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Legal Framework of Juvenile Justice in India

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Abstract

The juvenile justice system in India has undergone significant evolution to balance the principles of rehabilitation and protection of child rights with accountability for offenses committed by minors. This research article explores the historical development, legislative framework, judicial interpretations, challenges, and recommendations for reform in India's juvenile justice system.

Keywords : *Historical Evolution of Juvenile Justice in India, The Juvenile Justice (Care and Protection of Children) Act, 2015, Judicial Interpretations and Landmark Cases, Challenges in Implementation.*

1.1 Introduction

Juvenile justice is an integral part of the criminal justice system, focusing on children who are in conflict with the law or in need of care and protection. India has ratified various international conventions, including the United Nations Convention on the Rights of the Child (UNCRC), which have shaped its legal framework. This paper examines the legislative framework governing juvenile justice in India and its effectiveness in rehabilitating young offenders.

1.2 Historical Evolution of Juvenile Justice in India

India's juvenile justice system has evolved through various legislative enactments:

- 1.2.1 The Apprentices Act, 1850** – The first legislation recognizing the need for separate treatment of juveniles.
- 1.2.2 The Reformatory Schools Act, 1897** – Established the first institutions for juvenile delinquents.
- 1.2.3 The Children Act, 1960** – Focused on the protection of neglected and delinquent children.
- 1.2.4 The Juvenile Justice Act, 1986** – A comprehensive law

distinguishing between children in conflict with the law and those in need of care and protection.

1.2.5 The Juvenile Justice (Care and Protection of Children) Act, 2000 – Adopted a rights-based approach in line with international conventions.

1.2.6 The Juvenile Justice (Care and Protection of Children) Act, 2015 – Allowed juveniles aged 16–18 accused of heinous crimes to be tried as adults under specific circumstances.

1.3 The Juvenile Justice (Care and Protection of Children) Act, 2015

The **Juvenile Justice (Care and Protection of Children) Act, 2015** (JJ Act, 2015) is the cornerstone of juvenile justice legislation in India. Key provisions include:

- **Classification of Children:**
 - **Children in Conflict with Law (CCL):** Those who have committed an offense and are below 18 years of age.
 - **Children in Need of Care and Protection (CNCP):** Orphaned, abandoned, or abused children.
- **Trial of Heinous Offenders (Section 15 & 19):** Juveniles aged 16–18 committing heinous offenses may be tried as adults if deemed fit by the Juvenile Justice Board (JJB).
- **Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs):** Established in each district to handle cases under the Act.
- **Adoption and Rehabilitation Measures:** Strengthening provisions for foster care, adoption, and sponsorship of children in need of care and protection.

1.4 Judicial Interpretations and Landmark Cases

- **Salil Bali v. Union of India (2013):** The Supreme Court upheld the constitutional validity of the Juvenile Justice Act, 2000, emphasizing rehabilitation over punishment.
- **Dr. Subramanian Swamy v. Raju (2014):** Challenged the age criterion for juvenile offenders; led to the amendment in 2015 allowing trials of heinous offenders aged 16–18 as adults.
- **Shilpa Mittal v. State of NCT Delhi (2020):** Clarified the distinction between heinous and serious offenses under the Act.

1.5 Challenges in Implementation

- I. **Lack of Proper Infrastructure:** Insufficient juvenile homes and rehabilitation centers.
- II. **Delays in Justice Delivery:** Backlogs in Juvenile Justice Boards

result in prolonged trials.

- III. **Rehabilitation vs. Retribution Debate:** The 2015 amendment introduced a retributive element by allowing adult trials.
- IV. **Child Protection Concerns:** Poor enforcement of child protection laws leads to abuse and neglect in juvenile homes.
- V. **Public Perception and Stigma:** Juvenile offenders often face social exclusion, affecting reintegration efforts.

1.6 Recommendations for Reform

- I. **Strengthening the Rehabilitation Framework:** Increased focus on skill development and mental health counseling.
- II. **Speedy Disposal of Cases:** Fast-track juvenile justice courts to reduce pendency.
- III. **Improved Monitoring of Juvenile Homes:** Ensuring compliance with quality standards and preventing abuse.
- IV. **Awareness and Sensitization:** Public and law enforcement training on child rights and juvenile laws.
- V. **Data Collection and Research:** Establishing a national database on juvenile crimes and rehabilitation outcomes.

1.7 Conclusion

The legal framework for juvenile justice in India has significantly evolved, balancing the principles of rehabilitation and accountability. While the 2015 amendments brought greater legal clarity, challenges remain in implementation and rehabilitative infrastructure. Strengthening institutional mechanisms and adopting a child-centric approach can enhance the effectiveness of the juvenile justice system.

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