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THE JUVENILE JUSTICE SYSTEM IN INDIA: EVOLUTION, FRAMEWORK, AND CHALLENGES

~ *Shubham Yadav*

Abstract

Juvenile justice in India sits between two ideas that do not always fit together: helping a child grow into a better adult, and punishing a wrong that was done. This paper looks at how India's laws for children who break the law have changed over time, starting with the Apprentices Act of 1850 from the colonial period, moving through the Juvenile Justice (Care and Protection of Children) Act of 2015, and its 2021 amendment. It explains the system set up by the current law, including Juvenile Justice Boards, Child Welfare Committees, observation homes, and special homes, and shows how these connect to India's Constitution and to international agreements such as the UN Convention on the Rights of the Child. Using data from the National Crime Records Bureau and recent court judgments, the paper also looks at how the law works in real life: the debate over trying older teenagers as adults after the 2012 Delhi case, the gap between what the law promises and what the system actually delivers, and the ongoing question of whether punishment or rehabilitation should come first. The paper argues that India's laws for children are, on paper, fairly progressive compared to many other countries, but that in practice the system is weakened by boards that do not have enough staff, childcare homes that are poorly checked, and a public conversation shaped more by shocking individual cases than by the full picture.

Introduction

Every legal system that punishes wrongdoing must, at some point, answer a difficult question: what should happen when the person who did wrong is a child? The answer a country gives says a lot about how it thinks about blame, growth, and the point of punishment itself. In India, this question has come up again and again over the last ten years, mostly because of one case: the gang rape and murder of a young woman in Delhi in December 2012, in which one of the men convicted was seventeen years and a few months old. That case did not create India's juvenile justice system, which was already more than a hundred years old in its early form and about thirty years old in its modern shape. But it changed the system a great deal, pushing Parliament to pass a law that, for the first time, allowed some teenagers to be tried as adults.

This paper tries to do three things. First, it traces the history of India's laws on children who break the law, showing how each law was a response to the worries of its own time. Second, it explains how the current law works, the Juvenile Justice (Care and Protection of Children) Act of 2015, as changed by the 2021 amendment, including its institutions, how it sorts offences, and how it decides whether an older teenager should be treated as a child or as an adult. Third, it looks at the real-world record: what the data on youth crime actually shows, and how well the institutions set up by the law actually function. The paper ends with a look at the main points of disagreement in the current debate, along with a few suggestions.

How the Law Developed Over Time

The idea that children who break the law need a different response than adults is not new in India. Its first legal form is usually traced to the Apprentices Act of 1850, which allowed poor and troubled children to be placed as apprentices to learn a trade, instead of being sent to ordinary jails. Later, the Reformatory Schools Act of 1876, changed again in 1897, set up reformatory schools where boys under fifteen could be sent for training rather than prison. This was the first time Indian law formally kept child offenders apart from adult prisons.

After independence, laws on children stayed scattered and different from state to state for many years, as different regions passed their own Children Acts. The first attempt at one law for the whole country came with the Children Act of 1960, which applied to the Union Territories. It introduced the idea of a Children's Court and a Child Welfare Board, and set the age of a 'child'

differently for boys (sixteen) and girls (eighteen), a difference that would continue in various forms for decades.¹

India agreed to the United Nations Convention on the Rights of the Child in December 1992, which meant Parliament had to bring Indian law in line with international child rights standards, including the UN Standard Minimum Rules for the Administration of Juvenile Justice of 1985, known as the Beijing Rules, and later the UN Rules for the Protection of Juveniles Deprived of their Liberty of 1990, known as the Havana Rules. This led to the Juvenile Justice Act of 1986, India's first true national law on the subject, followed by a fuller law, the Juvenile Justice (Care and Protection of Children) Act of 2000, which for the first time set one age of eighteen for both boys and girls, and created the Juvenile Justice Board (JJB) and the Child Welfare Committee (CWC) as the two main bodies of the system, one for children who break the law, and one for children who need care and protection.²

It was the 2000 law, and specifically its single age limit of eighteen, that came under heavy legal and political challenge after the events of December 2012, discussed in the next section. Parliament's answer was not to throw out the caring approach of the 2000 law, but to add a narrow, carefully limited exception for older teenagers accused of the most serious crimes. The result was the Juvenile Justice (Care and Protection of Children) Act of 2015, which replaced the 2000 law from 15 January 2016, and which, along with its 2021 amendment, is still the law today.³

The 2012 Delhi Case and the Shift Toward Adult Trials in Some Cases

On 16 December 2012, a twenty-three-year-old physiotherapy student and a male friend were attacked by six men on a moving bus in Delhi. She died from her injuries less than two weeks later. One of the six accused was seventeen years and a few months old at the time and was therefore dealt with by the Juvenile Justice Board instead of a normal criminal court. Under the 2000 law, he could not be sentenced to more than three years in a special home, no matter how serious the crime, and this outcome caused strong public anger over what many saw as too wide and too rigid a definition of who counts as a juvenile.

¹The Children Act, 1960 (applicable to the Union Territories).

²Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

³Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016.

Two petitions challenged this rule before the Supreme Court. In *Salil Bali versus Union of India*, the Court turned down a challenge to Sections 2(k), 2(l), and 15 of the 2000 law, holding that the single age of eighteen reflected a careful legislative and scientific decision about the age of mental maturity, and could not be changed just because of how terrible a particular crime was.⁴

Then, in *Dr. Subramanian Swamy and Others versus Raju, Through Member, Juvenile Justice Board and Another*, decided by the Supreme Court on 28 March 2014, another attempt was made to have the Delhi accused tried as an adult. The Court again refused to change the law, holding that a single age limit was a matter for Parliament to decide, not something the courts could rewrite.⁵

In the end, it was Parliament, not the courts, that made the change the petitioners had asked for. The Juvenile Justice (Care and Protection of Children) Act of 2015 brought in a graded system: crimes by children are now sorted into petty, serious, or heinous, and children between sixteen and eighteen years accused of a heinous crime, meaning one with a minimum sentence of seven years or more, can, after a proper check by the Juvenile Justice Board under Section 15 of the law, be sent to a Children's Court to be tried as if they were adults. Even then, some protections still apply, including a ban on the death penalty and life imprisonment with no chance of release. This is the single biggest change the 2015 law made compared to the old one, and it remains the most argued about part of India's juvenile justice law.⁶

How the 2015 Law Is Built

The 2015 law is built around two groups of children who need the law's attention: those who break the law, meaning children accused or found to have committed a crime, and those who need care and protection, meaning children who are abandoned, abused, trafficked, or otherwise without proper family support. Each group is handled by a separate body, though both are meant to work in a way that is friendly to children and not like an ordinary court case.

The Juvenile Justice Board, set up for every district under Section 4 of the law, is made up of a magistrate along with two social workers, at least one of whom must be a woman. This Board

⁴*Salil Bali v. Union of India*, (2013) 7 S.C.C. 705.

⁵*Dr. Subramanian Swamy v. Raju*, (2014) 8 S.C.C. 390.

⁶Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 15.

looks into any crime a child is accused of. The Child Welfare Committee, set up under Section 27, is a non-court body of a chairperson and four other members, responsible for deciding the right kind of care and protection for children who come before it because they need support rather than punishment. Both bodies are meant to meet in a setting different from ordinary courts, and both must finish their work quickly. The law expects an inquiry before the Board to normally finish within four months of a child first appearing before it.⁷

The law also sets up observation homes, where children awaiting inquiry stay; special homes, for children found to have committed a crime and needing to stay for some time; places of safety, for older teenagers on trial as adults or those who have finished their term but are still under eighteen; and a wider network of child care institutions, including children's homes and open shelters, for children who need care and protection. As of March 2020, there were 2,162 such institutions registered across the country, a number that shows just how large the system has to be to work properly.⁸

The 2015 law's sorting of crimes matters a great deal, since the whole idea of trying a child as an adult depends on it. A petty crime is one with a maximum sentence of up to three years under Indian law. A serious crime carries a sentence of between three and seven years. A heinous crime is one where the minimum sentence set by law is seven years or more. Children found to have committed petty or serious crimes stay, no matter their age, fully under the Juvenile Justice Board and cannot be sent to a regular court. Only for heinous crimes, and only for children who were between sixteen and eighteen at the time, does Section 15 allow the Board to carry out a careful check, looking at the child's mental and physical ability, whether they could understand what the crime would lead to, and the situation in which it happened, before deciding whether to send the case to the Children's Court. Even after such a transfer, the 2015 law keeps some protection in place: the child cannot be given the death penalty or life imprisonment with no chance of release, and must be kept in a place of safety rather than an adult jail until at least the age of twenty-one.⁹

Rehabilitation Rather Than Punishment

⁷Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, §§ 4, 27.

⁸PRS Legislative Research, The Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021 (2021).

⁹Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, §§ 15, 21.

Underneath the adult trial rule that gets most of the public attention, the greater part of the 2015 law is built around helping children change rather than simply punishing them, and this is worth saying clearly because it is easy to forget in the middle of the argument over heinous crimes, which in fact make up only a small share of all the cases. For petty and serious crimes, which form most of the cases that come before Juvenile Justice Boards, the law offers a range of responses, including advice, group counselling, community service, a fine paid by the child's parent where the child earns their own money, release on probation under the watch of a parent, guardian, or another suitable person, or, only if truly needed, a stay in a special home for usually no more than three years. The Board is told, under Section 18 of the law, to choose the least restrictive option that still protects the child's wellbeing, an instruction that matches the Beijing Rules' idea that locking a child up should be a last resort.¹⁰

The law also asks for an Individual Care Plan to be made for every child found to have committed a crime, meant to work out the schooling, job training, mental health, and family support the child will need, and it gives an important role to probation officers and registered charities in helping a child settle back into family and community life after release. In theory, this design puts India's law closer to the caring approach seen in Scandinavian countries, and to some extent in England, than to the harsher approach that has at times shaped debates on child sentencing in parts of the United States. In practice, as the sections below explain, there are not enough trained probation officers, and checking on children after release is weak, so this promise of rehabilitation is only partly kept.

Court Oversight of How the Law Is Carried Out

Court cases about India's juvenile justice system have not only been about adult trials. A separate, and arguably more important, set of court proceedings came from a public interest case filed by sociologist and child rights worker Sampurna Behura, aimed at the slow rollout of the 2000 law and later widened to cover the 2015 law as well. Over more than ten years of ongoing court supervision, the Supreme Court found, again and again, that many Juvenile Justice Board and Child Welfare Committee posts were empty, that Special Juvenile Police Units required under Section 63 of the law existed only on paper in many states, and that some state governments had

¹⁰The Juvenile Justice (Care and Protection of Children) Act, 2015, s. 18; United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), G.A. Res. 40/33 (Nov. 29, 1985).

either not set up the Juvenile Justice Funds the law requires, or had given them what the Court itself called an embarrassingly small amount of money.¹¹

In its judgment of 9 February 2018, a Supreme Court bench gave a wide set of directions: that all empty posts in the National Commission for Protection of Child Rights, State Commissions for Protection of Child Rights, Juvenile Justice Boards, and Child Welfare Committees be filled quickly; that Boards and Committees meet often enough to stop cases from piling up; that a proper study be done of how many probation officers are actually needed; that Special Juvenile Police Units and Child Welfare Police Officers be given clear duties and be included in police training; and that every child care institution in the country be registered. The Court pointed out that children, having little political voice of their own, depend heavily on the courts to make sure that laws meant to help them are actually carried out, a point that has since been quoted often in later state level court orders checking on compliance. The fact that this case needed, and still needs, ongoing court supervision years after the original petition and the 2018 judgment says something important: passing a good law, however well written, does not by itself make institutions work well.¹²

The 2021 Amendment

The Juvenile Justice (Care and Protection of Children) Amendment Act of 2021, which got the President's approval in August 2021 and came into force on 1 September 2022, was mainly explained by the government as a fix for delay. The Statement of Objects and Reasons attached to the amending Bill pointed to slow adoption cases in the courts as the main problem needing a legal fix. So, the amendment moved the power to approve adoptions from civil courts to District Magistrates and Additional District Magistrates, a change meant to speed up a process that had become badly stuck.¹³

The amendment also changed who can be a member of a Child Welfare Committee and what they need to qualify, gave District Magistrates a bigger role in checking that the law is carried out

¹¹*Sampurna Behura v. Union of India*, W.P. (C) No. 473/2005, 2018 SCC OnLine SC 125.

¹²*Sampurna Behura v. Union of India*, W.P. (C) No. 473/2005, 2018 SCC OnLine SC 125.

¹³PRS Legislative Research, *The Juvenile Justice (Care and Protection of Children) (Amendment) Bill, 2021* (2021).

properly in their districts, and made several smaller changes to definitions and procedures, including to Sections 4, 8, and 12 of the main law.¹⁴

The most argued about change, though, concerns Section 86(2) of the law, which decides how offences under the law itself, separate from crimes under the Indian Penal Code committed by children, are treated for arrest and investigation purposes. The amendment moved crimes carrying three to seven years of imprisonment from a category where police can investigate freely to one where they first need a magistrate's order. Several of these crimes involve cruelty to children and offences against children living in institutions. Child rights groups, including the Delhi Commission for Protection of Child Rights, have challenged this change before the Supreme Court, arguing that it weakens rather than strengthens protection for the very children the law is meant to protect, by adding a procedural hurdle before crimes against them can even be looked into.¹⁵

What the Numbers Actually Show

Public debate on youth crime in India is often driven by a small number of extremely serious and heavily reported cases, which can make it feel like the system is overrun with dangerous young offenders. The full data collected each year by the National Crime Records Bureau (NCRB) in its Crime in India reports tells a more mixed story.

Between 2013 and 2022, the number of cases registered against children across the country actually fell by around thirty per cent, from 43,506 to 30,555, even with some years showing small increases, including 2016, 2019, and 2021. The Crime in India 2022 report also recorded that of the 37,780 children proceeded against that year, close to seventy-nine per cent, or 29,690 people, fell in the sixteen to eighteen age group that the 2015 law treats as possibly eligible for adult trial in heinous cases. This concentration is central to the ongoing debate about whether the age limit for full protection should be lowered.¹⁶

¹⁴Juvenile Justice (Care and Protection of Children) Amendment Act, No. 23 of 2021.

¹⁵Juvenile Justice (Care and Protection of Children) Amendment Act, No. 23 of 2021, § 86(2); Justice Leila Seth Fellowship, *Juvenile Justice Amendment Act, 2021: A Critical View* (2025).

¹⁶National Crime Records Bureau, Ministry of Home Affairs, *Crime in India 2022*, Vol. I (2022).

More recent reports suggest this long decline may be turning around in some cities, even as the national number moves up and down. NCRB data reported in 2025 showed cases against children rising nationally by over eleven per cent compared to the year before, and figures from individual cities around the same time showed sharp rises in some metro areas. Bengaluru, for example, went from 177 cases in 2021 to 427 in 2023, a jump that commentators linked to school dropout rates, unstable family life, and the copying effect of crime shown in a glamorous light in popular media and online content. Maharashtra and Madhya Pradesh have consistently been among the states reporting the highest total numbers of children in conflict with the law.¹⁷

One case in May 2024, in which a seventeen-year-old allegedly driving a Porsche while drunk hit and killed two people in Pune, shows how a single incident can take over national conversation about juvenile justice policy, even though it says little about the overall trend. The case restarted debate over whether the Board's checking process is good enough, and over whether wealth and family influence can distort accountability even within a system built around the child's best interests.

Taken together, the numbers suggest two things that are easy to lose sight of in public debate: first, that the total amount of youth crime in India has not simply been rising without a break; and second, that within that total, older teenagers accused of serious crimes are a highly visible, though still limited, part of the picture, which is exactly the group the 2015 law's careful checking rule was built to deal with.

Where the Law Comes From: The Constitution and International Rules

The Indian law does not stand alone. It carries out a wider set of constitutional promises and international duties. Article 15(3) of the Constitution allows the State to make special rules for children, and Articles 39(e) and 39(f), part of the Directive Principles of State Policy, tell the State to make sure children are not treated badly and are given the chance to grow up with freedom and dignity. Article 45, as amended, and Article 47, give further, though less direct, support to a caring approach toward children within the Constitution.¹⁸

¹⁷Factly, *NCRB Data Indicates that Crimes Committed by Juveniles Down 30% Between 2013 and 2022* (2024); Deccan Herald, *Bengaluru Second in Juvenile Crime; Sees 133% Surge in Just One Year: NCRB* (2025).

¹⁸INDIA CONST. arts. 15(3), 39(e)–(f), 45, 47.

At the international level, India's duties mainly come from the UN Convention on the Rights of the Child, which India agreed to in 1992, and which asks countries to treat everyone under eighteen as a child who deserves special protection, including in criminal cases. The Beijing Rules of 1985 add more detailed guidance, stressing fairness in proportion to the offence, the priority of the child's wellbeing, and the use of detention only as a last resort, while the Havana Rules of 1990 set minimum standards for how children who are actually locked up should be treated. Indian courts have often used these agreements to support their reasoning, including in the Subramanian Swamy case discussed earlier, to back up the idea that a single, protective age limit reflects not just India's own policy choice but wider international agreement.¹⁹

Problems in Putting the Law into Practice

The gap between what the 2015 law says and what actually happens on the ground is, by most independent accounts, quite large. A government review of child care institutions carried out in 2018 found that many of these institutions did not even provide basic things like individual bedding and proper food, and that despite registration being required by law, only around a third of institutions across the country had actually completed it. The Supreme Court, responding to these findings, told state governments to carry out fresh checks of child care institutions to make sure minimum standards were being met, though how well this direction has been followed varies a great deal from state to state.

Juvenile Justice Boards themselves face ongoing problems with staff and resources. Many districts struggle to find qualified social workers willing to serve, inquiries often take longer than the four months the law expects, and the careful check that Section 15 requires before an older teenager can be tried as an adult, which is supposed to look at the child's mental and physical ability and their understanding of what the crime would lead to, is carried out with very uneven care across different areas. This concern came up directly in a widely reported Haryana case, where the Punjab and Haryana High Court found the Board's original assessment poorly done and ordered it to be redone.

¹⁹Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3; United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), G.A. Res. 40/33 (Nov. 29, 1985); United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (The Havana Rules), G.A. Res. 45/113 (Dec. 14, 1990).

Working out a child's real age remains another common problem, especially in cases involving children without proper birth records, where courts must rely on bone tests and other medical evidence known to carry an error of several years, a margin that can decide whether someone is dealt with by the Board or by an ordinary criminal court. Overcrowding in observation and special homes, not enough trained counsellors and probation officers, weak teamwork between police, the Board, and the Committee, and almost no proper tracking of children after release to see whether they reoffend, are among the other weak points that independent researchers and parliamentary committees have pointed out again and again.

The 2021 amendment's move of some offences under the law from a category police could investigate freely to one needing a magistrate's order first, discussed earlier, adds a further worry, since it means that crimes against children inside care institutions, the very places meant to protect them, may now need approval from a magistrate before police can even start investigating, a procedural block that child rights groups argue works against the caring purpose of the law.

The Ongoing Argument Over Age and Blame

Maybe the biggest, most lasting disagreement in India's juvenile justice debate is where exactly to draw the line for full criminal responsibility. People who want a lower age limit, or a wider list of heinous crimes eligible for adult trial, point to how often sixteen- to eighteen-year-olds show up in serious crime statistics, and argue that a fixed age-based rule fails to account for how much people of the same age can differ in maturity and criminal awareness. Those on the other side, including many child rights researchers and organisations, answer that studies on brain development consistently show that teenage brains, especially the parts that control impulse and risk judgement, keep developing well into a person's early twenties, and that trying children as adults undermines the whole point of having a separate, more caring system in the first place. They also point out that the careful check under Section 15, meant to judge each case individually, is itself carried out unevenly and sometimes poorly, which risks turning the adult trial rule from a carefully aimed safeguard into something closer to a default response driven by public pressure after shocking cases.

This disagreement is unlikely to be settled by another round of law changes alone. It reflects an older and deeper disagreement, found in juvenile justice systems around the world, over whether

a child who breaks the law should mainly be seen as someone the state needs to protect and help grow, or as a person responsible for their actions whose punishment should match the harm caused, whatever their age. India's 2015 law tries to find a middle ground between these two views rather than settle the question fully, and the fact that public debate returns after every serious new case suggests that middle ground remains, in practice, an uneasy one.

Suggestions for Improvement

A few careful, step by step changes could make the current system work better without needing a completely new law. First, checking and registering child care institutions needs to move from being a hoped-for goal to a strictly enforced requirement to operate at all, with regular, independent, and publicly reported inspections, rather than the mostly self-reported compliance that current data suggests is common. Second, Juvenile Justice Boards need steady investment in training and staff, especially to make sure the social worker members required by law are both available and properly equipped to carry out the kind of individual, evidence-based check that Section 15 calls for. Without this, the safeguard against unfair adult trials exists more on paper than in real life.

Third, age checking methods should be made stronger and, where possible, backed up by document-based verification that reduces reliance on medical tests known to have a wide margin of error. Fourth, the change to Section 86(2) of the law made by the 2021 amendment deserves a second look, given the concerns raised in the ongoing court case, since a procedural block on investigating crimes against children inside care institutions sits badly with the whole caring purpose of the law. Finally, policy in this area would benefit from being built more consistently on NCRB and other long-term data, and less on the immediate aftermath of individual, heavily reported cases, which tend to produce law changes shaped by public feeling rather than by the actual pattern of youth crime.

Conclusion

India's juvenile justice system has come a long way from its roots in the Apprentices Act of 1850 to the fairly detailed legal structure of the Juvenile Justice (Care and Protection of Children) Act of 2015. That path has not been smooth or free of argument. Each major law has been a response to the particular worries of its time, and the 2015 law's biggest single change, the chance to try

older teenagers as adults for heinous crimes, exists because one deeply disturbing case forced Parliament to act after the courts had twice declined to change the existing law. The result is a law that, compared with many other countries, is still mostly built around helping children grow and change, but that now also carries within it an exception that can put a sixteen-year-old through the same trial process as an adult.

Whether this middle ground is the right one will likely keep being argued. What the evidence shows more clearly is that actually delivering even the caring core of the system, properly staffed Boards, well checked care institutions, careful and individual assessment steps, still falls well short of what the law promises. Closing that gap between what the law says and what actually happens, more than any further change to the age limit, is probably where the more urgent work for reform now lies.