



Juvenile justice system in India: A critical analysis

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Abstract

The importance of Juvenile Justice has drastically evolved in legal sector and also in day-to-day life of a normal human being. The Juvenile Justice system provides specialized legal, rehabilitative, and protective services to individuals under 18 years old. This paper deals with the focused procedures, issues and challenges and, also the international perspective of the children under 18 in conflict with the law or in need for care. Furthermore, the paper seeks to elucidate a detailed analysis of issues and challenges, systematic loopholes, inherent drawbacks, case studies associated with the application of juvenile justice within the scope of legal field. The study evaluates the role of juvenile justice boards and legal mechanism used to assess the mental and physical capacity of juveniles treated as adults. Through a critical evaluation of statutory provisions, judicial trends and practical challenges, the paper argues for a more balanced and child-centric approach. It concludes by suggesting reforms to strengthen implementation and uphold the rehabilitative philosophy of Juvenile Justice in India.

Keywords: Juvenile justice, child protection, juvenile delinquency, legal framework, rehabilitation, juvenile justice boards

Introduction

The general meaning of Juvenile Justice system in India states that, Juvenile Justice is a specialized legal system, framework and set of procedures designed to handle cases involving minors especially children's under 18 who more often commit crimes or who are not in a right mental state of mind and in need of care, protection and rehabilitation. The legal field has seen, the Juvenile Justice system of India being widely analyzed as a framework that aspires to balance child rights and societal demands for justice. Unlike the adult criminal system, which emphasizes, punishment. Legal scholars largely recognize this system is founded on a reformatory and rehabilitative philosophy, as reflected in the Juvenile Justice (Care and Protection of Children Act 2015, which treats children as an individual capable of reform and re change instead of punishment. Furthermore the same argument arises, particularly regarding the provisions that allows children aged 16-18 to be tried as adults for heinous offenses. In general means actions that are shockingly evil, wicked and a formal adjective which is used to define crimes and vulnerable acts. Some legal experts argue that this ensures accountability in serious crimes, other contend that it determines child rights and contradicts principles established under International framework such as the United Nations Convention on the rights of child. Judicial trends in India have generally favoured a child-centric approach, with courts emphasizing rehabilitation, bail and the consideration of the social and psychological background of juveniles. At the same time, the legal forum has pointed out several problems in the Juvenile Justice system in India, such as delays in deciding cases, lack of proper facility, shortage of proper trained staffs and poor implementations of rules and laws. Juvenile Justice (Care and Protection of children) Act 2015 provides a strong and child friendly legal framework. The system is designed to focus on helping reform and return to society, in line the United Nations Convention on the rights of the child.

Research Methodology

In order to collect the information for the paper, doctrinal research is been taken into consideration. Secondary data sources and references from renowned researchers, data

from official government sources, websites and references of Indian Constitution has been made. In order to examine data from many sources in a flexible and open-minded manner, a qualitative analysis of the available materials has been conducted. Primary data of the survey has also been collected for research.

The Juvenile Justice Act, 1986: First National Framework

Recognizing the need for a uniform framework, India enacted the Juvenile Justice Act, 1986. This was the first national legislation applicable uniformly across the country. The Act defined a "juvenile" as a boy under 16 years and a girl under 18 years, reflecting a gendered approach that did not fully conform to international standards. The 1986 Act was guided primarily by a welfare philosophy. It emphasized rehabilitation, social reintegration, and protective custody, while minimizing punitive approaches. However, its failure to define uniform age limits for boys and girls, coupled with procedural gaps, invited criticism from child rights activists and legal experts.

Rehabilitation Problem

The landscape of juvenile justice in India is shifting. As society grapples with the complex issue of crimes committed by children, it becomes crucial to look beyond traditional notions of punishment. The Juvenile Justice Law in India serves as a pivotal framework that recognizes the need for rehabilitation instead of retribution. This approach acknowledges that young offenders are still developing and possess the potential for change. In an environment where compassion meets accountability, however, there are several major problems that affect how well this process works:

Lack of resources and funding

Resource constraints and funding issues significantly impact the implementation of juvenile offender rehabilitation strategies. Many juvenile justice programs rely heavily on public funding, which can be inconsistent or limited, hindering program development and sustainability. Insufficient resources often lead to inadequate staffing, limited access to educational and mental health services, and

reduced availability of community-based support. Funding shortages also restrict the expansion of evidence-based approaches that are proven effective in rehabilitating juvenile offenders. Without adequate financial support, programs may struggle to maintain quality standards or scale up successful initiatives. This challenge can result in a reliance on less effective, cost-cutting measures like detention, which may undermine rehabilitation efforts. Moreover, resource limitations exacerbate social reintegration barriers. Lack of funding diminishes opportunities for vocational training and community engagement, which are vital for reducing recidivism. Addressing these issues requires strategic allocation of resources to ensure comprehensive, individualized rehabilitation strategies are sufficiently supported and sustainable in the long term.

Social Stigma and Reintegration Issues

- **Limited Resources:** Juvenile rehabilitation programs are often underfunded, making providing comprehensive services and supporting youngsters to succeed difficult.
- **Lack of Evidence-Based Practices:** Many juvenile rehabilitation programs are based on outdated or unproven practices, which can undermine their effectiveness.
- **Stigmatization:** Young people involved in the juvenile justice system may face stigma and discrimination, making it harder to reintegrate into society.
- **Communication Barriers:** Lack of coordination and communication among people providing rehabilitation services can be a limitation in rehabilitating young offenders.

Weak implementation of laws

- **Implementation Gaps:** Poor execution of the mission in many states due to inadequate infrastructure, untrained personnel, and lack of funds.
- **Observation Houses:** There is a lack of infrastructure in observation houses, leading to overcrowding of juveniles.
- **Rehabilitation Success:** Juveniles face problems in reintegrating with society due to social stigma and lack of employment opportunities.
- **Coordination Problems:** Poor communication between police, judiciary, and child welfare departments affects efficiency.
- **Funds:** Funds are transferred from the central to the state government, but sometimes they are inadequate or not fully utilized.
- **Justice Process:** Backlogs faced by the Juvenile Justice Board lead to delays in case resolution.

Pune Car Crash Accident

On March 19, 2024, a tragic accident occurred in Pune, Maharashtra, where a 17-year-old boy hit a motorcycle with his car, leading to the death of two IT professionals. The boy driving the car was under the influence of alcohol.

Legal Proceedings

The Juvenile Justice Board granted bail to the boy with conditions of writing a 300-word essay on the topic "road accident" and completing 15 days of community service. Now, the question arises: Is this justice or a loophole in Juvenile Justice? A 17-year-old boy, who was drinking alcohol and driving a car, is he considered a juvenile? The Juvenile Justice Act is meant for children who commit

crimes without fully understanding the consequences or severity of their actions. These children need proper care and protection. But a 17-year-old who consumes alcohol and drives, aware of the consequences of drink and drive, should he be considered a juvenile? Is the punishment of writing an essay and performing community service adequate?

Judicial interpretation

Case – Salil Bali vs Union of India

This case concerned eight petitions jointly considered by the Supreme Court regarding the juvenile justice laws in India. The petitions requested, among other things, that the Court:

- Amend the Juvenile Justice Act to lower the juvenile age from 18 to 16; and
- Amend the Juvenile Justice Act to allow juveniles who have allegedly committed crimes such as rape and murder to be tried and punished under the laws applicable to adults.

Issue and resolution

Upper age limit for children in conflict with the law; treatment of children as adults in the criminal justice system. The Supreme Court rejected the petitions.

Court Reasoning

The Court found that the Juvenile Justice Act and the Juvenile Justice (Care and Protection of Children) Rules are based on sound principles contained in the provisions of the Indian Constitution and the various declarations and conventions adopted by the international community. The Constitution guarantees several rights to children, and enables the state governments to make special provisions for children. Several international instruments also recognize the special vulnerability of children. In particular, the Beijing Rules, Riyadh Guidelines and Havana Rules provide that a separate criminal justice system should apply to children in conflict with the law which allow for their reintegration into society.

Article 1 of the Convention of the Rights of the Child, to which India is a party, provided the basis of 18 years as the upper age limit for children under the Juvenile Justice Act. This upper age limit of 18 is supported by scientific data indicating that the brain continues to develop and the growth of a child continues till he reaches at least the age of 18. It is also supported by the understanding of experts in child psychology that until such an age children in conflict with the law could still be rehabilitated and reintegrated into mainstream society, which aligns with the restorative purpose of the Juvenile Justice Act and its Rules.

International Perspective

What is the uncrf?

The United Nations Convention on the Rights of the Child (UNCRC) is a legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities.

The UN Convention on the Rights of the Child: Every Child's Rights Protected

Every child, no matter where they live or what their circumstances, has fundamental rights. Not privileges that can be taken away, but fundamental human rights that belong to them simply because they're children.

The United Nations Convention on the Rights of the Child (UNCRC) sets out exactly what those rights are—and what governments must do to protect them.

Adopted in 1989, the UNCRC is the most widely ratified human rights treaty in history. 196 countries have signed up to it, making it a truly global commitment to children. It covers everything from the right to education and healthcare to protection from violence and the right to have a say in decisions affecting their lives.

All countries that sign up to the UNCRC are bound by international law to ensure it is implemented. This is monitored by the Committee on the Rights of the Child.

The UNCRC is also the only international human rights treaty to give non-governmental organizations (NGOs), like Save the Children, a direct role in overseeing its implementation, under Article 45a.

At Save the Children, the UNCRC is the foundation for everything we do. Our founder, Eglanlyne Jebb, pioneered the concept of children's rights when she drafted the first Declaration of the Rights of the Child in 1923—a groundbreaking document adopted by the League of Nations in 1924 that laid the groundwork for the UNCRC 65 years later.

Today, we use the Convention to hold governments accountable and push for the changes children need most.

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