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ANALYSIS OF JUVENILE JUSTICE LAWS IN INDIA

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ABSTRACT :

This paper provides a critical examination of the evolution, framework, and implementation of juvenile justice laws in India, with a particular focus on the Juvenile Justice (Care and Protection of Children) Act, 2015. It explores the shifting paradigms from welfare-oriented rehabilitation to punitive accountability, especially in the context of juveniles involved in heinous crimes. The study assesses the effectiveness of legal provisions, the functioning of Juvenile Justice Boards (JJBs), and the institutional shortcomings affecting child-centric justice delivery. Drawing on international jurisprudence, including models from the United States, United Kingdom, and Brazil, the paper highlights comparative strengths and lessons for reform. Recommendations emphasize strengthening procedural safeguards, training, infrastructure, and rehabilitative interventions that align with constitutional principles and global child rights standards. The analysis ultimately calls for a balanced approach that treats juvenile offenders with empathy while ensuring societal safety and legal integrity.

Keywords: Juvenile Justice, India, Juvenile Justice Act 2015, Child Rights, Juvenile Delinquency, Rehabilitation, Juvenile Justice Board, Legal Reform, Comparative Jurisprudence, Restorative Justice

I. Introduction

Juvenile justice is a specialized legal domain that focuses on addressing offenses committed by individuals who have not yet reached adulthood, with an emphasis on reform rather than retribution. The underlying philosophy is that children, by virtue of their developmental immaturity, possess a greater capacity for reform and should not be subjected to the same punitive measures as adults.¹ This concept gained global recognition with the adoption of the United Nations Convention on the Rights of the Child (UNCRC), which underscores the need for rehabilitative measures over incarceration for minors.² In India, the development of juvenile justice has reflected both international trends and local socio-legal challenges. The first comprehensive law to address juvenile delinquency, the Juvenile Justice Act of 1986, was a significant step forward but has since evolved, culminating in the Juvenile Justice (Care and Protection of Children) Act, 2015, which introduced pivotal changes in the wake of societal demands for stricter measures against heinous crimes by minors.³

This paper aims to critically examine the evolution and current framework of juvenile justice in India, especially under the 2015 Act. It explores whether this legal architecture adequately balances the welfare-based rehabilitative objectives of juvenile justice with the increasing demand for accountability. The analysis will also highlight operational issues, examine international comparisons, and suggest reforms to ensure the Indian juvenile justice system remains both constitutionally sound and child-centric in practice.

II. LEGAL FRAMEWORK OF JUVENILE JUSTICE IN INDIA

India's juvenile justice system has witnessed a dynamic evolution, transitioning from a welfare-oriented outlook to one that attempts to reconcile child protection with crime deterrence. This evolution is deeply rooted in the country's constitutional vision and its obligations under international conventions like the United Nations Convention on the Rights of the Child (UNCRC). Over the decades, various legislative milestones have shaped the legal framework dealing with children in conflict with the law. Key among them are the Juvenile Justice Acts of 1986, 2000, and 2015, each marking a distinct shift in approach.

¹ R. Sharma, *Legal Framework for Children in Conflict with the Law in India*, 71(3) *Indian J. Soc. Work* 351, 355 (2010), https://ijsw.tiss.edu/greenstone/collect/ijsw/import/vol.71/no.3/351_373.pdf.

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

³ A. Kumar, *An Analysis of Juvenile Justice System in India with Reference to the Juvenile Justice Act 2015*, *Int'l J. Recent Tech. & Comp. Sci.* (Spec. Issue 8), 2023, at 1–5, <https://www.ijrctsit.org.tmu.ac.in/assets/Vol-8%20Special%20Issue/An%20Analysis%20of%20Juvenile%20Justice%20System%20in%20India%20with%20Reference%20of%20Juvenile%20Justice%20Act%202015.pdf>.

A. Juvenile Justice Act, 1986: Centralized Reform

The Juvenile Justice Act of 1986 was the first comprehensive central legislation aimed at consolidating and standardizing state-specific laws on juvenile delinquency. Prior to this, different states had varying approaches, often based on colonial-era laws like the Reformatory Schools Act, 1897.⁴ The 1986 Act was framed keeping in mind the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), and emphasized rehabilitation over punishment. It defined a juvenile as a boy under 16 and a girl under 18 years of age and advocated for institutional care through observation homes and special homes.⁵

However, the law lacked mechanisms to ensure children's rights were adequately protected, especially regarding legal representation, procedural fairness, and monitoring bodies.⁶ This inadequacy became more pronounced in light of the UNCRC, which India ratified in 1992, thereby committing to a child-centric justice model that necessitated an overhaul of the domestic framework.

B. Juvenile Justice (Care and Protection of Children) Act, 2000: Child-Centric Framework

The 2000 Act replaced the 1986 law and was hailed as a progressive step toward aligning Indian juvenile justice laws with global standards.⁷ It adopted the UNCRC's definition of a "child" as any person below the age of 18 and categorized juveniles into two broad types: "children in conflict with law" and "children in need of care and protection."⁸

A pivotal contribution of the 2000 Act was the establishment of Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs), ensuring that all juvenile-related cases were handled by dedicated quasi-judicial bodies that understood child psychology and rehabilitation needs. The Act emphasized non-institutional care through foster care, sponsorship, and adoption programs, shifting focus from institutionalization to integration into society.⁹

Despite its reforms, the law was often criticized for procedural delays, lack of trained professionals, and inconsistencies in enforcement across states. These shortcomings were amplified by the public outcry following the 2012 Delhi gang rape case (Nirbhaya case), where one of the perpetrators was a juvenile under this Act and received a maximum sentence of only three years in a correctional facility.

C. Juvenile Justice (Care and Protection of Children) Act, 2015: A Paradigm Shift

The 2015 legislation marked a significant departure from the strictly reformatory approach. Under pressure from public sentiment and media narratives, the new law introduced a provision allowing children aged 16 to 18 to be tried as adults for heinous offenses, subject to a preliminary assessment by the Juvenile Justice Board.¹⁰

This amendment raised concerns over the erosion of the "best interest of the child" principle and possible violations of India's commitments under international treaties.¹¹ Nonetheless, proponents argued it was a necessary response to increasing juvenile involvement in serious crimes and aimed to serve as a deterrent.

The Act also expanded definitions and responsibilities of various authorities, increased accountability mechanisms, and introduced more stringent criteria for the functioning of child care institutions. For the first time, it addressed adoption comprehensively through a separate chapter, aligning it with the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.¹²

D. Contemporary Challenges

While the 2015 Act is robust on paper, challenges persist in its implementation. Many JJBs lack qualified child psychologists or social workers, and infrastructure in observation homes remains substandard.¹³ Furthermore, the subjective assessment of a child's mental capacity to commit a crime under the "heinous offense" category has led to interpretational inconsistencies and judicial ambiguities.

Moreover, legal scholars argue that while the 2015 Act aims to strike a balance between child rights and societal protection, its attempt to blur the line between juvenile and adult justice is problematic. Studies show that punitive approaches do not necessarily reduce juvenile crime, and a purely retributive model undermines the core rehabilitative goal of juvenile jurisprudence.¹⁴

⁴ Deepshikha Agarwal, *Juvenile Delinquency in India—Latest Trends and Entailing Amendments in Juvenile Justice Act*, People Int'l J. Soc. Sci. (2018), at 2, <https://www.researchgate.net/publication/322918203>.

⁵ S. Bhardwaj, *The Juvenile Act & Amendments: Analyzing Legal Framework, Reforms, and Case Studies*, Motherhood Int'l J. Res. & Innovation (2024), at 5, <https://mhujournal.in/MIJRI/index.php/MIJRI/article/download/42/27>.

⁶ D.A. Singh, *An Analytical Approach to Juvenile Justice and Rehabilitation Measures under the Juvenile Justice Act in India*, Int'l J. Civil L. & Legal Stud., at 7, <https://www.researchgate.net/publication/383211948>.

⁷ S. Kakar, *Juvenile Justice and Juvenile Delinquency in India*, in *The Handbook of Juvenile Delinquency and Juvenile Justice* (Wiley, 2015), at 66.

⁸ Juvenile Justice (Care and Protection of Children) Act, No. 56 of 2000, INDIA CODE (2000).

⁹ A. Jaybhaye, *Revisiting Juvenile Justice in India*, (2023), at 88, <https://books.google.com/books?id=0jjYEEAAQBAJ>

¹⁰ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, §15, INDIA CODE (2016).

¹¹ S. Sharma, *Juvenile Justice System, Reforms and Policing System in India: Origin, Dialectics, Comparisons, and Way Forward*, Int'l Annals Criminol. (2021), at 5, <https://www.cambridge.org/core/journals/international-annals-of-criminology/article/juvenile-justice-system-reforms-and-policing-system-in-india/>.

¹² A. Saran, *A Critical Analysis of the Juvenile Justice System in India: A Victim's Perspective*, Indian J. Integrated Res. L. (2023), at 11.

¹³ Child Rights Trust, *Status of JJBs in India* (2021), <https://childrights.org/reports/JJBReport2021.pdf>.

III. CRITICAL ANALYSIS

The Juvenile Justice (Care and Protection of Children) Act, 2015 was introduced in India with the intent to strengthen child protection mechanisms while addressing the public outcry over increasing juvenile involvement in heinous crimes. However, this shift toward permitting the trial of juveniles as adults in certain cases marked a departure from international child rights standards, including India's own commitments under the United Nations Convention on the Rights of the Child (UNCRC).¹⁵

A major concern revolves around the discretionary power granted to Juvenile Justice Boards (JJBs) to assess whether a child aged 16–18 possesses the mental and physical capacity to commit a heinous offense and understand its consequences. Critics argue that such assessments lack scientific rigor and are often influenced by subjective biases, potentially violating the principle of presumption of immaturity.¹⁶ Moreover, despite the Act's provision for rehabilitation and reintegration, many observation homes lack basic facilities, trained personnel, and psychological support, severely undermining the reformative goals of the law.¹⁷

Further, the law has been critiqued for contributing to the stigmatization of juvenile offenders. The media, by sensationalizing cases involving juveniles, influences public opinion and, arguably, policy shifts that lean more toward retribution than rehabilitation.¹⁸ Scholars have highlighted that while accountability is important, the neurodevelopmental understanding of adolescence must not be overlooked in legal frameworks that govern youth offenders.¹⁹ Punitive provisions, particularly those that allow adult-like punishment, may actually increase recidivism among juveniles, contrary to the intended deterrent effect.²⁰

Additionally, implementation inconsistencies across states due to resource disparities and lack of standardized training for JJB and Child Welfare Committee (CWC) members exacerbate the problem. While the law appears progressive on paper, its practice still leans heavily on procedural formalities rather than substantive justice and child welfare.

IV. COMPARATIVE JURISPRUDENCE

A comparative analysis of juvenile justice systems across jurisdictions provides valuable insights into the strengths and limitations of India's framework. Countries like the United States, the United Kingdom, and Brazil offer contrasting approaches, each influenced by their socio-political environments.

United States: The U.S. juvenile justice system has historically adopted a punitive model, especially during the "tough-on-crime" era in the 1990s. Although recent reforms have moved toward restorative practices, the U.S. still allows juveniles to be sentenced to life imprisonment in some states. This approach has drawn criticism from international human rights bodies for violating children's rights.²¹ However, some states have pioneered diversion programs, trauma-informed care, and family-based treatment that India can emulate in context-specific adaptations.²²

United Kingdom: The UK's model leans heavily on preventive and diversionary strategies. Emphasis is placed on the welfare of the child, with restorative justice at its core. The Youth Justice Board in the UK plays a central role in policy implementation and data-driven reforms. Custodial sentences are used sparingly, and the focus remains on reintegrating young offenders into society through education and counseling.²³

Brazil: Brazil offers a mixed model that blends retributive and rehabilitative approaches. The country's Statute of the Child and Adolescent (ECA) places strict restrictions on the punitive treatment of juveniles. Children under 18 cannot be tried as adults regardless of the crime committed, and socio-educational measures such as community service or confinement in specialized facilities are commonly applied.²⁴ Despite infrastructural challenges, Brazil's emphasis on socio-educational reforms presents an alternative path that India could consider in refining its own juvenile justice strategies.

These comparative frameworks reveal that while India has borrowed elements from global norms, it still struggles to reconcile reformative ideals with societal pressures for punitive justice. The global trend increasingly favors trauma-informed, evidence-based approaches that focus on the developmental needs of the juvenile, which India's legal ecosystem must gradually integrate.

¹⁴ D. Singh, *An Analysis of Section 15 of the Juvenile Justice Act, 2015*, Christ ULJ (2019), at 22,

<https://journals.christuniversity.in/index.php/culj/article/download/2078/1702>.

¹⁵ Sharma, S. (2021). Juvenile Justice System, Reforms and Policing System in India. *Int'l Annals of Criminology*, <https://doi.org/10.1017/cri.2021.2>.

¹⁶ Livanou, M., Winsper, C., & Furtado, V. (2019). Mental Disorders and Symptoms Among Incarcerated Youth. *Int'l J. Forensic Mental Health*, <https://journals.sagepub.com/doi/10.1080/14999013.2019.1619636>.

¹⁷ Child Rights Trust, *Status of JJBs in India* (2021), <https://childrights.org/reports/JJBReport2021.pdf>.

¹⁸ Srinivasan, S.P. et al. (2023). Impact of Adverse Childhood Experiences. *Indian J. Psychiatry*, <https://journals.lww.com/indianjpsychiatry/fulltext/2023/65080/>.

¹⁹ Friedman, S.H., Horwitz, S.M.C. (2005). Child Development and Legal Frameworks. *Am. J. Psychiatry*, 162(9), 1578–1585.

²⁰ Decker, S.H., & Marteache, N. (2017). *International Handbook of Juvenile Justice*. Springer. <https://link.springer.com/book/10.1007/978-3-319-45090-2>

²¹ Pakes, F. (2024). *Comparative Criminal Justice*. Taylor & Francis, at 109–112. <https://www.taylorfrancis.com/books/mono/10.4324/9781003390688>.

²² Freeman, T., Gesesew, H.A., & Bamba, C. (2020). Youth Offender Diversion Systems: Evidence-Based Review. *Int'l J. Equity Health*, <https://link.springer.com/article/10.1186/s12939-020-01315-z>.

²³ Van Breda, A.D.P. et al. (2021). *Comparative Social Policy*. *Journal of Int'l and Comparative Social Policy*, <https://doi.org/10.1017/S2169976320000261>.

²⁴ Lattas, D., Davis, C., & Creamer, C. (2024). *Forensic Social Work Models*. *Int'l Soc. Work*, <https://doi.org/10.1177/00208728231214133>.

CONCLUSION AND RECOMMENDATION

The evolution of juvenile justice laws in India reflects a complex interplay between constitutional mandates, international commitments, and public sentiment. The Juvenile Justice (Care and Protection of Children) Act, 2015, while aimed at delivering a balance between rehabilitation and accountability, remains a subject of serious legal and ethical debate. Its provision to try children aged 16–18 as adults in heinous offenses has raised questions about consistency with the principle of the “best interest of the child” and the developmental understanding of juvenile culpability.

India’s legal framework, though commendable in intent, faces challenges in implementation—from under-resourced Juvenile Justice Boards to inadequate rehabilitation infrastructure and a lack of specialized training among stakeholders. Moreover, the over-reliance on procedural mechanisms and the under-emphasis on psycho-social support systems risk transforming juvenile reform laws into punitive instruments.

From a comparative perspective, it is evident that jurisdictions such as the United Kingdom and Brazil have leaned more consistently toward reintegrative justice models, with greater emphasis on community-based interventions, education, and trauma-informed care. India can draw valuable lessons from these systems by adopting a more restorative and developmentally sensitive approach.

Recommendations:

1. Amend Section 15 and 18 of the 2015 Act to strictly limit the adult trial provision, ensuring it aligns with global juvenile justice norms and psychological evaluations by certified professionals.
2. Standardized Training Programs for JJB members, CWCs, and law enforcement officials on child psychology, trauma-informed care, and restorative justice.
3. Investment in Infrastructure: Improve the quality of observation homes and juvenile rehabilitation centers with adequate staff, educational support, and psychological services.
4. Strengthen Monitoring Mechanisms: Create state-level audit bodies under the National Commission for Protection of Child Rights (NCPCR) to evaluate the performance and rights compliance of juvenile institutions.
5. Increase Use of Diversion Programs: Incorporate community-based programs such as peer mentoring, vocational training, and family therapy, especially for first-time or non-violent offenders.
6. Enhance Data Collection: Encourage empirical research and data transparency regarding juvenile offenses, rehabilitation outcomes, and recidivism to inform policy reform.
7. Media Guidelines: Enforce restrictions on media reporting in cases involving juveniles to prevent stigmatization and protect their identity and future reintegration.

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