. Pt. § 21.

³ Ind. Const. PART III, § 39.

⁴ 3980GLp65, (Jan. 4, 2016), <<https://cara.wcd.gov.in/pdf/jj%20act%202015.pdf>>

⁵ Thomas George & Associates, Juvenile Justice Act & POSCO Act< <https://www.tgalaw.in/main/pocso-act.php>>.

REFORMS AND CHALLENGES

Despite various reforms, the Indian juvenile system faces multiple challenges.

Infrastructural gaps - According to *NCPCR data in 2018*, among 2874 juvenile homes, 54 were given positive reviews⁶, while Observation and rehabilitation homes still suffer from overcrowding and a lack of basic facilities.

Problem of age determination-In 2024, the Pune Porsche accident, which involved a 17-year-old minor, sparked debate on the idea of leniency shown to juvenile offenders and flaws in the JJ Act 2015 regarding classification of offences, while also questioning that the age of 16 be considered as adults also violates child rights.

Treatment of child conflict with law - recent Delhi case of juvenile home where a boy was beaten to death defines that although the JJ Act focuses on rehabilitation rather than punishment, children are often subjected to harsh treatment and often lack counselling, social support after the post-release of a juvenile

CHANGING PERCEPTIONS AND RECENT TRENDS

We can see that the Indian juvenile system has gone through a shift towards a more caring and protective approach, with major cases shaped from *Sheela Barse v. Union of India* (1986), which challenged the inhuman conditions of juveniles and women prisoners, to the principle of *doli incapax* ⁷This refers to ‘incapable of wrongdoings’, which is highlighted in the JJ Act 2015 defines young children as being unable to understand the consequences of their actions, hence are exempted from criminal punishment and need care. Recent cases like *Suresh Kumar v. Union of India*, where the court has reinforced the **right to be forgotten** for juveniles⁸, defines that their past criminal records will not affect their future. Similarly, in *Om Prakash v. State of Rajasthan*, it also illustrates that courts are adapting a modern approach by ensuring children’s vulnerability is recognised, while serious offences are also addressed.

⁶ (Feb. 16, 2020), https://ncpcr.gov.in/uploads/167151488963a14b093b9e8_puducherry--social-audit-report.pdf.

⁷ *Need to Revisit the Doli Incapax Doctrine in India*, SCC Times (Sept. 24, 2024), <https://www.scconline.com/blog/post/2024/09/24/need-to-revisit-the-doli-incapax-doctrine-in-india/>.

⁸ *‘Right to be forgotten’ for juveniles by destroying record of juvenile delinquency is an absolute right: Rajasthan High Court*, SCC Times (Feb. 26, 2025), <https://www.scconline.com/blog/post/2025/02/26/right-to-be-forgotten-for-juvenile-by-destroying-record-of-juvenile-delinquency-is-an-absolute-right-rajasthan-high-court-scc-times/>.

REFORMS AND THE WAY AHEAD

As the popular saying goes, "*Children are like mud; they can be guided, moulded in any way we want.*" Though the Juvenile Justice Act 2015 has led to major changes, it still lacks some provisions that ensure that the child in conflict with the law is not merely punished but also nurtured. Provisions like expanding educational and vocational programs in observation homes, with psychological counselling sessions for proper growth of young minds, training staff in child-centric practices, should be essential, while the use of technological tools can aid in age verification, monitoring, and protection against abuse. Legal awareness campaigns for law enforcement and Community-based reintegration programs should also be encouraged, where schools, local businesses, and NGOs work together to accept and support rehabilitated juveniles. Promoting positive role models and mentorship programs can help juveniles build confidence and develop a sense of belonging in society. In the end, it is clear that the Juvenile system in India still stands as a strong pillar for empowering youth by turning their mistakes into opportunities and guiding them towards a responsible future.

