

Critical Analysis of Juvenile Justice System in India

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Abstract : As we all know about that today we are seeing or facing the crime against a children. now we have to analysis the what the approach we will do to safeguarding the children against the very immoral crime and what are the prevention to be taken by us to stop the crime against the children.

As we know that there was a not a specific crime but we will say that now in present scenario children were also become the part of this crime . there was a report from (NCPCR) in India that 72.65%. Aim of the juvenile justice is based on the rights of the child. Juvenile justice focuses on prevention as a primary objective as well as makes custody a sanction of last resort. However, the brutal gang rape case which took place in Delhi on 16th December 2012 proved to be the landmark case which changed the present law of Juvenile Justice System. As soon as this Act i.e., Juvenile Justice (Care and Protection of Children) Act, 2015 came into existence, there was a lot of criticism from various social workers, NGOs fighting for the rights of the child as this Act was enacted following public outrage over the release of the Juvenile offender in State v. Ram Singh & Ors. (hereinafter referred to Nirbhaya case). The Authors have discussed in this Article the various aspects of recently enacted Juvenile Justice (Care and Protection of Children) Act, 2015, with its shortcomings thereof.

Here we are try to critically analysis of juvenile justice how to be work in India , what are the approach should be fitted in the juvenile case, what are the circumstance to be happen when they do a crime and what are the corresponding to be happen when any child do a act and offence.

Keywords- juvenile justice, commission, offence, act.

Introduction - Before going in depth of this act let's first know the term 'juvenile'. It refers to any person below the age of 18 who has been accused of a crime. As we know child is one whose age is under 18 years, but when this child commits any crime, normal or heinous, called a Juvenile. The Children's constitute almost half of the World's Population.

Juvenile Justice Act 2015 passed by the Lok Sabha in May 2015 amidst protest and criticism. It passed by Rajya Sabha in December 2015. It repealed Juvenile Justice 2000

The aim of juvenile justice in India is to prevent the right of child . while first we know the meaning of juvenile section 2 (35) "juvenile" means a child below the age of eighteen years; now it is Cleary we know about that who was a juvenile and our approach is to this criteria only. As per the above introductory part we should know that in society children are the major part of this but today so much act or offence are to be done against them and they are also the part of that. Some time children are not become the part of the crime their surrounding society will developed some activity which that way they will become the part of any offence. Parents are also equally liable for this because of their mis guidance and not proper care and caution

children become the part of juvenile act. As per the definition given in section 2 (13) "child in conflict with law" means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence; under this definition clause we have to see that which are the child to be covered under those who are become the part of commission of offence. under the juvenile justice act 2015 we have see so many provision regarding the safe guarding principal for the commission of juvenile offence.

The basic concept of juvenile justice is to prevent the offence against the child. There are so many Large numbers of 'Child in conflict with law' are socio-economic victims, denied their rights to education, health, shelter, care and protection. This Article involves the critical analysis of Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to J.J.A.2015) which though amended several times in the year 2000, 2006, and 2015 but still needs a serious concern from Authors' point of view.

The Authors have selected this topic due to facing the real commission of offence against child and what are the different type of offence to be seen such as gang rape, child sexual abuse, child pornography, child labor, Bullying

(including online bullying), slapping, choking or burning, Tactics of fear and control such as intimidation or forced isolation, Maintaining total control over financial resources, withholding access to money, and/or forbidding attendance at school or employment, among others, Femicide, Human trafficking, Child marriage. All that such offence to be covered under the juvenile justice against juvenile.

Historical : In India before 1960 there was no consistency regarding the age limit of Juvenile delinquent, every state had different age limit of a child, In Bombay Children Act 1948 child means a boy not completed the age of 16 year and a girl not completed the age of 18 years.

The history of India's juvenile justice system or When the Indian Constitution attempts to protect its residents through Fundamental Rights as well as imposes duties on the government through Directive Principles of State Policy, it is clear that one of the primary prerequisites of post-independence India was a law to defend children and juvenile offenders. This article explores the history of India's juvenile justice system as well as the historical context of juvenile crime in India. It concerns children who have conflicted with the law and need care and protection.

The history of Juvenile Justice in India dates back to the Indian Constitution's efforts to protect citizens and impose duties on the state. The Children's Act of 1960 was enacted to protect children and juvenile offenders, offering welfare, education, mentoring, and training. The Act also included observation homes and special educational systems. Juvenile courts in India were confined to youth under 16 years old who did not commit crimes punishable with death or life imprisonment. The juvenile Justice Act of 1986 followed the united nations Minimum Rules for the Administration of Juvenile Justice, while the Juvenile Justice Act of 2000 aimed to follow the principles outlined in united Nations Conventions.

The Nirbhaya event in the Delhi gang rape case led to a punitive approach to juvenile justice. The Main role of the juvenile justice system in India is to correct juveniles through education and non – penal treatment through social control agencies like observation homes, special homes, and school.

The movement for special treatment of juvenile offenders began in the 18th century, with developed countries like the UK and the US supporting it. The United Nations adopted a Convention on the Rights of Children in 1989 to protect juvenile offenders' best interests. This led to the repeal of the Juvenile Justice Act, 1986, and the creation of the Juvenile Justice (Care and Protection of Children) Act, 2000. The Act aims to provide care, protection, treatment, development and rehabilitation, and ensuring fair criminal justice administration in cases of heinous crimes committed by juvenile offenders.

Who is Juvenile in India? or What is Juvenile Age in India? And Difference between a Juvenile and Minor:

In India, a person below 18 years old is considered a juvenile

or person of juvenile age. Juveniles are those who have committed offenses or need care and protection. The juvenile justice system aims too rehabilitate young offenders and give them a second chance. Factors contributing to juvenile involvement include brain development issues, exposure to alcohol or drugs, abuse or violence, poor parenting, media influence, and lack of education. The system is influenced by western countries and has been enacted by various acts, including The Apprentices Act, Indian Penal Code, Reformatory School Act, Code of Criminal Procedure, and Recommendations by the Indian Jail Committee in 1920. Juvenile courts are responsible for executing these individuals.

Who is juvenile?

Before talking about the various crimes committed by juveniles, we must understand who a juvenile is. In simple language, a teenager is a child who has not achieved the age of maturity at which he can understand the difference between right and wrong. Legally speaking, a juvenile is a minor who has not attained a certain age at which he can be held liable for his criminal acts like an adult under the law of the country. According to J.J.A.2015, a juvenile means a child below the age of eighteen years. It states that a juvenile should not be treated as an adult even if he is a child for the purpose of trial and punishment in a court of law. Also be involved in criminal acts.

Child Juvenile report in india on the basis of ministry of home affairs

Will the Minister of HOME AFFAIRS be pleased to state
(a) whether the number of minors involved in criminal activities is increasing in the country every year~
(b) if so, the details thereof along with the reasons therefore~
(c) the number of crimes committed by minors during the last three years, State-wise~
(d) the efforts made by Government to check minors from committing various crimes~ and
(e) the outcome thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI .NITYANAND RAI)

(a) to (c): National Crime Records Bureau (NCRB) compiles and publishes information on crime in its publication "Crime in India". The published reports are available till the year 2019. State/UT-wise details of cases reported against juveniles and juveniles apprehended under Indian Penal Code (IPC) and Special and Local Laws (SLL) Crimes during 2017-2019 are at Annexure-I.

(d) & (e): „Police and „Public Order are State subjects under the Seventh Schedule to the Constitution of India. The responsibilities to maintain law and order, protection of life and property of the citizens rest with the respective State Governments. The State Governments are competent to deal with such offences under the extant provisions of laws.

The Juvenile Justice (Care and Protection of Children)

Act (JJ Act), 2015 is the primary law for children in need of care and protection and children alleged and found to be in conflict with law. The JJ Act, 2015 applies to children who have not completed the age of 18 years and categorizes offences committed by children as petty, serious and heinous offences. Special provisions have been made to tackle child offenders committing heinous offences in the age group of 16-18 years, which will act as a deterrent. The JJ Act provides for setting up of a network of services and structures for ensuring the well being and rehabilitation of such children which includes Juvenile Justice Boards, Special Juvenile Police Units, State and District Child Protection Units, Homes of various types and non institutional care through adoption, foster-care and sponsorship. These measures among other things also intend mainstreaming of children in conflict with law and thereby reducing crimes by the minors. The State Governments/UT Administrations are entrusted with the primary responsibility for implementation of the JJ Act.

The Ministry of Women and Child Development is implementing "Child Protection Services" (CPS) (erstwhile Integrated Child Protection Scheme) with the objective to create a safe and secure environment for overall development of children in need of care and protection and children in conflict with law. The State Governments /UT Administrations are entrusted with the primary responsibility for implementation of the CPS Scheme.

In mp case reported against child juvenile

In 2017 6491

In 2018 5232

In 2019 5522

As per the record given by ministry of home affairs that mp is the largest crime ratio in india against the child juvenile.

Requirement For Change: There is a so much requirement for change in the child juvenile offence . while as per the above data report provided by the central government that in first category the mp is largest crime to be done against child second Maharashtra state and the third state which is covered under this is state of Uttarpradesh. As per to the my requirement there are some point which I considered to be changes in commission of offence against child juvenile delinquency such as:

These are the that activity which I prefer other than the act or law which are applicable towards the child.

1. Requirement of children and parents consoling.
2. Consoling and coordination between children and teacher.
3. Preparation of naukad natak to given information and awareness technique to children
4. Child cell which are working to safeguard the children from domestic violence make proper inspection towards child act.
5. Initiative activity to be performed by the cyber cell and police cell.
6. NGO which are working for child welfare they also do

more initiative activity for the welfare of children.

7. Also follow the supreme court decision which is very impactful impact towards society.

Result Analysis: As per the my research it is to be clearly analysis that we have so much requirement of strict rules and regulation although we have different type of law and act applicable in India which are enforced and working but as per the mu opinion we should more provide good consoling to the society towards the crime against child and also be aware and safeguard regarding the any type of offence. In India if we see that there are so many at least 69% parents and child are illiterate who actually are not aware of such type of offence. We should also approach to the NGO and society they also do the more initiative to great impactful effect of child juvenile crime cenirio. Requirement of new release data of related crime against child juvenile because we have a data only of year 2019.requirement of data from 2019 to 2025.

Conclusion: The critical analysis shows that the juvenile justice system in India has strong legal foundations, but its effectiveness is limited due to implementation challenges. The system needs better infrastructure, trained personnel and a more consistent approach across states to truly achieve its reformative and protective goals. The balance between rehabilitation and accountability remains a central debate in its future development. India's juvenile justice system is designed to address juvenile delinquency, with a focus on rehabilitation and reform rather than punishment. A critical analysis of the system highlights both strengths and significant challenges in its implementation. A 2015 amendment to the Juvenile Justice (Care and Protection of Children) Act introduced a provision to try juveniles aged 16– 18 years as adults for heinous crimes, sparking debate. Critics argue that this undermines the rehabilitative focus of the system, while supporters believe it addresses the gravity of some crimes. Rehabilitation efforts are often inadequate due to poor infrastructure, a lack of trained professionals, and limited resources in juvenile homes. The system struggles with delays in judicial processes, leading to long stays in observation homes, which can negatively affect the mental and emotional health of juveniles.

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