



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

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

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

CHILDREN IN CONFLICT WITH LAW: HOW JUVENILE JUSTICE SYSTEM DEALS WITH THESE CHILDREN

Avishi Srivastava

ABSTRACT

Children are the light towards the future of the country. In this advanced world of Artificial Intelligence and digitalization that is not so commonly understood by an adult but interpreted more logically by children of the Gen Z era subsequently making them a genius or rather more learned in this field. However, a child can only be bright for the future if, given the right guidance and avoided from stepping on to the wrong path. According to the 2022 statistics, over 30,555 cases registered against person within this category there is hardly a reduction of 2% in comparison to cases registered in 2021(31,170 cases). This percentage only shows minimum reduction which still needs to be improved as this doesn't have any good effect on the society in which we are living. In the recent years, over 34,878 cases (2024)¹ were booked involving juvenile's with an estimated rise of up to 11.2 %. This shows that a large scale of children are in conflict with the law. This paper shall discuss what does the term children in conflict with law mean and from where does it emerge, legislation for children in conflict with law in India, crime records against juvenile in India, Case study involving juvenile, reformative method of punishment.

INTRODUCTION

India has been ranked 81st in terms of crime rate encompassing crimes against body, crimes against women, crimes against children, scams, crimes against governments, cybercrime etc. Not all these crimes are conducted by adults but rather involves children. Children between age group of 0-7 are not liable as they are not known what actions are considered as crimes subsequently children between age groups of 14 to 18 are likely to be able to understand what

¹ Centre for Development Policy and Practice, <https://www.cdpp.co.in/articles/juvenile-justice-in-india-trends-challenges-and-the-way-forward> , 21st June 2026

constitutes an offence. These incidents lead us to the concept of Juvenile Justice, a branch dealing with cases involving children below 18 years of age committing offences and how they are supposed to be treated by the law that follows. This further introduces two concept, that is, Children in Conflict with Law and Children in need of care and protection. “Children in conflict with law” refers to persons below the age of 18 who have committed an offence, while “Children in need of care and protection” mean orphaned children, children who are victims of child abuse, neglect, exploitation, substance abuse, working under unsafe conditions, and no one to look after them.

Over the past decades crimes involving juveniles have increasingly been alarming as they have been committing crimes that shock the nation to the core, most of these crimes are committed on the grounds of intention than on the grounds of pressure caused by some third party person to the juvenile. The National Crime Bureau lays down records for the segregation of children from the adults. Therefore it is necessary to reform the rather than punishing them for a better future ahead.

Juvenile Justice System has been adopted by countries to reform children and to protect them. According to the United Nations Convention on Rights of Childs under Article 1² which recites “a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. Article 37(a)³ of the UNCRC also talks about children who have committed an offence and how they must be treated. It is quoted in the following manner “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment without possibility of release shall be imposed for offences committed by person below eighteen years of age.

EMERGENCE OF JUVENILE JUSTICE SYSTEM IN INDIA

The emergence of the Juvenile Justice System came up during the modern era when India was under colonial rule. From 1773 to 1849 the East India Company had control over India. However post the fall of East India Company due to the Revolt of 1857, the British government stripped down the company and established the Crown Rule (1858-1947). At this point of time we see the coming of various legislation and reforms coming up. Exploitation under the Crown rule had led to the increase in delinquency of children. In respect to the reformation of the

² United Nations Convention on Rights of Children, 1989, Adopted on 20th November 1989, UNTS Vol.1577, Page 2

³ United Nations Convention on Rights of Children, 1989, Adopted on 20th November 1989, UNTS Vol.1577, Page 10

arrested delinquent children, Lord Cornwallis established “Ragged School”⁴ for reformation through training in industries leading to the enactment of the Apprentice Act, 1850. The Apprentice Act regulated the training of children between the age group of 10 to 18 to learn trade and craft which provided for rehabilitation of delinquent children. Later the Indian Penal Code of 1860 was enacted by the British Government to lay down the official criminal code of India (now replaced by Bharatiya Nyaya Sanhita, 2023). Section 82⁵ of the Indian Penal Code states Act of a child under seven years of age is not an offence, Section 83⁶ of the Indian Penal Code states that states Act of children above the age of seven but below the age of twelve is not an offence as they have not gained enough maturity to understand the nature and consequences of their action. The Reformatory Schools Act, 1876 was laid down by the Local Government to establish reformatory schools for youthful male offenders. Under Section 7⁷ of the Act states if a boy below the age of sixteen years is sentenced to transportation or life imprisonment by the Court, the Court must state to send them to reformatory schools not less than 2 years and not more than 7 years with respect to the rules stated under Section 22⁸. These powers shall only be exercised by High Courts, Sessions Court, First Class Magistrate, Magistrate of Police or Presidency Magistrate (in Calcutta, Madras and Bombay). This was later changed by Criminal Procedural Code emphasizing upon the extension of imprisonment of the youthful offender and upon reach the age of eighteen shall be transferred for probation. In the years following the Indian Jail Committee passed upon the recommendation stating about separate courts to be established for hearing cases on juvenile offences, promoting states to pass on their statutes. The Madras Children Act of 1943, Bombay Children Act of 1924 and Bengal Children Act of 1922, Travancore Children Act of 1945, Cochin Children Act of 1946 and East Punjab Children Act of 1946 were enacted.

After Independence the major reform made in the history of Juvenile laws was the rise of Union Government established “Children Act of 1960”⁹ (this was applicable to the Union Territories as most states had different juvenile statutes). It ultimately became the basis for the Juvenile Justice Act of 1986. This Act provided for care, treatment, protection and reformation of the juvenile in the country. It complemented the policy of Fundamental Rights¹⁰ (Part III of the

⁴ Madhavi Gautam, Indian Juvenile Justice System : Child in Conflict with Law, Vol.4, IJLMH, 1637, 1641-1644, 2021

⁵ Indian Penal Code of 1860, §82, No. 45 of 1860, Acts of Parliament, 1860 (India)

⁶ Indian Penal Code of 1860, §83, No. 45 of 1860, Acts of Parliament, 1860 (India)

⁷ Reformatory Schools Act of 1876, §7, No.5 of 1876, Acts of Parliament, 1876 (India)

⁸ Reformatory Schools Act of 1876, §22, No.5 of 1876, Acts of Parliament, 1876 (India)

⁹ Children Act of 1960, No 60 of 1960, Acts of Parliament, 1960 (India)

¹⁰ INDIA CONST.art 21A, amended by the Constitution (Eighty Sixth Amendment) Act, 2002

Indian Constitution) and Directive Principle of State Policies ¹¹(Part IV of the Indian Constitution). India has also aligned its Juvenile Policies with that of the International Conventions such as United Nation Convention on Rights of Children. In the landmark case of *Sheela Barse v. Union of India*¹², the Supreme Court highlighted detaining of children in jails and the protection of their fundamental rights. The Court stressed on the statement that on no ground should children be kept in jail due to the degraded atmosphere of the jail causing problem in their overall development and alienation from the society. The Court ordered the government to set up Juvenile Courts, remand homes and uniform laws for a uniform Children Act. To bring out the same in administration aligning with the United Nations standards, the Parliament under Article 250 read along with entry 14 of the Union List to make a uniform law for Indian Juvenile System as a whole. The Act laid down separate procedure for juvenile and established welfare courts. The Juvenile Courts dealt with offences committed by both girls and boys under the age of sixteen years. This law though made in accordance with UN standards couldn't achieve its objective and a new law was drafted in 2000.

Juvenile Justice (Care and Protection of Children) Act, 2000¹³ was in accordance to the objectives laid down in UNCRC which was ratified by India in 1992. The upper age limit for male was set up as 18 years to align it with UNCRC. The term Child in Conflict with Law came in 2000 to describe offences committed by juveniles. This Act was later amended and came to be known as Juvenile Justice (Care and Protection of Children) Act, 2015¹⁴.

LEGISLATION FOR CHILDREN IN CONFLICT WITH LAW

1) JUVENILE JUSTICE (CARE AND PROTECTION) ACT, 2015

After the Nirbhaya Case involving the role of a person between the age group of 16 to 18 years culminated in the criticizing of the Juvenile laws of India globally involving the age group of 16 to 18 years for not being tried as adult for committing crimes so heinous in nature. This was a major change in the history of criminal laws of juvenile justice that introduced the "Juvenile Justice (Care and Protection) Act, 2015.

The Juvenile Justice (Care and Protection) Act provides for care, protection, treatment for "children in need and care of protection" and also provides reformation and rehabilitation of

¹¹ INDIA CONST.art 45

¹² *Sheela Barse v. Union of India*, AIR 1986 SCC 632

¹³ Juvenile Justice (Care and Protection) Act of 2000, No. 56 of 2000, Acts of Parliament, 2000 (India)

¹⁴ Juvenile Justice (Care and Protection) Act of 2015, No. 2 of 2016, Acts of Parliament, 2015 (India)

“children in conflict with law”. It shall treat children between the age group of 16 to 18 years to be tried as adults on the grounds of the heinous nature of the crime. It identifies “Children in Conflict with Law” under Section 2(13)¹⁵ and “Children in need and care of protection under Section 2(14)¹⁶. Apart from laying down the laws it also provides for streamlined procedure for children in conflict with law (Chapter IV, Section 10 -26)¹⁷, Child welfare Committee (Chapter V, Section 27- 30)¹⁸, children in need and care of protection (Chapter VI, Section 31-38) ¹⁹, and adoption (Chapter VIII, Section 56- 73)²⁰. As this Act lays down the procedure for adoption of children it should be noted that it does not replace Hindu Adoptions and Maintenance Act, 1956²¹ and Guardian and Wards Act of 1890²². Section 15²³ of the Act states “if a child completed or above the age of 16 years commits a grave offence, the Board first assess to determine the mental agility of the child to understand the consequences of the offence committed and circumstances in which the offence was committed by the child, post which it passes an order under Section 18(3)²⁴”. After the assessment when the Board passes an order stating that the trial of the child is required then the case is transferred to Children’s Court by the Board. Once the case is transferred the Children’s Boards decide whether the case is to be tried or not. If the case is tried in accordance to the Code of Criminal Procedure, the court after the trial passes orders under Section 19(1)(i)²⁵ and Section 21²⁶ with respect to the needs of the child and maintaining a friendly atmosphere for the child, otherwise, a trial is not needed and can conduct an inquiry as a Board.

2) COMMISSION FOR PROTECTION OF CHILD RIGHTS ACT

This Act provided for establishment of National and State Commissions for the protection of child rights and establishment of Children’s Courts for speedy trials of children in conflict with law and violation of child rights. It inculcates child rights according to the standards of United Nations Convention on Rights of Child, 1989 which was ratified by India on 11 December, 1992. Section 25 of the Act talks about Children’s Court.

¹⁵ Juvenile Justice (Care and Protection) Act of 2015, §2(13), No. 2 of 2016, Acts of Parliament, 2015 (India)

¹⁶ Juvenile Justice (Care and Protection) Act of 2015, §2(14), No. 2 of 2016, Acts of Parliament, 2015 (India)

¹⁷ Juvenile Justice (Care and Protection) Act of 2015, § 10 to §26, No. 2 of 2016, Acts of Parliament, 2015 (India)

¹⁸ Juvenile Justice (Care and Protection) Act of 2015, §27 to §30, No. 2 of 2016, Acts of Parliament, 2015 (India)

¹⁹ Juvenile Justice (Care and Protection) Act of 2015, §31 to §38, No. 2 of 2016, Acts of Parliament, 2015 (India)

²⁰ Juvenile Justice (Care and Protection) Act of 2015, §56 to §73, No. 2 of 2016, Acts of Parliament, 2015 (India)

²¹ Hindu Adoption and Marriage Act of 1956, No. 78 of 1956, Acts of Parliament, 1956 (India)

²² Guardian and Wards Act of 1896, No.8 of 1890, Acts of Parliament, 1890 (India)

²³ Juvenile Justice (Care and Protection) Act of 2015, §15, No. 2 of 2016, Acts of Parliament, 2015 (India)

²⁴ Juvenile Justice (Care and Protection) Act of 2015, §18(3), No. 2 of 2016, Acts of Parliament, 2015 (India)

²⁵ Juvenile Justice (Care and Protection) Act of 2015, §19(1)(a), No. 2 of 2016, Acts of Parliament, 2015 (India)

²⁶ Juvenile Justice (Care and Protection) Act of 2015, §21, No. 2 of 2016, Acts of Parliament, 2015 (India)

CRIME RECORDS OF JUVENILE'S IN INDIA

Juvenile Delinquency in India has become a spatial variation. The term usually suggest act that amount to offences and illegal behavior caused by minors. Sociologically, this kind of behavior is usually shaped by families, societal structure, peer influence, economic and social condition. As per the latest data, Delhi has been reported as the state with highest number of crimes committed by juveniles surpassing cities like Chennai, Hyderabad, Bengaluru and Ahmedabad. Around 2,306 cases were reported against Juveniles in Delhi in the year 2024 which is higher than 2,278 cases reported in the previous year. At present the total number of juveniles apprehended was up to 42,633 in close connection to offences under Indian Penal Code and Bharatiya Nyaya Sanhita.

After assessing the reports by the National Crime Records Bureau, it can be concluded that majority of these crimes are committed by juveniles falling I the category of 16 to 18. The Pune Porsche Car crash case is an example of juvenile offences, in which a minor of about 17 years of age with no driving license and under the influence of alcohol hit a motor bike consisting of two passengers resulting in their death. Most cases like these have not only been caused due to the negligence of juveniles but also their parents who instead of making them and teaching them what's right instead supported them in ways to get out of the situation easily. This kind of behavior from parents had only empowered the minor to do more such crimes.

However if we look at the broader perspective the statistics only prove that these crimes only amount up to 1- 1.2% of the total crime rate proportion in India. This represents though the total proportion remains low, the nature of crimes have become severe over time.

CASE LAWS

SHEELA BARSE V. UNION OF INDIA,1986 ²⁷

In this case, an order was issued directing that physically, mentally retarded children and abandoned and destitute children were lodged in jails for the purpose of "safe custody". This had created concern over the fact that children had to face the environment of the jail instead of being provided proper rehabilitation alongside good food, treatment and provide skill training. Ultimately the petitioner came up with a National Policy for the Welfare of Children aiming to nurture and provide development both mentally and physically such that they can contribute to the human resources and participate in various programmes. All legislation and

²⁷ Sheela Barse v. Union of India,AIR 1986 SCC 632

statutes dealing with children have provided not to keep children in jail as it would lead to reduction in the development of a child and causing alienation from the society. Children in conflict with law must also not be kept in jails but should be kept in remand or observation homes. The Supreme Court gave the landmark judgement stating that children should not be kept in jail, remand and observation homes to be established across all states, efficient functioning of juvenile courts with trained magistrates, and proper implementation of a uniform legislation for welfare and protection of children.

CONCLUSION

This research paper shows the proof of children in conflict with law and how the juvenile system of India deals with it. Juvenile crimes are still on rise and requires more efficient functioning of laws to maintain the decorum of the society and reduce crime by children. Children are the future of the country and hence should be treated with the right moral values.