

Study of the Juvenile Justice System and Its Punitive Measures

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Abstract: *The children are considered as the assets of our nation and it is our duty that we must protect their rights and provide them an opportunity for their overall development. 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.*

Keywords: juvenile, child in conflict with law, rehabilitation, age of criminal responsibility

I. INTRODUCTION

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 and for the shortest possible period of time while taking into account the effects on the victim and community. 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. It is well said that the law has to be changed sometimes as per the requirements of the society. Mere lowering down the age of juvenile from 18 to 16 years that too in exceptional cases only, is not a solution over the rampant involvement of juveniles in heinous crimes.

II HISTORICAL EVOLUTION AND CONCEPTUAL FOUNDATION

The Juvenile Justice System in India is a critical subject of debate, primarily due to the increasing participation of juveniles in serious crimes. The system's roots trace back to the British period, influenced by evolving Western ideas regarding child welfare. Historically, ancient Indian traditions favored education and affection for children under five, with gradual advice replacing punishment as they aged.

The first formal legislation was the Apprentice Act of 1850, which focused on providing vocational training to convicted children aged 10-18 for rehabilitation. This was followed by the Reformatory Schools Act of 1897, which allowed children up to age 15 to be sent to reformatory cells. By 1960, the Children Act was introduced, later replaced by the Juvenile Justice Act of 1986, which aimed to create a uniform legal framework across India (except Jammu and Kashmir). The 1986 Act defined a juvenile as a boy under 16 or a girl under 18. However, to align with the United Nations Convention on the Rights of the Child (UNCRC), which India ratified in 1992, the Juvenile Justice (Care and Protection of Children) Act of 2000 established a uniform age of 18 years for all juveniles.



III LEGISLATIVE FRAMEWORK AND THE 2012 AMENDMENT

The Indian Juvenile Justice system is built on the assumption that young offenders should be corrected and reformed* rather than punished. The Juvenile Justice Act of 2000 served as a "savior" for children's rights, but it faced challenges regarding its implementation and the rising gravity of crimes.

A major shift occurred with the Juvenile Justice (Care and Protection of Children) Act of 2015. This legislation was introduced to allow juveniles in the 16 - 18 age group to be tried as adults for serious crimes. This Act empowers the Juvenile Justice Board (JJB), assisted by psychologists and sociologists, to determine if a minor in this age bracket possesses the mental and physical capacity to understand the consequences of a heinous offence. The 2015 Act also integrated concepts from the Hague Convention on Protection of Children to streamline adoption processes. It draws its constitutional authority from Articles 15 (e), 39 (e) & (f), 45, and 47, which mandate the state to ensure the well-being, nutrition, and protection of children.

IV INSTITUTIONAL MACHINERY AND PROCEDURE

The system operates through specialized bodies to handle two categories : Children in Conflict with Law (JICL) and Children in Need of Care and Protection (CNCP).

Juvenile Justice Board (JJB) : Established in every district, the JJB is the exclusive authority for JICL cases. It consists of a Metropolitan or Judicial Magistrate and two social workers, at least one of whom must be a woman.

The JJB's proceedings are informal, strictly confidential, and cannot take place in regular court premises.

Observation Homes : These provide temporary reception for juveniles during the pendency of an inquiry. Children are classified here based on age (7-12, 12-16, and 16-18) and physical/mental health.

Special Homes : These are established for the rehabilitation of juveniles once a JJB order has been passed.

Child Welfare Committees (CWC) : While not detailed in every excerpt, the sources mention that social workers also play a role in committees dealing with children in need of care.

Under no circumstances can a juvenile be lodged in a police lock-up or jail. Legal protections include the right to apply for anticipatory bail in the High Court or Court of Sessions.

V. THE IMPACT OF THE "NIRBHAYA" CASE

The 2012 Delhi gang rape (Nirbhaya case) was a turning point for the Indian Juvenile Justice system. One of the six accused was a minor (17 years and six months old) described by police as the "most brutal" participant. Under the JJ Act of 2000, he could only be sentenced to a maximum of three years in a reformatory home.

This sparked massive public outrage and a debate over age determination. Critics argued that the 3-year maximum sentence was insufficient for heinous crimes like rape and murder, failing to provide either deterrence or justice for the victim. Conversely, child rights activists argued that lowering the age would violate international obligations and ignore the possibility of rehabilitation. Despite several petitions, the Supreme Court dismissed pleas to reduce the uniform juvenile age to 16, maintaining that the law was constitutional and focused on restorative rather than retributive justice. However, the legislative response eventually resulted in the 2015 Act's provision for adult trials in specific heinous cases for those aged 16-18.

VI. CAUSES OF DELINQUENCY AND RECOMMENDATIONS FOR REFORM

Research identifies several causes for juvenile delinquency, including adolescence instability, poverty, family disintegration, migration to slums, and exposure to modern lifestyles that create culture conflicts. To address these, the sources offer several recommendations :

1. Effective Implementation : The primary issue is not the law itself but its honest implementation.
2. Specialized Police Units : Each district should have a Special Juvenile Police Unit trained in child psychology.
3. Enhanced Rehabilitation : Reform homes need better educational and vocational training, as current spending on these services is often as low as 0.3% to 5% of their budgets.



4. Deterrent Provisions : Some suggest increasing the maximum detention for heinous crimes from 3 to 5 years to provide a stronger deterrent effect.
5. Community and Advisory Boards : Increasing community participation and establishing state and district Advisory Boards can improve coordination between government and voluntary agencies.

VII. CONCLUSION

The ultimate goal of the system remains the reintegration of children into society while balancing the need to protect vulnerable citizens from violent crimes. Seriously, by enacting the J.J.A. 2015, the very purpose of the Act i.e. rehabilitation has been ignored by the so called legislators of our country. Mere lowering down the age of juvenility from 18 to 16 years is not at all feasible and convincing factor. This drastic step of amending J.J.A.2000 was taken followed by Nirbhaya's unfortunate rape case. We do not say that a minor who was involved in gang-rape case should have been acquitted but rather should have been punished in a different manner. But lowering down the age of juvenility was not a solution over this because tomorrow if a child of 15 years commits offence of rape with murder, then are we going to lower down the age of juvenility again from 16 to 15? In other countries, the age of criminal responsibility is very less, when we compare to India because crime rate is more in those countries. J.J.A. 2015 has been enacted keeping aside international norms set up for the rights of the child, fundamental rights guaranteed by the Constitution of India. As soon as this Act came into existence there was a lot of criticism from various social workers, NGOs fighting for the rights of the child. The children are considered as the assets of our nation and it is our duty that we must protect their rights and provide them an opportunity for their overall development.

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