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Punishment vs. Reform: How the Juvenile Justice System Actually Works

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When a minor commits a serious offense, a critical question divides legal systems worldwide: do we lock them away to protect society, or do we rebuild their lives because they are still a child? The battle between retribution and rehabilitation defines the very soul of the juvenile justice system. This debate is pushed to its absolute structural limits when confronting extreme anomalies like the case of Amarjeet Sada from Bihar, who shocked the community when he was implicated in a series of horrific infant murders at just eight years old. At the time of these tragic incidents, India's criminal framework was governed by the colonial-era **Indian Penal Code (IPC), 1860**. However, as Indian jurisprudence undergoes its historic modern overhaul, these foundational questions of criminal capacity must now be evaluated through an updated statutory lens. By examining cases where the offender is legally a child but functionally a lethal threat, this blog explores how Indian law navigates the thin line between necessary public security and the ethical obligation to reform a developing life

To understand how the legal system processes a child offender, one must examine the evolution of statutory boundaries regarding criminal accountability. Traditionally, under **Sections 82 and 83 of the IPC**, the law relied on the doctrine of *doli incapax* — the legal presumption that a young child lacks the cognitive maturity to form malicious intent (*mens rea*)¹. Today, this exact principle has been carried over and codified into the new regime under **Sections 20 and 21 of the Bharatiya Nyaya Sanhita (BNS)**². Specifically, Section 20 of the BNS grants absolute criminal immunity to any child under seven years of age³. For children between seven and twelve, such as Sada at the time of his offenses, Section 21 of the BNS

¹ The Indian Penal Code, 1860, section 82 -83

² The Bharatiya Nyaya Sanhita, 2023 section 20-21

³ Id section 20

introduces the standard of 'immature understanding'⁴. Under this clause, liability is strictly conditional; the court must evaluate whether the child possessed the mental development to understand the physical nature and moral consequences of their conduct. Consequently, the ordinary penal system steps aside, shifting the focus entirely from punitive prison sentences to specialized welfare intervention.

When a minor falls under the exceptions of conditional criminal capacity, the standard penal courts surrender their jurisdiction to a welfare-oriented framework governed by the **Juvenile Justice (Care and Protection of Children) Act, 2015**. Under this legislative framework, a minor who commits an offense is not designated as an accused or a criminal; rather, they are legally recognized as a "**Child in Conflict with Law**" (CICL)⁵. Instead of traditional criminal trials, their cases are adjudicated by a specialized **Juvenile Justice Board (JJB)** ⁶, which focuses entirely on evaluating the child's background, psychological health, and social environment. The law strictly prohibits sentencing any young child to a conventional prison or a death sentence. In instances where rehabilitation requires institutional care, the JJB directs the child to a **Special Home** for a maximum period of three years. In cases like Amarjeet Sada, who was kept under institutional supervision and psychiatric monitoring, the system prioritizes behavioural modification therapy, skill development, and psychological counselling. This structural response proves that the fundamental core of Indian juvenile jurisprudence for young children is not built on vengeance, but on the profound legal understanding that developing minds possess an inherent capacity for reform.

Ultimately, India's juvenile justice system showcases a sophisticated, dual-layered equilibrium that balances the protective shields of the **Bharatiya Nyaya Sanhita (BNS)** with the accountability standards of the modern **Juvenile Justice Act**. While vulnerable, younger children are systematically redirected toward psychological counselling and **Special Homes**, the historic **2012 Delhi gang rape** ⁷ case forced lawmakers to establish a definitive boundary for older adolescents. When a **Child in Conflict with Law (CICL)** between the ages of 16 and 18 commits a heinous offense, the **Juvenile Justice Board (JJB)** is now legally empowered to conduct a thorough preliminary assessment of their physical and mental maturity. Rather than applying a blanket rule of immunity, this framework recognizes that a developing mind can

⁴ Id section 21

⁵ The Juvenile Justice (Care and Protection of Children) Act 2015, section 2(13)

⁶ The Juvenile Justice (Care and Protection of Children) Act 2015, section 18

⁷ Mukesh v State (NCT of Delhi) 2017, 6 SCC 1

sometimes execute calculated malice. By ensuring that younger children are strictly reformed while older, mature offenders face regular court trials, India successfully protects its societal conscience. Thus, the system proves that true justice does not lie in blind punishment, but in a precise, statutory distinction between an innocent child who can be saved and an adult-minded perpetrator who must answer for their crimes.