



The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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The Juvenile Justice System In India

-Rishabh Jain

Introduction

India's juvenile justice system operates on the core philosophy that children and adolescents, due to their age and vulnerability, merit distinct treatment from adult offenders. The system aims not only to address offences committed by juveniles but also to rehabilitate and reintegrate them into society. The principal legislation governing juveniles is the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015).

Legislative Framework: Evolution and Structure

The journey of juvenile justice in India began with the Juvenile Justice Act, 1986, which was soon found wanting in the wake of changing social conditions and international standards. To comply with the United Nations Convention on the Rights of the Child (UNCRC), India enacted the Juvenile Justice (Care and Protection of Children) Act, 2000, which was further amended as the JJ Act, 2015 after the infamous Nirbhaya case underscored gaps in handling heinous crimes by juveniles.

Key features of the JJ Act, 2015 include:

- Categorisation of children as 'children in conflict with law' and 'children in need of care and protection'
- Constitution of Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs) in every district
- Provision for child-friendly adjudication, rehabilitation, and restorative justice

The Act embodies constitutional principles from Articles 14, 15(3), and 39(e)-(f), mandating the state to ensure the welfare and protection of children.

Landmark Judicial Pronouncements

1. Sheela Barse v. Union of India (1986)¹

This case laid the foundation for a systemic, rights-oriented approach to juvenile justice. The Supreme Court condemned the detention of children in jails, issuing directions for state compliance with the Children's Act, mandatory reporting on juvenile institutions, and regular judicial supervision. The ruling clarified that children must never be held in adult prisons, and oversight was critical for safeguarding their development.

2. Pratap Singh v. State of Jharkhand (2005)²

Here, the determination of 'juvility' was clarified to be based on the age at the time of the offence, rather than at prosecution. The Supreme Court outlined that the 2000 Act applies retrospectively for pending cases where the accused was below 18 at the relevant date, ensuring that procedural delays do not deny juvenile benefits.

3. Hari Ram v. State of Rajasthan (2009)³

This case entrenched the retroactive application of the 2000 Act, holding that those below 18 at the time of the offence are entitled to juvenile protections, regardless of their age during trial.

4. Abuzar Hossain @ Gulam Hossain v. State of West Bengal (2012)⁴

¹ Sheela Barse v. Union of India (1986): Directions against detention of juveniles in jails; judicial oversight introduced.

² Pratap Singh v. State of Jharkhand (2005): Age at offence relevant for juvenility; 2000 Act applies retrospectively.

³ Hari Ram v. State of Rajasthan (2009): 2000 Act applies retroactively for those below 18 at the time of offence.

⁴ Abuzar Hossain @ Gulam Hossain v. State of West Bengal (2012): Plea of juvenility can be raised anytime; courts must avoid technical approaches.

The Supreme Court pronounced that the plea of juvenility could be raised at any stage, even after conviction, provided sufficient evidence is furnished. Courts must avoid hyper-technical dismissals and decide based on a substantive justice approach.

5. Jitendra Singh @ Babboo Singh v. State of U.P. (2013)⁵

The Court laid down that delays in asserting juvenility should not invalidate claims but that the accused carries the burden of proof. Careful judicial enquiry is mandated before rejecting a claim, reinforcing the primacy of rights over procedural rigidity.

6. Salil Bali v. Union of India (2013)⁶

The Supreme Court, in this critical post-Nirbhaya matter, upheld the statutory age of juvenility at 18 years, supported by empirical studies, rejecting the notion of a lower age threshold for serious offences. The judgement justified treating under-18s as a distinct category, prioritising reform over retribution.

7. Sampurna Behura v. Union of India (2018)⁷

This widely-cited writ petition led to comprehensive directions for effective implementation of the JJ Act. The Court instructed state governments to staff statutory bodies adequately, conduct regular sittings of JJBs and CWCs, and provide child-friendly judicial environments, nutrition, education, and trained personnel.

Key Issues and Complexities

Age Determination

Reliable age determination remains fundamental, affecting whether a child is treated as a juvenile or an adult. The statutory framework prioritises documentary evidence, such as matriculation certificates, school records, and birth certificates, resorting to medical opinions (ossification tests) only when documents are unavailable. This hierarchy, affirmed in Jarnail

⁵ Jitendra Singh @ Babboo Singh v. State of U.P. (2013): Delay in asserting juvenility no bar, burden of proof on accused.

⁶ Salil Bali v. Union of India (2013): Statutory age of 18 upheld for juvenility, scientific basis.

⁷ Sampurna Behura v. Union of India (2018): Directions for JJ Act implementation and increased protection.

Singh v. State of Haryana (2013), limits the risk of arbitrary findings, ensuring procedural fairness.

Rehabilitation versus Retribution

Juvenile justice in India has moved away from punitive responses to emphasising rehabilitation and reintegration, influenced by international conventions and constitutional mandates.

Bail and Trial

Section 12 of the JJ Act provides that children in conflict with law should be granted bail unless release poses a credible threat to their safety or the public. Strict time limits exist for the investigation and trial of juvenile cases to limit unnecessary detention.

Rights and Remedies

Children possess rights to privacy, participation, dignity, and freedom from cruel treatment. The Act prescribes confidentiality and deletes juveniles' criminal records post-rehabilitation, aiming to eradicate social stigma.

Critiques and Systemic Challenges

Despite the forward-thinking legislative and judicial framework, critics argue these reforms can suffer from gaps:

- Inconsistencies in age determination, especially where documentary evidence is unavailable
- Delays in constitution or staffing of JJBs and CWCs, undermining timely justice
- Insufficient rehabilitation programmes and reintegrative support, risking recidivism

Heinous crimes, particularly in high-profile cases (like the Nirbhaya incident), have ignited debates around reducing the age of criminal responsibility or allowing adult trials for certain offences. Courts have largely resisted such calls, holding that reformist ideals must govern juvenile justice.

Recent Developments and Future Directions

Recent Supreme Court pronouncements continue to reinforce protections for juveniles. Writ petitions during the COVID-19 pandemic, such as *In Re: Contagion of COVID-19 Virus in Children's Protection Homes (2020)*, saw courts mandate preventive and health measures for juveniles in observation and shelter homes.

Furthermore, the JJ Act's robust provisions for rehabilitation, periodic review, and institutional reforms indicate a long-term commitment to balancing justice, protection, and reformation for juveniles.

Conclusion

India's juvenile justice system is an evolving blend of constitutional principles, statutory reforms, and judicial activism. The core philosophy remains reformatory justice, prioritising the rehabilitation and reintegration of children while protecting their rights, as set out in landmark Supreme Court judgements and international conventions. Continuing challenges must be addressed through better implementation, infrastructural investment, and sensitivity in adjudication, ensuring that both society and its young citizens are served by a system that values both justice and compassion.