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WHEN CHILDHOOD STANDS TRIAL: INDIA'S JUVENILE JUSTICE DILEMMA

-Dakshita

The Juvenile Justice system of India, has always been a matter of contention, moral questioning and reform since 2000. But before digging into our country's system, let's first have a general idea about the fire which gave rise to this smoke.

The origin of this word

The term 'juvenile' traces its origin from the latin word '*iuvenilis*' or "of or belonging to youth, youthful," from *iuvenis* "young man, one in the flower of his age".

The evolution of this system

Before the 19th Century: Prior to this period in areas like the United states and major europe regions, the children were treated as miniature adults- meaning they are accountable to the same level of punishments as adults, including death penalty and life imprisonment.

The child saver and empowerment program: Driven by progressive era, now the child saver movement came into force establishing institutions like New York Institutions of Refuge 1825. The earlier goal of establishing the juvenile system was to morally rehabilitate the children, rather than giving them punishment. The motive was to separate them from adults, making these tender children capable of a meaningful future.

Establishment of The first juvenile court (1899): The creation of the first juvenile court in Cook County, Illinois, was a landmark moment. The ideology aligning with the same- *parens patriae*

(the state as parent)- was based on the idea that the state has to act in the best interest of the children, to rehabilitate and not punish them.

This global awakening towards child reform eventually influenced colonial India as well, where early steps were taken to recognize juveniles as a distinct legal category.

During the colonial period, a distinct status was provided to these juveniles through the Apprentices Act of 1850. It evolved over time leading to the development of juvenile courts in Bombay in 1920 under state-level Children Acts, eventually leading to the first central legislation, the Children Act of 1960.

Now replacing this came the Juvenile Justice Act of 1986, fore sighting to implement the standard minimum rules for Administration of juvenile justice adopted by UN member countries in 1985 .

Moving forward, The Juvenile Justice Act came into effect in 2000- with two amendments done in 2006 and 2011. But as any legislative act has its own set of challenges and limitations, this act was replaced by the Juvenile Justice (Care and Protection) Act in 2015. The main purpose has always been to provide children with care, rehabilitation to restore them as sober citizens in the society.

Analyzing the Juvenile Justice System in India

While writing this blog, I analyzed two cases- Pratap Singh VS The State of Jharkhand and the Hariram Vs The State of Rajasthan- and in both the cases one problem came forward which is the Implementation.

The debate about the criteria of age under which the juvenility of a child has to be considered has been a major factor for delayed justice.

Under the Pratap Singh VS The State of Jharkhand, the former was accused of poisoning the deceased. But since when he was produced in the court- his age was 18, hence the offence committed came under the juvenile jurisdiction and he was bailed. However, another issue was that the case was filed under 1986 Act while, but when it reached the supreme court- it was replaced by the 2000 Act. The case was guided by relying on the Upendra Kumar Vs state of Bihar where it came down to be understood that the purpose of the act was to help every juvenile. Furthermore,

under this case, all the pending cases filed under the 1986 Act would be evaluated by the 2000 act now.

The Numbers behind the issue

Talking about some stats now, **The National Crime Record Bureau (NCRB)**'s data of 2023 shows a surge of 31,365 cases were registered during 2023, an increase of 2.7% over 2022 (30,555 cases). The juvenile crime rate increased from 6.9 in 2022 to 7.1 in 2023.

Peculiar areas highlighted include- Delhi, with a whopping 41.1 cases per one lakh children, followed by Chandigarh with 36.7 cases per one lakh children, while the highly populous states like Uttar Pradesh and Bihar have comparatively really low rates- 1.8 and 3.8 per one lakh respectively.

When measured against the rural areas/ less developed regions of India, the developed/ metropolitan areas have a reportedly high juvenile delinquency rate- which can be interpreted in two ways. Firstly, that these developed regions have a strong implementation of law- having better visibility of the issue, data recording.

A survey conducted by **the International Journal of Indian Psychology** shows that younger children with higher social media interaction show signs of increased aggression so the next interpretation that I could make was that in metropolitan cities children who are having access to and getting exposed to harmful and provocative social media content, are more likely to commit such crimes.

Conclusion

The Indian Juvenile Justice System works on the principle of 'doli incapax' which means that children are incapable of forming criminal intent. At its crux, the system moves with the idea about using the juvenile jurisdiction to guide and rehabilitate the children, to make them ready for their future, for their nation. Despite procedural flaws, poor execution, and social prejudice, the juvenile justice system stands as both a promise and a challenge for modern India.

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