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JUVENILE JUSTICE IN INDIA: BETWEEN REFORM AND ACCOUNTABILITY

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INTRODUCTION

The question of whether minors involved in heinous crimes should be treated as children capable of reform or as adult offenders remains a legal dilemma in India. Public concern regarding juvenile involvement in serious offences increased significantly after the Nirbhaya rape case, which involved a juvenile accused. The incident sparked nationwide debate concerning whether rehabilitation should remain the primary approach for juveniles in cases involving heinous crimes. For years, the government and legal system have struggled to balance reformatory justice with the need for accountability and public safety. This blog discusses the challenges within India's juvenile justice system and the ongoing debate between rehabilitation and punishment.

UNDERSTANDING JUVENILE JUSTICE IN INDIA

The juvenile justice system in India is based on the principle that children involved in crimes should be reformed rather than subjected to harsh punishment. However, this approach triggered nationwide outrage after the Nirbhaya rape case, which involved a juvenile accused. Many people demanded that the juvenile be tried as an adult offender due to the brutality of the crime. The incident eventually led to the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015, which deals with children in need of care and protection as well as children in conflict with law. The Indian juvenile justice system has long followed the principles of reformation, rehabilitation, and reintegration of minor offenders. However, this approach continues to raise concerns regarding public safety, especially in cases involving juveniles accused of heinous crimes.

KEY PROVISIONS OF THE JJ ACT, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 introduced important reforms focusing not only on the rehabilitation and reintegration of minor offenders but also on accountability in cases involving heinous offences. According to the Act, a juvenile is a person below eighteen years of age. The Act further classifies offences committed by juveniles into three categories namely petty, serious, and heinous offences. Chapter II of the Act lays down several guiding principles such as presumption of innocence, dignity, repatriation and restoration, and the best interest of the child. These principles reflect the reformatory approach adopted by the Indian juvenile justice system while also attempting to address growing concerns regarding serious crimes committed by minors.

THE DEBATE ON ACCOUNTABILITY

The brutality of the crime committed by a juvenile in the Nirbhaya rape case¹ intensified the debate between reformation and accountability in juvenile offences. The case led to widespread public outrage and criticism of India's juvenile justice laws, with many people demanding stricter punishment for juveniles involved in heinous crimes. At the same time, the law continued to focus on rehabilitation and reformatory justice. This gave rise to an important question - Whether reformation remains possible after the commission of such brutal offences? In response to this criticism, the government introduced the Juvenile Justice (Care and Protection of Children) Act, 2015, which allowed juveniles between the ages of sixteen and eighteen accused of heinous crimes to be tried as adults after proper assessment. Many supported stricter juvenile laws on the ground that certain juveniles are mature enough to understand the consequences of their actions. However, critics argue that subjecting juveniles to harsh punishment defeats the very objective of rehabilitation, as children possess a greater capacity for reform.

CHALLENGES WITHIN THE JUVENILE JUSTICE SYSTEM

The juvenile justice system in India continues to face several practical challenges. One of the major concerns is the lack of proper rehabilitation infrastructure, including overcrowded observation homes, inadequate counselling, and limited psychological and educational support for juveniles. Reformation cannot be achieved through legal provisions alone and requires

¹ *Mukesh v. State (NCT of Delhi)*, (2017) 6 SCC 1 (India).

effective rehabilitation mechanisms, counselling, education, and community support. However, the inadequacy of such support systems often affects the successful rehabilitation of juvenile offenders.

Furthermore, juveniles released after rehabilitation frequently face social stigma and discrimination, creating additional barriers to reintegration. At the same time, increasing crimes involving juveniles continue to raise concerns about public safety and the effectiveness of reformatory justice. Therefore, balancing rehabilitation with accountability remains one of the biggest challenges before the Indian juvenile justice system.

NEED FOR A BALANCED APPROACH

A balanced approach is necessary within the juvenile justice system to ensure that both the rights of juveniles and the interests of society are protected. To achieve this balance, reformatory justice must continue to remain the foundation of the juvenile justice system, while proportionate accountability serves as an essential safeguard in cases involving heinous offences. This is important because juveniles possess a greater capacity for rehabilitation, and reintegration into society when compared to adult offenders. However, the system should neither focus solely on harsh punishment nor excessive leniency in serious cases. Instead, the juvenile system should focus more on improving the rehabilitation infrastructure by providing counselling mechanisms, psychological support, and reintegration programmes for juveniles. A more balanced approach helps in ensuring both public safety and successful rehabilitation of juvenile offenders.

CONCLUSION

The juvenile justice system in India remains a complex area of law, particularly because of the debate between reformation and accountability. Although the law has evolved over the years to address crimes committed by juveniles, the extent of rehabilitation in cases involving heinous juvenile offences remains a pressing issue. Therefore, the effectiveness of the juvenile justice system lies in its ability to ensure justice while still focusing on the reformation of juvenile offenders.