

Position of Juvenile Justice System in the Independent India

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Abstract

Juvenile delinquency in India has been a topic of discussion since the Nirbhaya gang rape case in 2012. The horrific Nirbhaya Gang Rape Case, in which the accused was only six months away from turning 18, the age at which he would have become significant and forced the Indian legal system to convict him as a juvenile rather than a full-fledged offender, sparked a major debate and discussion about the juvenile justice system. The “Juvenile Justice (Care and Protection) Act, 2015” and other juvenile-related laws found in the Indian system, the Parliament was driven to enact this legislation due to the involvement of any child in such a horrific crime.

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1. Introduction

Based on 2023-2025 data, India's juvenile system is facing high backlogs, with over 55% of cases pending before Juvenile Justice Boards (JJBs) as of October 2023. The National Crime Records Bureau (NCRB) 2023 report recorded 40,036 apprehended juveniles (31,365 cases), a 2.7% increase from 2022, with over 75% aged 16–18. Structural weaknesses, including 24% of JJBs lacking full, mandated composition and a lack of 'Places of Safety' in 14 states, hinder rehabilitation.

More than half (55%) of the cases before 362 Juvenile Justice Boards (JJBs) remained pending as of October 31, 2023, also while 92% of 765 districts in India have constituted JJBs, the authority dealing with Children in Conflict with Law, the pendency rate varies widely, from 83% in Odisha to 35% in Karnataka, noted a first-of-its-kind study 'Juvenile Justice and Children in Conflict with the Law: A Study of Capacity at the Frontlines', by the India Justice Report (IJR) released on Thursday (November 20, 2025). Unlike the National Judicial Data Grid, there is no Central and public repository of information on JJBs. For the study, the IJR filed more than 250 RTI requests and responses from 21 States, revealing that as of October 31, 2023, JJBs had only disposed of less than half the 1,00,904 cases.

Additionally, vacancies in the juvenile justice system (24% of the JJBs were not fully constituted), and inadequate legal aid (30% JJBs do not have an attached legal services clinic) have led to high workload in crucial functions. On an average, 154 cases remained pending with each JJB annually. Additionally, inadequate data monitoring and funds have created severe constraints in the implementation of juvenile justice. According to 2023 Crime in India data, 40,036 juveniles were apprehended in 31,365 cases under the Indian Penal Code and Special and Local Laws in India. More than three in four of the children involved were between 16 and 18 years of age.

Juvenile justice is aimed at protecting and promoting the human rights of young people accused of offenses or neglected by their parents. It focuses on rehabilitation rather than adult criminal justice. International standards emphasize prevention and rehabilitation for juveniles in conflict with the law. India's juvenile justice policy is governed by Article 15, which guarantees special attention to children, including the right to equality, protection of life, and protection against exploitation. A separate justice system is provided for juveniles, based on the principle of *Doli Incapax*, which prevents them from being victimized by the system. In the *Bhartiya Nyaya Sanhita, 2023(BNS)* "*Doli Incapax*" in section 20 Act done by a child below seven years of age is not an offence.

Section 20' of BNS 2023 "Nothing is an offence which is done by a child under seven years of age.

1.1 Position of the Juvenile Justice System in the Independent India

To address the issue of juvenile delinquency, India, like other nations, has also created legislative measures that deal particularly and explicitly with the rights and protection of juvenile offenders. Three key presumptions form the foundation of the Indian juvenile justice system:

- Rather than being prosecuted in court, juvenile criminals should get the best available rehabilitative treatment.
- Instead of facing legal consequences, children should be allowed to turn their ways.
- When a child is in legal trouble, their trial should focus on non-penal treatment through community-based social control organizations like Special Homes and Observation Homes.

Before the Juvenile Justice Acts of 2000, 1986, and 2015, there was the Children Act of 1960. Its purpose was to allow for the impact of global solutions to the juvenile justice issue by offering a uniform policy that safeguarded the rights and interests of a juvenile and examined the care, treatment, rehabilitation, and general development of a child. However, Indian lawmakers are forced to propose new, progressive, and stronger legislation for the nation's troubled juvenile system in light of recent events within the worldwide community and the advent of juvenile involvement in crime as a result. As a result, the Parliament passed the Juvenile Justice Act of 1986, the Juvenile Justice Act of 2000, and the Juvenile Justice Act of 2015.

1.2 Juvenile Justice and the Constitution of India

India's Constitution is regarded as the country's foundational legislation. The Constitution defines each citizen's obligations and rights. Additionally, it makes provisions for the operation of government-related machinery. In the same way that the Directive Principles of State Policies (DPSP), which serve as broad guidelines for drafting government policies, are provided in Part IV of the Constitution, Part III of the document guarantees people's fundamental rights. Some fundamental rights and provisions, particularly those regarding children's welfare, are guaranteed by the Constitution.

- **Article 15(3)**⁸-The Constitution of India provides special powers to the State to make any special laws for the upliftment and betterment of children and women.
- **Article 21A**⁹- Right to free and compulsory elementary education for all children under the age of 6 to 14 years.
- **Article 23**¹⁰- Right to be protected from human trafficking and forced bonded labour system.

- **Article 24¹¹**- Right to be protected from any hazardous employment under the age of fourteen age.
- **Article 39(e)¹²**-The right to protection against all forms of abuse by adults.
- **Article 47¹³**-Right to be provided with good nutrition and a proper standard of living.

2. Review of Related Studies

Parvez, Nadeem & Gauhar, Fasih. (2024). ¹In the event that a kid is found guilty of committing a crime, the indisputable assumption that the child is innocent and incapable of committing any crime cannot be maintained. The reason why these children are referred to as Juveniles is that they are not yet considered to be of an age where they can be held responsible for the Acts that they take when they commit a crime. The numerous facets of juvenile delinquency in India are investigated in this article, with a specific focus on the state of Uttar Pradesh as the primary area of investigation. The purpose of this research is to investigate the laws, institutions, and social and economic Factors that have an impact on the development of Juvenile Justice in this state, which is both densely populated and diverse.

Padhi, Sanjukta & Ranabir, Jashobanta. (2024).² Within the context of the quickly developing world that we live in today, it is imperative that we broaden our awareness of Juveniles by gaining a greater grasp of the locations of children who are in legal difficulty. The decade of the 1990s saw an increase in the number of juveniles who were transferred to the criminal justice system, as well as the imposition of lengthier penalties at younger ages, which allowed juveniles to be prosecuted within the framework of criminal justice.

Dwibedi, Sukanta & Aptaprava, Lora (2023)³ The legal framework that defines justice for Juveniles is referred to as the Juvenile Justice system. The issue of delinquency among young people is not a recent one. It is something that occurs in all civilizations, whether they are basic or complicated, and it occurs anytime and anywhere a connection between a group of persons is damaged, which ultimately results in maladjustments and conflict happening.

Zai, Asif & Wani, Gulshan. (2020)⁴ Juvenile delinquency presents a tremendous challenge to societies all over the globe on a global scale. The multidimensional character of adolescent delinquency is investigated in this study paper, which also investigates the fundamental determinants, secondary effects, and preventative strategies associated with the phenomenon. The research illustrates the complex interaction of individual, familial, social, economic, cultural, legal, and technical aspects that contribute to delinquent conduct among young people.

3. Historical Overview of Juvenile Justice In India

The Juvenile Justice Act (JJA) in India has a history that spans several decades, with multiple revisions and amendments to address the evolving needs and concerns related to juveniles in conflict with the law. Here is a brief overview of the history of the Juvenile Justice Act in India:

3.1 The Apprentices Act, 1850:

The first legislative initiative in India that addressed the issue of juvenile offenders was the Apprentices Act of 1850. This Act primarily focused on the welfare and training of juvenile delinquents and apprentices.

3.2 The Children Act, 1960:

This legislation was a watershed moment in the history of Juvenile Justice in India. The focus was on helping troubled teens who had been ignored. It set up residential facilities for troubled youth and facilities to monitor their behaviour.

3.3 The Juvenile Justice Act, 1986:

This legislation was a watershed moment in the development of India's Juvenile Justice System. It stressed the need for a Juvenile Justice System that is different from the one used for adults. For situations involving minors, it established the Juvenile Welfare Board and the Juvenile Court. The major focus was on helping former Juvenile offenders find success in society again. Section 5, The Juvenile Justice Act, 1986 - Notwithstanding anything to the contrary, the statement may be able to establish one or more juvenile courts for the specific area by notification in the Gazette. The magistrates of this court were given powers of the first class. The assistance of every Juvenile court was to be done by the personnel of such unpaid social workers who hold prescribed qualifications. That penal system had at least one woman appointed by the State Government.⁵

3.4 Juvenile Justice (Care and Protection) Act 2000

This Act came into existence on 30 December 2000 with the permission of the president and effective April 1, 2001. This Act replaced the previous Juvenile Justice Act 1986. The object of the revised Act was to provide care, safety and rehabilitation for Anti-Legal Juvenile Sampras's home by the social worker for delinquent juveniles where the juveniles were kept temporarily. Juveniles who are inclined towards crime are called juveniles in the conflict with the law. The Juvenile Justice (Care and Safety of Juveniles) Act of 2000 was passed for those young men in India. The juveniles are physically and mentally morally safe and they can be released on bail Main Passing object of the Juvenile Justice (Care and Protection) Act 2000. The Indian Constitution has many regulations for juveniles but Article 15 (3) and

Article 39 (d) and (f) are mainly related to juveniles which impose these liabilities on the State that children's rights should be protected by the state government? The Convention on the Rights of children's rights was adopted by the General Assembly of the United Nations on 20 November 1989. The Convention emphasizes that children as much as possible have been confirmed without any legal proceedings.

Causes of Juvenile Delinquency

Delinquents have very conducive and indulgent Acts at the spur of the movement. Having studied the mood of adolescents and the intensity of learning that delinquency of juvenile was found to be mostly related to a rock bottom lifestyle with a lack of recreational facilities and a lack of finally permanent. Juvenile delinquency is responsible for many reasons.

Conclusion

The key legislation with regard to Juvenile Justice in India directly belongs to the Juvenile Justice (Care and Protection of Children) Act, 2015. The Act has been enacted with a view to introducing a uniform law relating to Juvenile Justice for the protection and care of children and juvenile adolescents who commit an offence. It sets out standard norms for the investigation and trial of juvenile offenders and establishes liaison with the institutions associated with the welfare of juveniles. The underlying philosophy of this Act is that (i) young offenders should not be tried, but should be corrected; (ii) they should not be punished but reformed. The Act has been enacted in accordance with the standard rules laid down by the United Nations for juveniles in conflict with the law. The movement for Juvenile Justice started towards the end of the eighteenth century. Prior to that, juvenile offenders were held fully accountable for their crimes just as adults were. They were tried and convicted in adult criminal courts, were sentenced to prison and were occasionally executed for their criminal Acts. The obvious result of lodging juveniles and adult offenders in the same prison was that these institutions virtually turned into breeding centers of vices and criminality. The greatest evil of the system was that it exposed juvenile offenders to contamination due to their incarceration with confirmed offenders. The early reformers were appalled by the plight of the young offenders and there were calls for radical change in the manner in which juveniles were being treated.

Various Acts have been passed in India since the mid-nineteenth century with regard to the necessity of special legal provisions for the treatment and rehabilitation of young offenders. The Apprentice Act, 1850 was applicable to children between the ages of 10 and 18 years. It authorized the magistrates to bind as apprentices' children between the ages of 10 and 18 years convicted of petty offences, instead of sending them to jail. The idea was to divert such children towards some trade or craft to enable

them to earn a living. The first law dealing specifically with the treatment of juvenile delinquents was the Reformatory Schools Act of 1876. It provided that a child found guilty of an offence might, at the discretion of the sentencing court, be ordered to be detained in such a reformatory school for a period of three to seven years. The Indian Jails Committee, 1919-1920, emphasized separate treatment of children and youthful offenders for their reformation. The recommendations of the Jails Committee led to enactments of Juvenile laws by different states.

The Government of India enacted the Children Act, 1960 for enforcement in the Union Territories. This Act enshrined the principle that children below a certain age limit should not be dealt with by criminal courts and sent to ordinary prisons. The basic scheme under the Act was to establish juvenile courts for young offenders. With the passing of the Children Act, 1960, other states in India passed their own Child Act. However, there were many states that had not established a single juvenile court and the children were being tried in ordinary criminal courts.

The ratification of the Convention on the Rights of the Child, 1989 by India in 1992 and the changing social attitude towards criminality by children reflected in Supreme Court decisions like *Amrutlal Someshwar Joshi & State of Maharashtra (1994) 6 SCC 488*, *Ramdeo Chauhan y State of Assam (2000) 7 SCC 455* and *Arnit Das y State of Bihar (2000) 5 SCC 488* led to the enactment of The Juvenile Justice (Care and Protection of Children) Act, 2000. The Preamble of the Act states that it is an Act to consolidate the law relating to juveniles in conflict with law and the children in need of care and protection, by providing for proper care, protection and treatment by catering to their development need and by adopting a child friendly approach in the adjudication and disposition of matters in the best interest of children and for their rehabilitation through institutions established under the enactment.

The Act categorically declares that a juvenile in conflict with the law will be dealt with under this law and not under the normal criminal justice system. It further provides that a juvenile in conflict with the law may be released after advice or admonition or released under the care of a parent/guardian/tit person, with or without supervision, or placed with a fit institution.

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