

Juvenile Delinquency in India: Historical evolution and judicial responses

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Abstract

Children are the future of our country, so it is everyone's responsibility to give them a safe and healthy environment to grow up in. In the past ten years, the number of crimes committed by children has increased in developing countries like India. This creates many important questions. How did the idea of juvenile delinquency start? What does it mean? If a child commits a serious crime, should they be treated like an adult or like a minor? What are the common reasons behind such crimes? How does poverty affect children and push them towards crime? What steps can be taken to stop this problem? Juvenile crime is seen in all countries, but it is more common in big and highly developed cities. The term "juvenile delinquency" was introduced so that children who break the law are not treated and recorded like adult criminals. The main aim of juvenile laws is to reform children and help them improve, not to punish them harshly. However, as the number of crimes by juveniles has increased, the term has started to carry a negative meaning. Many young offenders come from families where there is stress, conflict, and poor relationships. Since juvenile crime is rising, it is important to take proper action. The current laws may need changes and should be strictly followed to control the problem effectively.

Introduction

Juvenile delinquency is a persistent issue that affects the social fabric of communities worldwide. It involves young individuals engaging in illegal activities, which can have far-reaching consequences for their future and society at large. In India, the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act 2015), was enacted to address these concerns by providing a comprehensive legal framework for the care, protection, and rehabilitation of children in conflict with the law. This legislation underscores the importance of child rights and aims to create a balanced approach between addressing juvenile delinquency and ensuring the welfare and development of children. The word "juvenile" comes from the Latin words *iuvenilis* and *iuvenis*, which mean "young" or "belonging to youth." The word delinquency comes from the Latin word *delinquentia*, which means "a fault or crime." In simple terms, juvenile delinquency refers to wrong or unlawful behaviour committed by children or teenagers who are usually below 18 years of age.

Coleman defined delinquency as the behaviour of young people under 18 which is not accepted by society and usually requires some kind of warning, punishment, or corrective action. Juvenile delinquency can also be described as behaviour by a minor that is anti-social, beyond the control of parents, and therefore requires legal action.

It is considered a social problem because it involves unacceptable acts committed by children or adolescents. Juveniles who commit offenses are usually kept in juvenile homes or correctional institutions, where efforts are made to improve their behaviour and guide them in a positive direction. It has been observed that delinquency tends to increase as population grows and society becomes more complex.

BACKGROUND OF JUVENILE DELINQUENCY IN INDIA

In ancient India, the concept of juvenile delinquency was intertwined with the broader societal understanding of law and morality. The ancient legal texts like the Manusmriti and Arthashastra provided a framework for the treatment of juveniles. These texts emphasized moral education and the importance of upbringing in shaping a child's character. Juvenile offenders were often treated with leniency, and the emphasis was on reformation rather than punishment. The family and community played a crucial role in the upbringing of children, ensuring that moral and ethical values were instilled from a young age. The primary aim was to reintegrate the child into society rather than isolate them.

During the medieval period, India's socio-political landscape underwent significant changes with the advent of various dynasties and the spread of different religions, particularly Islam. The Mughal period, for instance, saw the incorporation of Islamic legal principles alongside existing Hindu laws. Juvenile delinquency during this time was addressed through a combination of religious doctrines and royal edicts. Islamic jurisprudence emphasized justice and mercy, often advocating for the rehabilitation of young offenders. Institutions such as madrasas (educational institutions) played a role in the moral and religious education of children, aiming to prevent delinquency through early intervention and education.¹

In rural areas, local panchayats (village councils) handled cases of juvenile delinquency, focusing on community-based solutions. The emphasis was on maintaining social harmony, and punishments were often designed to be corrective rather than purely punitive. The idea was to integrate the child back into the community through guidance and support from elders and religious leaders.

The British colonial period marked a significant shift in the handling of juvenile delinquency in India. The introduction of the Indian Penal Code (IPC) in 1860 and the Criminal Procedure Code (CrPC) in 1861 brought about a more formalized legal system. The colonial government recognized the need for a separate legal framework for juveniles, leading to the establishment of the Reformatory Schools Act of 1897. This act aimed to provide education and vocational training to young offenders, reflecting the British emphasis on reform and rehabilitation.

Post-independence India inherited the colonial legal system but sought to adapt it to the needs of a newly independent nation. The Constitution of India, adopted in 1950, emphasized the protection of children and laid the groundwork for future legislation on juvenile justice. The Juvenile Justice Act of 1986 was a significant milestone, as it provided a comprehensive legal framework for the care, protection, and rehabilitation of juveniles. This act was replaced by the Juvenile Justice (Care and Protection of Children) Act, 2000, which introduced more child-friendly procedures and recognized the importance of the child's best interests.

The most recent legislation, the Juvenile Justice (Care and Protection of Children) Act, 2015, further refined the legal framework. This act introduced significant changes, including the provision to try juveniles aged 16-18 years as adults for heinous crimes. This move was prompted by growing concerns about the involvement of older juveniles in serious offenses. However, it sparked considerable debate about the balance between retribution and rehabilitation.

In modern India, juvenile delinquency remains a complex issue influenced by various socio-economic factors. Rapid urbanization, economic disparities, and the breakdown of traditional family structures contribute to the rising incidence of juvenile offenses. The media and technology also play a significant role, sometimes exposing children to inappropriate content and influences.

The Juvenile Justice (Care and Protection of Children) Act, 2015, represents a comprehensive approach to addressing juvenile delinquency. It emphasizes the need for a child-friendly justice system, rehabilitation, and

¹ Rao, A. "Rehabilitation and Reintegration of Juvenile Offenders under the Juvenile Justice Act, 2015." 6(1) Legal Perspectives, 34-45 (2018).

social reintegration. Special Juvenile Police Units (SJPU) and Child Welfare Committees (CWCs) have been established to handle cases involving juveniles. The act also mandates the setting up of Juvenile Justice Boards (JJBs) to ensure that juveniles are treated differently from adult offenders.

Despite these measures, challenges persist. There is a need for better implementation of existing laws and policies. Many juvenile homes and observation homes lack adequate infrastructure and trained staff, which hampers the rehabilitation process. There is also a stigma associated with juvenile delinquency, making it difficult for reformed juveniles to reintegrate into society.

The history of juvenile delinquency in India reflects the evolution of societal attitudes towards young offenders. From the moral and community-based approaches of ancient and medieval times to the formal legal frameworks of the colonial and post-independence periods, the focus has gradually shifted towards balancing retribution with rehabilitation. Modern legislation recognizes the need for a compassionate and child-friendly approach, yet the challenges of implementation and societal attitudes remain. Addressing juvenile delinquency in contemporary India requires a holistic approach that includes legal reforms, socio-economic development, and a supportive community environment.

Juvenile delinquency has been a persistent issue in India, posing significant challenges to its criminal justice system and societal well-being. Understanding the background and context of juvenile delinquency is crucial for addressing its root causes, implementing effective intervention strategies, and shaping legislative frameworks such as the Juvenile Justice Care and Protection Act 2015. This chapter provides an overview of the historical, social, and economic factors contributing to juvenile delinquency in India.

Juvenile delinquency has been documented in India for centuries, with historical records highlighting instances of youthful misconduct and criminal behavior. During ancient times, informal mechanisms such as community-based interventions and familial discipline were often employed to address juvenile offenses². However, with the advent of colonial rule and the establishment of formal legal systems, juvenile justice practices began to evolve³.

Several socio-economic factors contribute to the prevalence of juvenile delinquency in India. Poverty, lack of access to education, unemployment, and urbanization are among the primary drivers of juvenile crime. Children from marginalized communities often face social exclusion, discrimination, and limited opportunities, increasing their susceptibility to delinquent behavior. Moreover, broken families, parental neglect, and exposure to domestic violence further exacerbate the risk of juvenile delinquency. India's diverse cultural landscape influences perceptions and responses to juvenile delinquency. Traditional norms of family honor and social reputation may lead to under reporting of juvenile offenses and reluctance to seek legal recourse⁴. Moreover, prevailing attitudes towards discipline and punishment may vary across regions and communities, impacting the rehabilitation and reintegration of juvenile offenders.

The legal framework governing juvenile justice in India has undergone significant transformations over the years.⁵ The enactment of the Juvenile Justice Act in 1986 marked a paradigm shift towards a welfare-oriented approach, emphasizing the rehabilitation and reintegration of juvenile offenders. Subsequent amendments, including the Juvenile Justice Care and Protection Act 2015, aimed to strengthen the protection of children's rights and enhance the effectiveness of juvenile justice systems. Despite legislative reforms and policy

² Agrawal, R. "Socio-economic Determinants of Juvenile Delinquency." 10(2) *Journal of Social Sciences*, 45-59 (2015).

³ Bharti, D. & Sharma, N. "Juvenile Justice System in India: An Analytical Study." 8(3) *Indian Journal of Legal Studies*, 214-229 (2016).

⁴ Pratap Singh v. State of Jharkhand, (2005) 3 SCC 551.

⁵ Gupta, S. (2017). "The Effectiveness of Juvenile Justice Legislation in India." *Journal of Indian Law Review*, vol 4(2), 112-128.

initiatives, India continues to grapple with various challenges in addressing juvenile delinquency.⁶ Inadequate infrastructure, resource constraints, and institutional gaps hinder the proper implementation of juvenile justice laws. Additionally, issues such as delays in legal proceedings, overcrowded juvenile detention centers, and lack of specialized rehabilitation programs pose significant concerns for the effective management of juvenile offenders. In conclusion, an understanding of the background of juvenile delinquency in India is essential for formulating holistic and evidence-based responses to address this complex social issue. By examining historical, socio-economic, cultural, and legal factors, stakeholders can identify targeted interventions, strengthen support systems, and advocate for policy reforms to promote the rights and well-being of juvenile offenders. This chapter sets the stage for further exploration into the critical analysis of the Juvenile Justice Care and Protection Act 2015 and its implications for juvenile delinquency in India.

CAUSES OF JUVENILE DELINQUENCY

1) Socio-economic Factors

Socio-economic factors play a critical role in shaping the landscape of juvenile delinquency . high levels of poverty and economic deprivation, particularly in rural areas, which significantly exacerbates the vulnerability of youth to engage in delinquent behavior.Limited access to education, healthcare, and employment opportunities further compounds the challenges faced by youth. Many young individuals lack access to quality education and vocational training, hindering their prospects for social and economic advancement.⁷ Without adequate skills and qualifications, youth may feel marginalized and excluded from mainstream society, increasing their susceptibility to involvement in criminal activities.Economic disparities within the region contribute to feelings of hopelessness and frustration among youth. The lack of viable economic opportunities leaves many young individuals with few options for improving their circumstances, leading some to resort to illicit means, such as theft or drug trafficking, as a means of survival or escape from poverty.⁸

Addressing these underlying socio-economic challenges is essential for creating a more equitable and inclusive environment that supports the positive development of youth and reduces the prevalence of juvenile delinquency ..

2) Cultural factors

Cultural factors wield a profound influence on the patterns of juvenile delinquency . Traditional norms, values, and social structures shape the attitudes and behaviors of youth, contributing to the prevalence of delinquent acts within the community.One significant cultural factor is the adherence to traditional gender roles, which often assign specific roles and expectations based on gender. This can create barriers to social mobility and exacerbate feelings of marginalization, particularly among girls who may face restrictions on their freedom and opportunities compared to boys. Such gender-based disparities can contribute to feelings of frustration and resentment among youth, potentially leading to delinquent behavior as a means of asserting autonomy or challenging societal norms.

Additionally, the caste system, deeply ingrained in the social fabric , perpetuates inequalities and limits opportunities for upward mobility, particularly among marginalized communities. Discrimination based on caste can lead to feelings of exclusion and alienation among youth, fostering a sense of injustice and resentment

⁶ Rao, A. (2018). "Rehabilitation and Reintegration of Juvenile Offenders under the Juvenile Justice Act, 2015." *Legal Perspectives*, vol 6(1), 34-45.

⁷ *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802.

⁸ Verma, S. (2016). "Poverty and Juvenile Delinquency." *Journal of Juvenile Justice Studies*, vol 8(4), 77-91.

that may manifest in delinquent behavior. Cultural attitudes towards authority, violence, and crime also shape juvenile delinquency patterns. The glorification of violence in media and popular culture, coupled with a lack of positive role models, may desensitize youth to the consequences of criminal behavior and normalize delinquent acts. Moreover, societal expectations regarding masculinity and toughness may pressure young individuals to prove their worth through aggressive or antisocial behavior, further perpetuating a cycle of violence and delinquency. Furthermore, the influence of peer groups and social networks plays a significant role in reinforcing deviant behaviors among youth. Peer pressure, the desire for acceptance, and the need for social validation can compel young individuals to emulate negative role models or engage in criminal activities to gain acceptance or status within their social circles. Understanding and addressing these cultural dynamics are essential for developing effective interventions and preventive measures that promote positive youth development and reduce the prevalence of delinquent behavior within the community.⁹

3) Family Conditions

Children raised in single-parent households often face challenges such as financial strain and lack of time for parental supervision. Without the presence of a second parent, they may seek guidance or support from alternative sources, which could lead them towards negative influences. In cases where one or both parents are absent from the child's life due to reasons such as divorce, separation, or work-related travel, juveniles may lack the necessary emotional support and guidance. This absence can make them more vulnerable to negative peer influences and delinquent behavior. Parents who work long hours or multiple jobs may have limited time to spend with their children, resulting in inadequate supervision.¹⁰ This lack of supervision can create opportunities for juveniles to engage in unsupervised activities, including delinquent behavior.¹¹ Parents who are frequently absent from the home due to work commitments or other obligations may not be able to monitor their children's activities effectively. Juveniles left unsupervised for extended periods may be more likely to engage in risky behaviors.

Open and effective communication between parents and children is essential for fostering trust and understanding. When communication breaks down or is lacking, juveniles may feel misunderstood or neglected, leading to feelings of resentment and potential involvement in delinquent activities to express their frustration.¹² A supportive and trusting relationship between parents and children provides a sense of security and belonging. Conversely, a lack of trust or support from parents can leave juveniles feeling isolated and disconnected, increasing the likelihood of seeking validation and acceptance from negative peer groups.

Conflict between parents and children, whether due to differences in values, expectations, or disciplinary practices, can strain the parent-child relationship. Juveniles may rebel against perceived unfairness or authoritarian parenting styles, seeking autonomy through delinquent behaviour. Families facing economic difficulties may struggle to meet their children's basic needs, such as food, clothing, and shelter. The stress of financial insecurity can strain family relationships and limit parents' ability to provide emotional support and guidance, increasing the likelihood of juvenile delinquency as children seek alternative means of meeting their needs. Parents struggling with substance abuse issues may prioritize their addiction over their parental responsibilities, neglecting their children's emotional and physical needs. Juveniles exposed to parental substance abuse may witness or experience neglect, abuse, or violence, increasing their susceptibility to engaging in delinquent behavior as they emulate the behaviors they observe at home. Addressing these

⁹ State of Maharashtra v. Madhukar Narayan Mardikar, (1991) 1 SCC 57.

¹⁰ Lata Singh v. State of U.P., (2006) 5 SCC 475.

¹¹ Mishra, G. (2017). "Cultural Influences on Juvenile Delinquency." Indian Journal of Cultural Studies, vol 11(2), 34-50.

¹² Githa Hariharan v. Reserve Bank of India, (1999) 2 SCC 228.

underlying family conditions is essential for effectively preventing and addressing juvenile delinquency, as it requires a holistic approach that encompasses support for families, access to resources, and interventions aimed at strengthening parent-child relationships and providing alternatives to delinquent behavior.

4) Peer Influences

Adolescents often experience pressure from their peers to conform to certain behaviors or norms, including those that may be delinquent in nature. This pressure can stem from a desire to fit in, gain social acceptance, or avoid social rejection. Peer pressure can lead juveniles to engage in a variety of delinquent activities, such as substance abuse, vandalism, theft, or other acts of deviance. The perceived rewards of participating in these activities, such as acceptance or status within the peer group, may outweigh the potential consequences in the eyes of the juvenile. While some juveniles may succumb to peer pressure, others may resist by drawing upon their own values, beliefs, and support systems. Developing assertiveness skills and cultivating positive relationships with peers who share similar values can help juveniles resist negative peer influences.¹³ Juveniles may be drawn to gangs as a means of fulfilling unmet needs for belonging, identity, and protection. Gangs offer a sense of camaraderie and loyalty that may be lacking in other areas of the juvenile's life. Factors such as family dysfunction, socioeconomic disadvantage, and exposure to community violence can increase the likelihood of juvenile involvement in gangs. Gangs may exploit vulnerabilities in juveniles, offering them a sense of power and belonging in exchange for participation in criminal activities. Gang involvement exposes juveniles to heightened risks of violence, victimization, and criminal justice involvement. Once entrenched in gang culture, juveniles may face significant barriers to leaving the gang and reintegrating into mainstream society.

Understanding the complex dynamics of peer influences on juvenile delinquency is essential for developing targeted intervention strategies that address the underlying social and psychological factors contributing to delinquent behavior. By fostering positive peer relationships, promoting prosocial behaviors, and providing alternatives to delinquency, communities can empower juveniles to make positive choices and achieve their full potential.

Overview of the Juvenile Justice (Care and Protection of Children) Act, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015, represents a landmark legislation aimed at addressing the needs and rights of children in conflict with the law and those in need of care and protection. This section provides a detailed overview of the key provisions and objectives of the Act:

The Act defines a juvenile as a person who has not attained the age of eighteen years, consistent with the United Nations Convention on the Rights of the Child (UNCRC). This definition ensures that individuals under the age of eighteen are treated differently from adults within the criminal justice system. The Act prioritizes the rehabilitation and social reintegration of juvenile offenders, recognizing that punitive measures alone are inadequate in addressing underlying issues contributing to delinquent behavior. Rehabilitation programs aim to promote the holistic development of juveniles, providing education, vocational training, counseling, and other support services. The Act mandates the establishment of JJBs at the district level to adjudicate cases involving juvenile offenders.¹⁴ These specialized boards comprise a magistrate and two social workers, with expertise in child psychology and rehabilitation. JJBs are responsible for determining the appropriate course of action for juvenile offenders, focusing on their best interests and rehabilitation needs. In

¹³ Geeta Mehrotra v. State of Uttar Pradesh, (2012) 10 SCC 741.

¹⁴ Sharma, V. & Singh, A. (2019). "Critical Analysis of the Juvenile Justice Act, 2015." *Journal of Social Welfare and Management*, vol 11(2), 89-102.

addition to JJBs, the Act establishes CWCs at the district level to address issues related to child welfare and protection. CWCs play a crucial role in providing care and support to children in need of protection, including those in situations of abuse, neglect, or exploitation.

The Act prohibits the detention of juveniles in the same facilities as adult offenders, ensuring that they are housed in separate facilities with age-appropriate accommodation, amenities, and services.¹⁵ This provision aims to protect juvenile offenders from exposure to harmful influences and promote their rehabilitation in a supportive environment. The Act provides for the expungement of juvenile records once the individual attains the age of twenty-one, safeguarding their right to privacy and facilitating their successful reintegration into society. Expungement ensures that past offenses do not impede juveniles' access to education, employment, or other opportunities in the future.

In addition to addressing juvenile delinquency, the Act strengthens child protection mechanisms by expanding the scope of offenses against children, enhancing penalties for perpetrators, and establishing mechanisms for the care and protection of children in need. The Act incorporates child-friendly procedures to ensure that legal processes are conducted in a manner sensitive to the needs and vulnerabilities of children. This includes provisions for the appointment of guardians ad litem, legal aid, and child-friendly courtrooms to facilitate the participation of children in legal proceedings. Overall, the Juvenile Justice (Care and Protection of Children) Act, 2015, reflects India's commitment to upholding the rights and welfare of children, in line with international standards and conventions. By prioritizing rehabilitation, protection, and participation, the Act seeks to create a child-friendly justice system that promotes the well-being and development of all children, including those in conflict with the law.¹⁶

Changes from the Previous Act

The Juvenile Justice (Care and Protection of Children) Act, 2015, represents a significant overhaul of the previous juvenile justice legislation in India. This section highlights the key changes introduced by the 2015 Act compared to its predecessor:

1) **Differentiated Treatment:**

Previous Act (Juvenile Justice Act, 2000): The Juvenile Justice Act of 2000 primarily focused on the rehabilitation and reintegration of juvenile offenders within the criminal justice system. The Act recognized that juveniles, due to their developmental stage and unique vulnerabilities, required special treatment that prioritized their overall well-being and positive development. Under the 2000 Act, the emphasis was on providing juvenile offenders with access to education, vocational training, counseling, and other support services aimed at addressing the underlying factors contributing to their delinquent behavior. The Act aimed to equip juveniles with the skills and resources necessary to lead law-abiding lives after their interaction with the justice system. However, the 2000 Act had limited provisions for diversion and alternative measures to address minor offenses committed by juveniles. In many cases, juvenile offenders were subjected to formal adjudication and placed in correctional institutions, even for minor infractions, without considering alternative approaches that could address their needs without resorting to punitive measures.¹⁷

2015 Act (Juvenile Justice (Care and Protection of Children) Act, 2015): The Juvenile Justice (Care and Protection of Children) Act of 2015 continues to prioritize rehabilitation and reintegration but introduces significant changes in the treatment of juvenile offenders. One notable change is the introduction of provisions for diversion and alternative measures to address minor offenses committed by juveniles. Under the 2015 Act,

¹⁵ Gaurav Jain v. Union of India, (1997) 8 SCC 114.

¹⁶ Verma, R. (2020). "Juvenile Delinquency in India: A Critical Study." Indian Journal of Criminology, vol 13(4), 223-240.

¹⁷ Banerjee, A. (2017). "The Juvenile Justice System and Legal Reforms in India." Journal of Legal Reforms, vol 5(1), 55-70.

diversion and alternative measures aim to divert juvenile offenders away from formal adjudication and correctional institutions, instead providing them with opportunities for community-based interventions, counseling, restitution, or other rehabilitative measures. These measures are designed to address the underlying factors contributing to delinquent behavior and promote positive behavior change among juveniles without subjecting them to the stigma and negative consequences of formal adjudication. By introducing provisions for diversion and alternative measures, the 2015 Act recognizes that not all juvenile offenders require formal judicial intervention and that minor offenses can often be addressed more effectively through community-based interventions.¹⁸ This shift towards a more differentiated approach to the treatment of juvenile offenders reflects a growing understanding of the complex needs of juveniles and the importance of addressing these needs in a holistic and individualized manner.

In summary, while both the Juvenile Justice Act of 2000 and the Juvenile Justice (Care and Protection of Children) Act of 2015 prioritize rehabilitation and reintegration, the 2015 Act introduces provisions for diversion and alternative measures to address minor offenses committed by juveniles, reflecting a more nuanced and differentiated approach to juvenile justice.

2) Specialized Mechanisms:

Previous Act (Juvenile Justice Act, 2000): The Juvenile Justice Act of 2000 provided for the establishment of Juvenile Welfare Boards (JWBs) and Juvenile Courts at the district level to handle cases involving juvenile offenders. These bodies were responsible for adjudicating cases involving juvenile offenders with sensitivity and understanding of their unique needs and circumstances.¹⁹ Juvenile Welfare Boards (JWBs) comprised a magistrate and two social workers, while Juvenile Courts were presided over by a magistrate. These bodies were tasked with handling cases involving juvenile offenders, ensuring that they received appropriate treatment and interventions aimed at rehabilitation and reintegration. However, the 2000 Act had limitations in terms of specialization and expertise in handling cases involving children, particularly those in need of care and protection. The focus was primarily on adjudication, with limited provisions for comprehensive assessment and intervention for children in vulnerable situations.

2015 Act (Juvenile Justice (Care and Protection of Children) Act, 2015): The Juvenile Justice (Care and Protection of Children) Act of 2015 introduces significant changes in specialized mechanisms for handling juvenile cases. It replaces Juvenile Welfare Boards (JWBs) and Juvenile Courts with specialized Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs) at the district level. Juvenile Justice Boards (JJBs) are specialized quasi-judicial bodies comprising a judicial magistrate and two social workers with expertise in child psychology, social work, and law.²⁰ These boards are tasked with handling cases involving juvenile offenders, ensuring that they receive fair and child-friendly treatment in accordance with the principles of rehabilitation and reintegration. Child Welfare Committees (CWCs) are specialized bodies comprising members with expertise in child psychology, social work, and law. These committees are responsible for addressing issues related to child welfare and protection, including cases of abuse, neglect, or exploitation. They play a crucial role in ensuring the care and protection of children in vulnerable situations, providing support and assistance to children in need. By replacing JWBs and Juvenile Courts with specialized JJBs and CWCs, the 2015 Act aims to strengthen specialized mechanisms for handling cases involving children with sensitivity and understanding of their unique needs and circumstances. These specialized bodies

¹⁸ Pratap Singh v. State of Jharkhand, (2005) 3 SCC 551.

¹⁹ Srinivasan, K. (2018). "Juvenile Justice: Legal Provisions and Implementation." Indian Journal of Law and Justice, vol 13(2), 144-160.

²⁰ Jai Prakash v. State of Haryana, (1980) 3 SCC 448.

are equipped to provide comprehensive assessment, intervention, and support to children in conflict with the law or in need of care and protection, ensuring that their rights and best interests are prioritized within the justice system.²¹

3) Strengthened Protection Mechanisms

Previous Act (Juvenile Justice Act, 2000): The Juvenile Justice Act of 2000 primarily focused on the rehabilitation and reintegration of juvenile offenders within the criminal justice system. While the Act included provisions for the care and protection of children, its focus was primarily on addressing the needs of juvenile offenders and ensuring their successful reintegration into society. The 2000 Act had limited provisions for addressing issues related to child welfare and protection, particularly for children in need of care and protection due to abuse, neglect, or exploitation. While the Act recognized the importance of protecting children from harm, it lacked specialized mechanisms and structures for responding to cases of child abuse or providing support and assistance to children in vulnerable situations.²²

2015 Act (Juvenile Justice (Care and Protection of Children) Act, 2015): The Juvenile Justice (Care and Protection of Children) Act of 2015 significantly expands the scope of child protection mechanisms by establishing Child Welfare Committees (CWCs) at the district level. Child Welfare Committees (CWCs) are specialized bodies comprising members with expertise in child psychology, social work, and law. These committees are responsible for addressing issues related to child welfare and protection, including cases of abuse, neglect, or exploitation. They play a crucial role in responding to reports of child abuse, conducting inquiries, and providing support and assistance to children in vulnerable situations. By establishing CWCs at the district level, the 2015 Act strengthens protection mechanisms for children and ensures a more comprehensive and coordinated response to issues related to child welfare and protection. These specialized committees are equipped to conduct inquiries, assess the needs of children, and provide appropriate support and interventions to ensure their safety and well-being. Additionally, the 2015 Act includes provisions for the appointment of a Child Welfare Officer in every district to coordinate and oversee the functioning of CWCs and ensure effective implementation of child protection measures. This coordinated approach aims to safeguard the rights and best interests of children and provide them with the necessary support and assistance to thrive in a safe and nurturing environment.

4) Expungement of Records

Previous Act (Juvenile Justice Act, 2000): The Juvenile Justice Act of 2000 did not include specific provisions for the expungement of juvenile records. As a result, juvenile records, including information related to their involvement in criminal offenses, remained on file indefinitely, without any mechanism for their removal or deletion. This lack of expungement provisions meant that juvenile offenders continued to carry the stigma of their past actions into adulthood, potentially hindering their opportunities for education, employment, and social integration.²³ It also raised concerns about privacy and confidentiality, as juvenile records were accessible to various authorities and institutions without any safeguards in place.²⁴

2015 Act (Juvenile Justice (Care and Protection of Children) Act, 2015): The Juvenile Justice (Care and Protection of Children) Act of 2015 introduces significant changes regarding the expungement of juvenile records, addressing the shortcomings of the previous legislation. Under the 2015 Act, provisions for the

²¹ Thomas, R. (2015). "Juvenile Justice Act, 2015: A Legislative Analysis." *Journal of Law and Society*, vol 12(3), 231-248.

²² Bharti, D. (2016). "Analyzing the Juvenile Justice Act, 2015." *Legal Studies Journal*, 7(1), 101-119.

²³ *Karna v. State of Haryana*, (2012) 7 SCC 1.

²⁴ Sharma, V. & Singh, A. (2019). "Critical Analysis of the Juvenile Justice Act, 2015." *Journal of Social Welfare and Management*, vol 11(2), 89-102.

expungement of juvenile records are introduced once the individual attains the age of twenty-one. This means that juvenile records, including information related to their involvement in criminal offenses, can be expunged or removed from official records once the individual reaches adulthood. The introduction of expungement provisions in the 2015 Act is aimed at safeguarding the right to privacy and facilitating the successful reintegration of juvenile offenders into society. By allowing for the removal of juvenile records, the Act recognizes that individuals should not be unduly burdened by the mistakes of their youth and should have the opportunity to move forward with a clean slate. Expungement of juvenile records promotes the rehabilitation and reintegration of juvenile offenders by removing barriers to education, employment, and social opportunities. It ensures that juvenile offenders are not unfairly penalized for past actions and are given the chance to fully participate in society as productive and law-abiding citizens.

In summary, while the Juvenile Justice Act of 2000 lacked provisions for the expungement of juvenile records, the Juvenile Justice (Care and Protection of Children) Act of 2015 introduces important safeguards to protect the privacy and rights of juvenile offenders by allowing for the expungement of their records once they reach adulthood.²⁵ This change reflects a more progressive approach to juvenile justice, emphasizing rehabilitation and reintegration while ensuring that individuals are not unduly burdened by the mistakes of their past.

5) Child-Friendly Procedure

Previous Act (Juvenile Justice Act, 2000): The Juvenile Justice Act of 2000 did not specifically address child-friendly procedures in legal proceedings involving juveniles. While the Act recognized the special needs and vulnerabilities of children in conflict with the law, it did not include provisions to ensure that legal processes were conducted in a manner sensitive to these needs. As a result, legal proceedings involving juveniles under the 2000 Act may have lacked appropriate safeguards and accommodations to accommodate the unique characteristics and vulnerabilities of children. This could have included issues such as access to legal representation, understanding of legal proceedings, and participation in decision-making processes.

2015 Act (Juvenile Justice (Care and Protection of Children) Act, 2015): The Juvenile Justice (Care and Protection of Children) Act of 2015 introduces significant changes to ensure child-friendly procedures in legal proceedings involving juveniles. These changes are aimed at recognizing the special needs and vulnerabilities of children and ensuring that legal processes are conducted in a manner sensitive to these needs. Under the 2015 Act, provisions are included for the appointment of guardians ad litem to represent the best interests of the child in legal proceedings. These guardians ad litem act as advocates for the child, ensuring that their rights and interests are protected throughout the legal process. Additionally, the 2015 Act includes provisions for legal aid to be provided to children in conflict with the law, ensuring that they have access to legal representation and assistance. This ensures that children are able to understand their rights and responsibilities and effectively participate in legal proceedings. Furthermore, the 2015 Act emphasizes the importance of child-friendly courtrooms to facilitate the participation of children in legal proceedings. Child-friendly courtrooms are designed to create a safe and comfortable environment for children, with facilities and accommodations tailored to their needs. By incorporating these child-friendly procedures, the 2015 Act aims to ensure that legal processes involving juveniles are conducted in a manner that is sensitive to their needs and vulnerabilities.²⁶ This helps to safeguard the rights and well-being of children and promotes a more fair and effective juvenile justice system.

²⁵ Sanjay Suri v. Delhi Administration, 1988 Supp SCC 413.

²⁶ Eramma v. Veerupana, AIR 1966 SC 1879.

Case Laws and Judicial Interpretation

1) **Mukesh &Anr v. State for NCT of Delhi &Ors (2017)**²⁷

The Nirbhaya case, formally known as Mukesh &Anr v. State for NCT of Delhi &Ors (2017), is a landmark case in India's legal history. The case arose from a brutal gang rape and murder of a 23-year-old physiotherapy intern in Delhi in December 2012. The horrific nature of the crime sparked nationwide outrage and led to widespread demands for justice and legal reforms concerning crimes against women. On the night of December 16, 2012, the victim, later known as Nirbhaya, was attacked by six individuals on a private bus in Delhi. She and her male companion were severely beaten, and she was gang-raped. The perpetrators inflicted grievous injuries on her, leading to her death a few days later. The crime shocked the nation and drew international condemnation. Among the six perpetrators, one was a juvenile, 17 years old at the time of the crime. Under the Juvenile Justice (Care and Protection of Children) Act, 2000, he was tried separately by the Juvenile Justice Board (JJB) and sentenced to three years in a reform home, the maximum sentence permissible under the Act for juveniles.²⁸

The adult perpetrators were tried and convicted in a fast-track court, with the death penalty being imposed on them. The case went through multiple appeals, ultimately being upheld by the Supreme Court of India. For the juvenile, the Juvenile Justice Board followed the existing law, sentencing him to three years in a reform home. This decision sparked debate and led to the filing of petitions seeking amendments to the Juvenile Justice Act. The Nirbhaya case was a catalyst for significant changes in India's juvenile justice system. The public outcry and the perceived inadequacy of the juvenile's sentence led to legislative amendments²⁹. The case significantly influenced the enactment of the JJ Act 2015, which introduced stricter provisions for juveniles aged 16-18 involved in heinous crimes. This Act allows for juveniles in this age group to be tried as adults if the Juvenile Justice Board determines that the crime was committed with adult-like mental maturity. The new Act categorizes offences into petty, serious, and heinous, with specific provisions for each category. Juveniles aged 16-18 involved in heinous crimes can now be tried under the Indian Penal Code if deemed appropriate by the JJB.³⁰

The Supreme Court, in various observations, emphasized the need for a balance between child rights and societal protection. The Court underscored the importance of rehabilitation but acknowledged the public demand for stricter measures against juveniles committing grave offences. The Nirbhaya case serves as a pivotal moment in India's legal history, particularly in the context of juvenile justice. It highlighted the need for a nuanced approach to juvenile delinquency, balancing rehabilitation with the gravity of the crime. The legislative changes following the case reflect a shift towards more stringent measures for juveniles involved in severe crimes, marking a significant evolution in the country's juvenile justice framework. The Mukesh &Anr v. State for NCT of Delhi &Ors (2017) case underscores the dynamic nature of legal systems in responding to public sentiment and the complexities of juvenile crime.

²⁷ Mukesh &Anr v. State for NCT of Delhi & Ors, (2017) 6 SCC 1.

²⁸ Bharti, D., & Sharma, N. "Juvenile Justice System in India: An Analytical Study." 8(3) Indian Journal of Legal Studies, 214-229 (2016)

²⁹ Gupta, S. "The Effectiveness of Juvenile Justice Legislation in India." 4(2) Journal of Indian Law Review, 112-128 (2017).

³⁰ Rao, A. "Rehabilitation and Reintegration of Juvenile Offenders under the Juvenile Justice Act, 2015." 6(1) Legal Perspectives, 34-45 (2018)

2) **Dr. Subramanian Swamy v. Raju, Through Member, Juvenile Justice Board (2014)**³¹

Dr. Subramanian Swamy v. Raju, Through Member, Juvenile Justice Board (2014) is a significant case in the context of juvenile justice in India. This case was brought to the forefront due to the involvement of a juvenile in the infamous Nirbhaya gang rape and murder case. The central issue revolved around the adequacy of the existing juvenile justice laws and whether juveniles involved in heinous crimes should be subjected to the same punitive measures as adults.³² Dr. Subramanian Swamy, a public interest litigant and politician, filed a petition challenging the constitutional validity of certain provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000. The petitioner argued that the Act's provisions, which mandated that juveniles under the age of 18 be treated differently from adults regardless of the nature of the crime, were inadequate in dealing with heinous offences committed by juveniles aged 16 to 18.

The main legal issues in this case were whether the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000, that mandate separate treatment for juveniles, were constitutionally valid, the appropriate balance between rehabilitation and punitive measures for juveniles involved in heinous crimes and whether the current juvenile justice system served as an effective deterrent for potential juvenile offenders.

The Supreme Court of India, in its judgment, upheld the constitutional validity of the Juvenile Justice (Care and Protection of Children) Act, 2000. The Court reiterated the primary objective of the Juvenile Justice Act, which is to ensure the rehabilitation and reintegration of juveniles into society rather than subjecting them to harsh punitive measures. The Act is based on the understanding that children, due to their age and immaturity, are more amenable to reform and rehabilitation. The Court highlighted that the principle of the best interests of the child is paramount. This principle is in alignment with various international conventions, such as the United Nations Convention on the Rights of the Child (UNCRC), which India has ratified. These conventions stress the need for child-specific justice systems that focus on rehabilitation. While acknowledging the public sentiment and the need for justice for victims, the Court stressed that a balanced approach must be adopted.³³ The legal framework should protect society while also ensuring that children are given the opportunity to reform. The Court stated that it is within the legislature's domain to frame laws and make classifications based on age. The judiciary should respect legislative competence unless a clear violation of constitutional principles is demonstrated.

The judgment in Dr. Subramanian Swamy v. Raju played a crucial role in shaping subsequent legislative reforms. The Supreme Court's emphasis on rehabilitation influenced the formulation of the new JJ Act in 2015. The Act introduced provisions that allowed juveniles aged 16-18 involved in heinous crimes to be tried as adults, subject to a preliminary assessment by the Juvenile Justice Board (JJB) to determine their mental and physical maturity. The ruling reinforced the importance of rehabilitation, leading to the development of more structured rehabilitation programs and facilities aimed at reforming juvenile offenders.

The case of Dr. Subramanian Swamy v. Raju underscored the delicate balance between the need for societal protection and the rights of juveniles to rehabilitation and reform. The Supreme Court's judgment reaffirmed the objectives of the Juvenile Justice Act, emphasizing the primacy of rehabilitative over punitive measures while acknowledging the need for legislative discretion in addressing heinous offences committed by juveniles. This case significantly influenced the evolution of juvenile justice laws in India, paving the way for the nuanced approach adopted in the JJ Act 2015.

³¹ Dr. Subramanian Swamy v. Raju, Through Member, Juvenile Justice Board, (2014) 8 SCC 390.

³² Sharma, V., & Singh, A. "Critical Analysis of the Juvenile Justice Act, 2015." 11(2) Journal of Social Welfare and Management, 89-102 (2019).

³³ Verma, R. "Juvenile Delinquency in India: A Critical Study." 13(4) Indian Journal of Criminology, 223-240 (2020).

3) **Salil Bali v. Union of India (2013)**³⁴

The case of *Salil Bali v. Union of India* (2013) addressed crucial issues concerning the treatment of juveniles under the Indian legal system. It came in the wake of increased public scrutiny and debate over the adequacy of the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act 2000), especially concerning serious crimes committed by juveniles. Salil Bali, the petitioner, challenged the constitutional validity of the JJ Act 2000. He argued that the Act's blanket protection of juveniles under the age of 18, regardless of the nature of their crime, was arbitrary and violated the rights of victims and society at large. This challenge was particularly relevant following the involvement of a juvenile in the Nirbhaya gang rape and murder case, which intensified the call for stricter juvenile laws. The JJ Act 2000 did not adequately deter juveniles from committing heinous crimes. The age limit of 18 for juvenile protection was arbitrary and should be reconsidered, particularly for serious offences. Juveniles committing heinous crimes should be subject to adult penalties to serve as a deterrent and deliver justice to victims.

The Supreme Court of India upheld the constitutional validity of the JJ Act 2000. The Court made several important observations and rulings that the Court emphasized the principle of the best interests of the child, aligning with India's obligations under international conventions, such as the United Nations Convention on the Rights of the Child (UNCRC). This principle mandates that children under 18 be treated differently from adults, focusing on their rehabilitation rather than punishment. The Court reiterated that the primary objective of the juvenile justice system is to rehabilitate and reintegrate juveniles into society. The Act's emphasis on reformatory measures is designed to provide juveniles with opportunities to reform, given their age and potential for change. The Court upheld the age of 18 as a reasonable classification for juvenile protection. It noted that this age threshold is consistent with international standards and reflects a broader understanding of childhood and adolescence as periods of development where individuals are more susceptible to rehabilitation. The Court acknowledged the legislature's competence in setting age limits and creating classifications within the legal framework. It stressed that judicial intervention is warranted only if there is a clear constitutional violation, which was not found in this case. While recognizing the concerns of victims and societal interests, the Court maintained that a balance must be struck. The rehabilitative approach does not undermine the need for justice but aligns with the objective of preventing recidivism by reforming juvenile offenders.

The *Salil Bali v. Union of India* (2013) case underscored the constitutional validity and rationale of the JJ Act 2000, particularly its emphasis on treating children under 18 differently from adults. The Supreme Court's judgment reinforced the principles of rehabilitation, international standards, and legislative competence, thereby shaping the discourse on juvenile justice in India. This case played a pivotal role in maintaining a child-centric approach within the legal framework, while also paving the way for future reforms to address societal concerns and evolving views on juvenile delinquency.

Conclusion

From the above discussion, it is clear that by only making changes to the Juvenile Justice Act and properly implementing it, it is not enough to reduce juvenile delinquency. Society must also be made aware of this serious problem. Children who commit crimes are not just offenders; they are often victims of an unhealthy social environment. Juvenile delinquency can be prevented at an early stage if proper care and guidance are given at home and in schools. Parents and teachers have an important role in shaping a child's character and thinking. Instead of labeling young offenders as criminals, efforts should be made to help them to improve and correct their mistakes.

³⁴ *Salil Bali v. Union of India*, (2013) 7 SCC 705.

Their social or psychological problems should be identified and addressed as early as possible. This issue is connected to the weaknesses and problems within our society. There is no clear evidence that stricter laws alone can reduce crime among juveniles. Nowadays, number of people believe that juvenile offenders need sympathy, care, and understanding from society rather than only strict punishment under the law.

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