

ISSN: 2583-8725

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**LEX SCRIPTA MAGAZINE OF  
LAW AND POLICY (VOL-4, ISSUE-1)**

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ISSN-2583-8725

Vol - IV, Issue - I

Published by INTEGRITY EDUCATION INDIA

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Printed in India @ New Delhi

ISSN: 2583-8725

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## Juvenile Justice System and Impact Thereof: A Critical Study

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# Juvenile Justice System and Impact Thereof: A Critical Study

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## **Abstract**

*The juvenile justice system is a crucial component of criminal justice administration aimed at dealing with children in conflict with law through a reformatory and welfare-oriented approach rather than punitive measures. In India, the system is primarily governed by the Juvenile Justice (Care and Protection of Children) Act, 2015, which emphasizes rehabilitation, social reintegration, and the protection of children's rights in accordance with constitutional mandates and international standards. This research paper critically examines the juvenile justice system in India and evaluates its effectiveness in achieving its intended objectives.*

*The study analyses the conceptual foundation of juvenile justice, its legal framework, and the role of institutions such as Juvenile Justice Boards and Child Welfare Committees. It further explores the impact of the system on rehabilitation, crime prevention, and social development of juveniles. At the same time, the paper highlights key challenges such as increasing juvenile delinquency, inadequate institutional infrastructure, issues in age determination, and gaps in implementation.*

*The paper also examines judicial interpretations that have shaped juvenile justice jurisprudence in India. It concludes that while the system is rooted in reformatory ideals, its effectiveness depends on stronger implementation, better resources, and a balanced approach between protection and accountability.*

**Keywords:** *Juvenile Justice, Children in Conflict with Law, Rehabilitation, JJ Act 2015, Child Rights, Reformatory Justice, Juvenile Delinquency, Child Welfare.*

## **Introduction**

Juvenile justice system can be defined as a distinct component of the general criminal justice system that aims at addressing issues involving children who have committed some offenses or are in need of care and protection. Contrary to the adult criminal justice system, the juvenile justice system is founded on the assumption that children lack maturity and, hence, cannot understand the implications of their actions just like adults do.

## **Meaning and Concept of Juvenile Justice**

Juvenile justice is defined as the mechanism that addresses how children below a certain age (mostly 18) are handled after being charged with any crime or being in any situation that demands the need for their protection. The main concept in juvenile justice is welfare-based handling of juveniles by making sure that such individuals go back to the mainstream of society through counseling, education, and other means, but never face stringent punishments.<sup>1</sup>

In this form of justice, the doctrine of *parens patriae* operates, and the state assumes the role of protector of those minors who cannot protect themselves. There is a need for balancing punishment and mercy in such a way that the minor offender will have a chance to reform himself/herself and live a decent life in the future because juveniles tend to be highly reformed.<sup>2</sup>

## **Historical Development of Juvenile Justice System in India**

Juvenile justice in India has developed gradually from the colonial period until the current time when it has become an established statutory provision. The colonial regime had a separate process in dealing with offenders under the age of eighteen, including the use of reformatory schools and borstals, although it remained inadequate and inconsistent. Post-independence, however, India took a more welfare-based perspective of dealing with cases. In 1986, the Juvenile Justice Act was passed, becoming the first uniform legislation for children. Nevertheless, it underwent some revisions and improvements to become the Juvenile Justice (Care and Protection of Children) Act in 2000, which brought Indian law in line with international standards, such as the United Nations Convention on the Rights of the Child.<sup>3</sup>

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<sup>1</sup> Vashishth, Archana, and Sakshi Dudeja. "System of restorative justice and juvenile justice in India: A brief comparative study with Latin American system." *Mexican law review* 16.2 (2024): 131-143.

<sup>2</sup> Hanna, Gabrielle J. "The Helicopter State: Misuse of *Parens Patriae* Unconstitutionally Precludes Individual and Class Claims." *Wash. L. Rev.* 97 (2022): 871.

<sup>3</sup> Chhikara, Dipender. "103. Historical Development of Juvenile Justice System: A Comparative Study of USA, UK and India.", *No. 1 Int'l JL Mgmt. & Human.* 6 (2023): 1173.

Concerning a surge of serious crimes committed by juveniles, mainly after the 2012 Delhi Gang Rape, the act faced amendments and was substituted by the Juvenile Justice (Care and Protection of Children) Act of 2015. This new act brought a more systematic approach, providing for trial of children between sixteen and eighteen who committed heinous offenses as adults.<sup>4</sup>

## **Legal Framework of Juvenile Justice in India**

- **Juvenile Justice (Care and Protection of Children) Act, 2015**

The Juvenile Justice (Care and Protection of Children) Act, 2015 acts as the main statute that governs the juvenile justice system in India. The statute lays down an elaborate legal framework with regard to dealing with both children in conflict with the law and children who require care and protection. The statute is aimed at providing opportunities for rehabilitation, adoption, foster care, and social integration, rather than any form of punishment. The statute further provides for treating 16-18 years old children who commit heinous offenses in a unique manner, enabling their trial as adults in some cases following their assessment by the Juvenile Justice Board.<sup>5</sup>

- **Constitutional Provisions Relating to Children**

Various constitutional provisions are there in the Indian Constitution to protect the rights and welfare of the child. Article 21 is concerned with the right to life and personal liberty, and this right has been interpreted to mean the right to live with dignity. Article 15(3) gives the power to the state to make provisions for children, and Article 39(e) and 39(f), falling under the Directive Principles of State Policy, guarantee the welfare and healthy upbringing of children.<sup>6</sup>

- **International Framework (UNCRC)**

India's juvenile justice process is also affected by international laws, in particular the UN Convention on the Rights of the Child (UNCRC) of 1989. India is one of the parties to this convention, and it is noted within the convention that children deserve protection, care, and special consideration from the law. The UNCRC places much emphasis on rehabilitation rather than punishment; non-discrimination; and, most importantly, what is in the best interest of the child.

- **Role of Juvenile Justice Boards and Child Welfare Committees**

Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs) are important institutional agencies under the Act. JJBs handle cases where children

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<sup>4</sup> Singh, Puja. "An Analysis of the Juvenile Justice System and Order in India." *Issue 2 Int'l JL Mgmt. & Human.* 7 (2024): 3165.

<sup>5</sup> Varma, Preeti, and Amit Singh. "An analytical approach to juvenile justice and rehabilitation measures under the juvenile justice act in India." *International Journal of Civil Law and Legal Research* 4.1 (2024): 61-66.

<sup>6</sup> Chakraborty, Dipankar, and Mahaveer Prasad Mali. "Constitutional Provisions in Relation to Juvenile in India." *Issue 5 Int'l JL Mgmt. & Human.* 6 (2023): 430.

are in conflict with laws, conducting inquiry, and ensuring proper process against the accused in a child friendly manner. CWCs handle cases where children need care and protection, such as being abandoned, orphaned or abused by someone else. These institutions ensure that the juvenile justice administration functions in a child-oriented way, with an emphasis on welfare and rehabilitation of children back into society.<sup>7</sup>

### **Key Features of Juvenile Justice System**

Indian juvenile justice system operates on a different philosophy, which is welfare based and reformatory in nature. It sets itself apart from the adult criminal justice system because its main aim is not to punish children in conflict with laws but to reform them and make it possible for them to integrate back into society as good citizens. This happens because of the realization that juveniles are vulnerable both socially and psychologically.

- **Classification of Children in Conflict with Law**

In terms of the juvenile justice model, children who come into conflict with law can be categorized according to factors such as their age, the type of offence, and the surrounding conditions under which the crime was committed. The Juvenile Justice (Care and Protection of Children) Act, 2015, for instance, brought about a major change by categorizing offences committed by minors as petty, serious, and heinous. When heinous offences are committed by offenders between 16 and 18 years of age, a preliminary inquiry will be done by the Juvenile Justice Board.<sup>8</sup>

- **Rehabilitation and Social Reintegration**

The essence of rehabilitation is at the heart of the juvenile justice system. This process aims at restoring the dignity of the juvenile and helping them become productive members of society by means of education, counseling, vocation, and psychology. Such institutions as Observation Homes and Special Homes are meant for corrective care of the juvenile offenders. Ultimately, the goal of the entire process of rehabilitation is reintegration into society.<sup>9</sup>

- **Adoption and Foster Care System**

There is provision made within the juvenile justice system for care through adoption and fosterage which are non-institutional modes of care. Adoption involves providing the child with a permanent family setting in cases where he or

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<sup>7</sup> Chandra, CB Naveen. "Juvenile Justice Act, 2015: A Multi Centric Study on Functioning of Juvenile Justice Board and Child Welfare Committees in Indian Childcare Institutions and Measures to Improve Dr. DC Nanjunda Associate Professor."

<sup>8</sup> Maharishi, Badal, Sachin Kumar, and Sachin Dheeman. "Children in conflict with laws." *International Journal of Early Childhood* 14.03 (2022): 2022.

<sup>9</sup> KP, Fathima Hasanath. *Psychosocial Profiling of Children: A Comparative Study on Children in Conflict with Law and Normal Controls*. MS thesis. Central Institute of Psychiatry (India), 2022.

she has been orphaned, abandoned, or surrendered. Fosterage, on the other hand, involves family care on a temporary basis while the child's future is sorted out. Such forms of care are subject to rules and regulations to protect the interest of the child.

- **Institutional vs Non-Institutional Care**

The juvenile justice process follows the principles of both institutional and non-institutional modes of treatment. The former comprises Observation Homes, Special Homes, and Children's Homes in which the children get shelter, education, and rehabilitative assistance. But there is an increasing need for non-institutional treatment methods like adoption, fostering, sponsoring, and even community-based rehabilitation since it helps to ensure better emotional stability and normal social development among children. It is also the modern policy that favors family-based treatment than institutions, which reflects best practices globally in terms of child psychology.<sup>10</sup>

## **Critical Analysis of the Juvenile Justice System**

- **Strengths of the System**

The Indian juvenile justice system is largely welfare-driven and is aimed at ensuring that the interests of the children remain protected at all times. The most striking advantage of the system is its reformatory nature. This implies that it places much emphasis on rehabilitating delinquent juveniles instead of punishing them. Children are easier to be rehabilitated; hence the need to subject them to educational programs, counseling services, skills development, and social reintegration services. Juvenile Justice Boards and Child Welfare Committees operate in ways that ensure that children are dealt with using methods that are friendly to them, as opposed to ordinary criminal courts.<sup>11</sup>

- **Weaknesses and Implementation Gaps**

However, there is also a problem with implementation of this system, since many states find themselves lacking infrastructure, skilled workers, and proper rehabilitation centers. Sometimes, inquiries take place too slowly and lack sufficient supervision, and thus may become less effective. It happens that institutions for children become only places for keeping juveniles, not for reforming them. Thus, the whole idea of this approach falls down.<sup>12</sup>

- **Issues of Juvenile Crime and Age Determination**

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<sup>10</sup> Naaz, Seema, Anubha Rajesh, and Aghna Shujat. "Alternative Care for Children: Institutional Care vs Family-based Care." *Voices of Teachers and Teacher Educators* 12.1 (2023): 1-8.

<sup>11</sup> Jain, Vandita, and Vijayalakshmi Sharma. "A Critical Study on the Juvenile Justice Act, 2015." *Issue 3 Indian JL & Legal Rsch.* 4 (2022): 1.

<sup>12</sup> Cavanagh, Caitlin. "Healthy adolescent development and the juvenile justice system: Challenges and solutions." *Child Development Perspectives* 16.3 (2022): 141-147.

The other issue that has raised debates is the increasing number of serious crimes committed by juvenile offenders leading to criticism of the lenient nature of the system. In addition, The Juvenile Justice Act, 2015 has included the process of treating some juvenile offenders as adults, which has generated debate on whether reformist or retributionist policies should be adopted. One of the greatest challenges of the system is age assessment as differences occur because of mismanagement of documents.<sup>13</sup>

- **Public Perception and Media Influence**

The view held about the juvenile justice system is also determined by how the system deals with notorious criminal cases committed by minors. The media coverage in such cases is always characterized by sensationalism, making the system appear as though it is too lenient when dealing with young offenders. This may result in calls for stiffer penalties despite the system being welfare-based.

### **Judicial Interpretation and Landmark Cases**

- **Sheela Barse v. Union of India<sup>14</sup>**

It was in this historic decision that the Supreme Court brought attention to the vulnerability of children being kept in prison and custodial settings. The Supreme Court stressed that children had to be protected and cared for and that they should not be subjected to the brutal realities of life inside prisons meant for adults. The State was asked to provide adequate legal representation, special facilities for children, and humane treatment for children.

- **Salil Bali v. Union of India<sup>15</sup>**

Here, the constitutional validity of the Juvenile Justice Act, including the age limitation of 18 years, was questioned. The Supreme Court sustained the legislation and noted that categorizing children is in line with scientific knowledge about psychology in childhood and international practice. The Court stressed that reducing the age of juvenility is not justified by any crimes committed by youngsters but rather by considering rehabilitation instead of punishment.

- **Jarnail Singh v. State of Haryana<sup>16</sup>**

This case concerned the question of establishing the age of a juvenile offender. The decision of the Supreme Court was that all the clauses in the Juvenile Justice Act

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<sup>13</sup> Singh, Pinky. "Determination of Age under Juvenile Justice Act, 2015: A Critical Analysis." *Issue 3 Indian JL & Legal Rsch.* 4 (2022): 1.

<sup>14</sup> *Sheela Barse v. Union of India*, (1986) 3 SCC 596.

<sup>15</sup> *Salil Bali v. Union of India*, (2013) 7 SCC 705.

<sup>16</sup> *Jarnail Singh v. State of Haryana*, (2013) 7 SCC 263.

had to be strictly followed in deciding the age and that documentary proof such as school records should receive utmost importance in deciding on the matter.

## **Impact of Juvenile Justice System**

- **Impact on Rehabilitation of Juveniles**

The biggest influence that the juvenile justice system has on society lies in its role in rehabilitating the youth who come into conflict with the law. The juvenile justice system enables these individuals to be rehabilitated by providing them with chances to learn, counsel, acquire skills, and correct their behavior. Many of these young people are able to join back into society as responsible citizens thanks to this process. Nevertheless, the success of rehabilitation depends on a number of factors.<sup>17</sup>

- **Impact on Crime Prevention**

Another function performed by the system to prevent crime in the future is dealing with the underlying causes of delinquency such as poverty, neglect, abuse, and lack of education. The system strives to ensure that young offenders do not become recidivists by implementing intervention programs that tackle delinquency at an early age. Despite not being a punitive system, the system still helps in preventing crime through reform.

- **Social and Psychological Impact**

Psychologically and socially speaking, the program assists in minimizing stigma by regarding the juveniles as children who require assistance rather than as delinquents. The counselling programs assist in the mental wellbeing and personal development of these children. It should be noted, however, that in some instances the incarceration process could lead to deterioration of mental health if not done appropriately.

- **Impact on Victims and Society**

There are advantages and disadvantages on the issue of the victims' welfare and that of society in general. One advantage is that there is a rehabilitation aspect in the process of ensuring that there is social cohesion and prevention of future criminal activities by the offenders. However, when there are very serious offenses committed by minors, there is a perception of leniency from the victims.

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<sup>17</sup> Ackerman, E., J. Magram, and T. D. Kennedy. "Systematic review: Impact of juvenile incarceration." *Child Protection and Practice* 3 (2024): 100083.

## **Challenges in Juvenile Justice System**

- **Overburdened Institutions**

Some of the issues faced by the juvenile justice system include the overburdening of institutions like the Juvenile Justice Board and Child Welfare Committee. Backlog of cases, understaffing, and delay procedures result in inefficiencies in making decisions within the system. These affect the effectiveness of the process in rehabilitating juveniles and addressing emergencies concerning children.<sup>18</sup>

- **Lack of Infrastructure and Training**

Most juvenile correctional facilities in India face problems such as lack of proper infrastructure, poor finances, and unavailability of qualified personnel. There are various Observation Homes and Special Homes that are not up to the mark with regard to rehabilitation and care for children. Furthermore, lack of professionally qualified social workers, psychologists, and counselors affects the process of rehabilitation and mental well-being of children.

- **Rising Juvenile Delinquency**

The rising juvenile delinquency rate, especially with regard to violent acts, is another problem that is coming up. Although the reality might not be as bad as the picture that emerges, incidents that have been covered by the media have fueled the fear that children are increasingly engaged in violent behavior.

- **Balancing Reform and Punishment**

One of the major issues that is always under debate is that of striking a proper balance between reformatory justice and punishing offenders. In spite of the fact that juvenile justice systems are centered around the philosophy of rehabilitation, there have been instances in which offenders were committing very grave offenses, making it necessary for them to receive harsh punishments.

## **Conclusion**

The juvenile justice system in India presents itself as an advanced form of welfare jurisprudence towards children in conflict with law. The system draws from the principles of constitutional justice and international guidelines to ensure that juveniles are treated in a way that promotes care and social reintegration over punishment. This has been made possible by the implementation of legislative provisions such as the Juvenile Justice (Care and Protection of Children) Act, 2015 and establishment of institutions like the Juvenile Justice Boards and Child Welfare Committees. In addition, judicial interpretation of cases involving juveniles has also played a key role in ensuring that the system takes an approach that prioritizes the best interest of the juvenile in question in line with the

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<sup>18</sup> Watson, Jennifer, et al. "Transgender youth, challenges, responses, and the juvenile justice system: A systematic literature review of an emerging literature." *Youth justice* 24.1 (2024): 88-112.

reformative philosophy of juvenile justice. Nonetheless, although this may be said to be an advanced form of law, it encounters major challenges in its execution, which include poor infrastructure, long delays within institutions, increased cases of serious offences amongst juveniles, and inconsistency in rehabilitative efforts. Thus, the results of the juvenile justice system in India are mixed in terms of achieving rehabilitation and social reintegration but less effective in terms of overcoming institutional weaknesses.

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15. UNICEF India, *Child Protection and Juvenile Justice Framework Reports*.

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