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From Crime to Care: Understanding Juvenile Justice Laws in**India**

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ABSTRACT

“There can be no keener revelation of a society’s soul than the way in which it treats its children.” — Nelson Mandela

India's juvenile justice system has undergone a significant change from a penal, colonial framework to a progressive, child-centric paradigm based on rehabilitation and reintegration. With an emphasis on the Juvenile Justice (Care and Protection of Children) Act, 2015 and its following revisions, this research paper, "From Crime to Care: Understanding Juvenile Justice Laws in India" explores the institutional, historical, and legal development of juvenile justice. The study demonstrates how the Indian legal system views children as unique people in need of protection, care, and direction rather than as objects of punishment.

The study shows how Indian laws are increasingly in line with international norms like the UN Convention on the Rights of the Child by tracking the evolution of juvenile justice through different legislative stages, from pre-colonial traditions to contemporary reforms. Attention is given to significant court rulings that have influenced how juvenile laws are interpreted and applied, upholding the values of rehabilitation, the child's best interests, and procedural justice. The study also assesses current issues, such as growing rates of juvenile criminality, delays in the resolution of cases, and the contentious clause that permits minors between the ages of 16 and 18 to be tried as adults for serious crimes.

In the end, the study emphasises that a reformatory strategy protects children's rights and dignity while also promoting long-term social stability by turning juvenile offenders into law-abiding adults.

Keywords - juvenile justice, rehabilitation, child rights, childcare, punishment.

INTRODUCTION -

An act to enact and amend the laws relating to juveniles in conflict with the law and children in need of care and protection by offering appropriate care, protection, and treatment by attending to their developmental needs and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment. The Indian juvenile justice system was created to defend, safeguard, and promote the "rights of minors accused of offences, playing a crucial role in shaping society and impacting the economy." In line with international norms that highlight each child's worth and dignity, this system prioritises rehabilitation above punishment. The approach lowers recidivism rates and helps young offenders become contributing members of society by offering them options for reform and compassionate treatment. Additionally, by lessening the load on the criminal justice system, this strategy frees up funds to deal with more serious crimes. According to the juvenile justice (Care and Protection of Children) Act, 2015, a juvenile who has been convicted or found guilty of a crime that is punishable by law is referred to as a juvenile felon. The term "juvenile" is ambiguous, has no clear significance, and needs more explanation. Additionally, an act committed by a child under the age of seven is in conflict with the law, is not considered an offence, and is not culpable under any act, and is certifiably not a criminal under Section 82 of the Indian Penal Code. As a result, a child under the age of seven cannot be classified as a juvenile and cannot be found guilty of any crime. Controlling juvenile offences and wrongdoings is the responsibility of the particular juvenile justice body and its partners. Juvenile misconduct is any behaviour by minors that is abnormal to society and not punishable under the Indian Penal Code. An offence is any behaviour that is punishable under the separate legal system. No reprobate youngster (wrongdoing) in the Indian juvenile justice system is obligated to face the proper procedures for their behaviour reformation.

According to the NCRB, last year, (2023) minors in the country committed more than 31,000 crimes and pendency rates exceeding 50%; in contrast, Maharashtra and M.P. In 2023, the cases registered against minors exceeded 31,365.

Who is a juvenile- According to section 2(k) of the Juvenile justice (care and protection of children) Act 2000, Juvenile or Child means a person who has not completed 18 years of age.

HISTORICAL BACKGROUND-

India's juvenile justice (JJ) system has evolved from a punishment colonial approach to a contemporary, rights-based, and rehabilitative framework. It has undergone multiple unique eras of evolution, impacted by both domestic societal changes and international norms.

The history of juvenile justice in India can be divided into 5 periods.

1. Prior to 1773
2. 1773 - 1850
3. 1850 - 1919
4. 1919- 1950
5. Post 1950.

The main legislative framework for juvenile justice in India is the Juvenile Justice (Care and Protection of Children) Act, 2000. The act offers a framework for the protection, treatment, and rehabilitation of children within the jurisdiction of the juvenile justice system as well as a unique approach to the prevention and treatment of juvenile delinquency. The Juvenile Justice Act of 1986 was repealed by this law, which was implemented in accordance with the 1989 UN Convention on the Rights of the Child (UNCRC), which India signed and approved in 1992. This legislative journey culminated in the adoption of the Juvenile Justice (Care and Protection of Children) Act, 2000 under JJ act, The procedures have to be casual and kid friendly. Separate Juvenile Justice Boards have been established with children's needs in mind. In contrast to criminal proceedings, juvenile proceedings typically involve the following parties: the Board members hearing the case, probationary officers acting as

courtroom clerks, a court reporter, a guard from the Observation home where these children are temporarily detained, police officers, the victim and his or her family, the child, and occasionally the child's family as well.

Some districts have even moved their courtroom procedures to these Observation Homes. The requirement that the kid in question be kept at the centre of all discussions was one of the most significant changes made to this Act. As long as it was in the best interests of the children, it acknowledged the significance of returning them to their families. If no suitable family could be found, the kid may be placed in foster care, sponsored, or adopted, or they could be placed in special homes or under monitoring.

The Juvenile Justice Act of 2006 went into effect after the Juvenile Justice Act of 2000 was modified.

The Principal Act is another name for the Juvenile Justice Act of 2006. Two types of children were distinguished by the Act. Children fall into two categories: those who require care and protection and those who run court of the law. Boards or Committees. Subsequently, the Juvenile Justice (Care and Protection) Rules of 2007 were introduced for the implementation of the Act of 2006.

A critical juncture in this journey was the response to the 2012 Delhi gang rape incident involving a juvenile offender. Despite the Supreme Court upholding the Act's constitutional validity in 2015, public outcry over perceived justice failures prompted legislative amendments. This culminated in the passing of the Juvenile Justice (Care and Protection of Children) Bill, 2014, which was enacted on January 15, 2016, as the Juvenile Justice (Care and Protection of Children) Act, 2015.

Juvenile – reducing age limit to 16 years on eve of Delhi gangrape case: In August of year 2014, the Lok Sabha passed the Justice (Care and Protection of Children) Bill, 2014. This was carried out in response to the Nirbhaya gang rape case in Delhi and the rise in juvenile offences, particularly among those between the ages of 16 and 18. The Act was significantly amended to address the crimes committed by minors in this age range. It was made clear that even though they were not adults, children between the ages could face adult trials if they were proved to have committed horrible crimes. The Juvenile Justice Board may decide this after consulting social workers, psychiatrists, and other experts.

The Juvenile Justice (Care and Protection of Children) Act, 2015 received Presidential assent on December 31, 2015, and was thereby enacted to consolidate and amend existing laws relating to children in conflict with the law. It aims to provide for their care, protection, development, treatment, social reintegration, and handling through a child-friendly approach that promotes the healthy development and rehabilitation of the child.

Phase	Key Legislation	Focus
Early Colonial	Apprentices Act (1850)	Vocational training over jail.
Late Colonial	Reformatory Schools Act (1897)	Institutionalization and reform.
Early Republic	Children Act (1960)	Prohibition of jail for kids.
Centralized	JJ Act (1986)	National uniformity; gendered ages.
Human Rights	JJ Act (2000)	Age 18 for all; UN alignment.
Modern/Hybrid	JJ Act (2015/2021)	Adult trial for heinous crimes; DM oversight.

WHO IS JUVENILE

Under Indian law, a **juvenile** (or child) is defined in the **Juvenile Justice (Care and Protection of Children) Act, 2015**:

A juvenile is any individual who has not reached the age of 18.

Legal Classification

According to the Act, children fall into two groups:

- CICL, or Child in Conflict with the Law

A juvenile who is suspected of committing a crime

- CNCP, or Child in Need of Care and Protection:

An abandoned, mistreated, trafficked, or neglected child

Children (under the age of 18) who commit crimes are not treated the same as adult offenders. The emphasis is on care, reform, and rehabilitation.

- Key point:

Doli incapax, or incapable of developing criminal intent, applies to children under the age of seven. No criminal responsibility at all, even for significant offences. It is a final statement that cannot be contested in court.

AMENDMENTS

- Prior to 2015, the JJ Act, 2000 (which amended the 1986 Act) separated CICL and CNCP and defined a child as someone under the age of eighteen, but it lacked offence categories.
- **2015 Act:** To conform to the CRC and Beijing Rules, the current JJ Act was passed in December 2015 and went into effect in January 2016. It established the preliminary evaluation for heinous crimes, JJBs/CWCs countrywide, and criminal categories.
- **2017:** Detailed processes (such as time restrictions and panel training) were framed by the Juvenile Justice (Care and Protection of Children) Rules, 2016 (Central model rules) and several State rules.
- **2018 (Feb): Sampurna Behura v. Union of India (SC):** The Supreme Court offered comprehensive guidelines for setting up the Act (including personnel, SJPU units, computing, training, and ensuring JJBs/CWCs in every district) in a PIL. This confirmed important methods for implementation.
- **January 2020: Shilpa Mittal v. NCT of Delhi & Anr., (SC):** The court determined that a "heinous offence" under the Act necessitates a minimum punishment of seven years. It instructed Parliament to close any gaps while treating violations with a maximum of seven but not more than eleven as "serious".
- **August 2021:** The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 (Act 23 of 2021) was passed by Parliament. Clarifying the authority of Children's Courts and making some procedural adjustments are among the major modifications (effective September 1, 2022). Crucially, though, the fundamental framework and criteria were retained; the contentious "lower age" clause from a previous draft was not reinstated.

- **2022–2023:** There have been no further major statutory amendments. However, the Bharatiya Nyaya Sanhita (BNS) 2023 (new IPC) reaffirmed “child” as <18 and retained reforms for juvenile trials under heinous cases.

CHILD RIGHTS IN THE JUVINILE JUSTICE SYSTEM

- **Right to be treated as a child:** The system should understand that anyone below 18 is still a child, so the focus should be on improving their behaviour and helping them, not punishing them.
- **Right to legal representation:** Children should be able to get a lawyer or free legal help, and they should be told about their rights in a language they can easily understand.
- **Right to be heard:** Children have the right to share their opinions at every step, from arrest and questioning to court hearings and decisions about where they will
- **Right to protection from abuse:** Children should be kept safe from torture, harsh treatment, unfair detention and any kind of violence in police stations, detention centres or correctional homes.
- **Right to Equality:** Every child should be treated as the same, without discrimination.
- **Right to Dignity:** Children must be treated with respect and care.
- **Right to Privacy:** Their identity must be kept secret.
- **Right to Bail:** Bail is preferred: Detention is the last option.
- **Right to Rehabilitation:** Focus is on education, counselling and improvement.
- **Right to Speedy Justice:** Cases should be handled quickly.

PROCEDURAL SAFEGUARDS FOR CHILDREN

- **Right to clear information:** Children should be told clearly what they are accused of and their parents or guardians must be informed immediately if they are arrested or detained

- **Right to be considered innocent:** Children are treated as innocent unless proven guilty, and they must get a fair hearing.
- **Right to stay silent:** Children cannot be forced to confess or answer questions that may go against them.
- **Right to other options (not court):** Whenever possible, children should be guided towards counselling, community service, or reform programs instead of going through strict court processes or detention

PROTECTION DURING DETENTION AND AFTERCARE

- **Detention only as a last option:** Children should be kept in custody only when necessary and for a short time. They must be kept separately from adults.
- **Right to health and education:** Children in institutions should continue their studies, get medical care and take part in activities that help them grow.

The Juvenile justice act recognises two kinds of children, one who has committed circumstances (Child in Need of Care and Protection).

A child is defined under Section 2 (12) of the act as a person who has not completed 18 years of age.

CHILD WELFARE IN JUVINILE JUSTICE ACT

- **Welfare-oriented approach:** The system should treat children as vulnerable and needing support and make decisions based on what is best for them, not like how adults are treated as criminals.

Focus on Rehabilitation not punishment: Children are placed in observation homes, special homes or safe places mainly for counselling, education, skill training, and improving their behaviour, not for strict punishment or jail like punishment.

- **Child Welfare Committees (CWS):** For ‘‘ children in need of care and protection’’ (abandoned, abused, trafficked, etc. CWS place them in childcare institutions, grant homes, foster care or adoption, always guided by the child 'welfare.
- **Mandatory reporting:** Section 31 of the JJ act talk about if someone knows about a child who needs care or protection, they must inform the child welfare committee (CWS), the police or Childline.

LINK BETWEEN CHILD PROTECTION AND JUVENILE JUSTICE

- **Integrated Child Protection Scheme (ICPS):** A Central government scheme provides money to support child protection services. It includes homes for children in conflict with the law and those who need care, ensuring proper facilities and trained staff focused on their wellbeing.

Legal framework

Offence Categories: The Act categorizes offences by severity:

- **Petty Offence:** punishable with up to 3 years' imprisonment

Serious Offence: >3 and up to 7 years .

- **Heinous Offence:** offences with minimum prescribed sentence ≥ 7 years

Arrest and Apprehension-

Only meant officials (kid Welfare Police officials or Juvenile Justice Police Officers) should apprehend and deal with a kid when they are suspected of committing a crime. The child must be produced within 24 hours of the JJB. A "production warrant" guarantees the protection of the juvenile's rights; no official FIR is issued against a kid. (Handcuffs and undignified treatment during arrest are prohibited by special procedures.) [OBJ]

The investigation is carried out by the JJB. The Board uses a summary procedure (CrPC summons case) 16 for minor violations and the summons case trial procedure for significant offences. When a kid under the age of sixteen commits a heinous offence, it is treated as a serious offence proceeding. When a child between the ages of sixteen and eighteen commits a heinous offence, the Board is required under Section 15 to conduct a preliminary assessment

of the child's mental and physical maturity. This evaluation (with the help of an expert) determines whether the minor comprehended the nature of the act. The Board may move the matter to the Children's Court for an adult trial if it is convinced that the juvenile has the capacity and the offence is horrible. If not, the case is tried as a juvenile. (This scheme was a compromise after the 2012 Delhi gang-rape case it was a parliamentary draft to lower age to 16 for heinous offences, but the final law preserved 18 as the cutoff with this assessment mechanism.)

Children's Court, Bail, and Trial:

A Children's Court (ordinary court) examines cases involving horrific crimes that are sent for adult trials with safeguards: the accused is regarded as a juvenile defendant (closed court, separate record, etc.) and sentencing may be in accordance with juvenile considerations. Crucially, Section 12 of the JJ Act requires that bail for CICL be presumed; unless there are "reasonable grounds" that bail could harm others or delay justice, the child must be freed on bail. Recently, the Supreme Court chastised numerous courts for disregarding this more stringent bail requirement (see, for example, *Juvenile in Conflict with Law v. State of Rajasthan, India* Justice Report). ^[OBJ]

Sentencing/Disposition:

The Act explicitly bars sentencing a child to imprisonment or death. Instead, the JJB may:

- Advise or admonish the child (and guardian), • Order counseling or group activities,
- Community service,
- Impose fines on child/guardian
- Release on probation with bond under a parent/guardian or fit person (≤ 3 years)
- Release on probation under a recognized fit facility (≤ 3 years) or
- Commit to a Special Home (≤ 3 years) for rehabilitation (education, therapy, skill-building)

Conditions such as schooling, vocational training, de-addiction, or area exclusions may be imposed

If a child is found not to have committed any offence (Sec. 17), the JJB formally records this and discharges the child [OBJ]

Rehabilitation and Aftercare: Each child's case must include an individual care plan (Sec. 21) for schooling, counselling, and reintegration following an investigation. Any child leaving institutional care (for instance, after being released from a special home at age 18) is entitled to aftercare support (up to age 21) under Section 46, which includes financial or other assistance to help with mainstreaming. This could include loans for postsecondary education or help with temporary housing. Some aftercare is funded by state programs like Mission Vatsalya. [OBJ]

Special Protection for CNCP:

Under the CWC, the Act establishes a parallel process for CNCP (Secs. 27–39). Police or another agency places a vulnerable child (abandoned, abused, runaway, etc.) before the CWC within 24 hours. After conducting an inquiry (preferably within three months), the CWC may order guardianship transfer, foster care, placement in a children's home, restoration to family (with follow-up), or, in certain situations, adoption. Every attempt is made to keep CNCP children out of punitive systems; for example, children who break minor laws (beggary, etc.) are nevertheless classified as CNCP rather than criminals. [OBJ]

Recent Development and Landmark Cases

- **Hansraj v. State of U.P. (9 October 2025):** The Supreme Court ordered the release of a murder convict who was 12 years old during a 1981 offence, reinforcing that the Juvenile Justice Act 2000, applies retrospectively. The Court held that a claim of juvenility can be raised at any stage, even decades later, and that holding a Juvenile for over 3 years violates Article 21.

- **Sampurna Behura v. Union of India (2018):** This is an important case filed in the public interest litigation where the Supreme Court found the Juvenile Justice laws were not

being properly followed across India. The Court gave detailed instructions to fix these problems, protect children's rights, and make sure that all institutions under the Juvenile Justice Act work properly.

- **Shilpa Mittal v. State of NCT of Delhi (2020)** : This important Supreme Court judgement explained that if an offence has a maximum punishment of more than 7 years but no fixed minimum punishment, it will be treated as a 'serious offence' not a 'heinous offence' under the Juvenile Justice Act, 2015 because of this children in such cases will not be automatically tried as adults.

- **Barun Chandra Thakur v. Master Bholu & Anr.(2022)**: In this case, some appeals were filed against a High Court decision. The HC had sent back a Juvenile preliminary assessment (under the Juvenile Justice Act) to be done again, this time also including a psychologist's opinion.

The appeals were filed to understand what the correct procedure should be for such assessments, especially whether expert psychological evaluation is necessary.

The Supreme Court finally dismissed the appeals. It said that these assessments are very sensitive and require expert help like psychologists. The Court also suggested that the government and child rights authorities should create clear guidelines for conducting such assessments properly.

- **Pawan Kumar v. State of U.P. (2023)**: This refers to a Supreme Court case where the Court confirmed the guilt of Pawan Kumar and others for murder. There were no eyewitnesses, but the decision was based on strong circumstantial evidence and statements

made by the co-accused, which together clearly showed their involvement in the killing of Manjunath.

The accused argued that the confession should not be accepted and that the evidence was not reliable. However, the Court rejected these arguments. It agreed with the decisions of the trial court and the High Court and found no reason to change them.

In the end, the Supreme Court dismissed the appeal and upheld the conviction and punishment for murder.

India's current juvenile justice system

In order to address the issue of juvenile delinquency, India, like other nations, has adopted a few legal reforms and efforts that specifically target the rights and protection of juvenile offenders. Three key presumptions form the foundation of India's juvenile justice system:

- Rather than being found guilty in court, young offenders should be rehabilitated.
- They ought to be given the opportunity to rehabilitate rather than be punished.
- Non-penal treatment through community-based social control organisations, including Observation and Special Homes, should be the focus of trials for children who are in legal trouble.

Is the Juvenile Justice Act effective in India?

The Juvenile Justice (Care and Protection of Children) Act, 2015 is partly effective in India, but not fully

On the one hand, it strengthened the system by enacting stricter rules, particularly allowing minors between the ages of 16 and 18 to be tried as adults for serious crimes (a reform prompted by the 2012 Delhi gang rape). Additionally, it attempted to improve childcare, safety, and rehabilitation while fortifying adoption legislation.

But it still has a lot of issues. Juvenile Justice Boards and Child Welfare Committees make decisions slowly, with inadequate facilities, inadequate staff, and bad implementation. Furthermore, many children do not receive adequate care after being released, and the rehabilitation system is still inadequate.

In conclusion, the 2015 Act is theoretically more effective than the 2000 Act, but because of persistent implementation issues, it is only partially effective in practice.

Key insights from this study

There should be more facilities in observation homes and trained staff to make this law more effective.

CONCLUSION

India's juvenile justice system represents a major shift from a punitive to a reformative, welfare-oriented framework that puts the child's welfare first. From colonial laws to the Juvenile Justice (Care and Protection of Children) Act, 2015, India's legal system has evolved to conform to international norms that acknowledge children's rights, dignity, and developmental needs. A developing realization that children in legal trouble need support and direction rather than severe punishment is demonstrated by the emphasis on rehabilitation, reintegration, and child-friendly procedures.

Simultaneously, the system introduces measures such as preliminary review and conditional adult trials in an effort to balance social issues, especially in cases of grave offences involving older juveniles. In order to maintain the integrity of juvenile justice, judicial rulings have continuously maintained the values of justice, protection, and reform.

In conclusion, India's juvenile justice system aims to shape the country's future in addition to dealing with juvenile crime. By focusing on care over crime and reform over retribution, it plays a crucial role in transforming vulnerable children into responsible citizens, thereby contributing to a more just, inclusive, and humane society.

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