

Juvenile Justice and Child Rights: A Socio-Legal Perspective

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Abstract- The initiation of major legal reforms, led by the recommendations of the Justice Verma Committee, represents a crucial advancement in protecting women and children from exploitation, sexual violence, and abuse. Within the wider framework of criminal law in India, one particularly important area of concern is juvenile delinquency. Recognizing the obligation to safeguard the liberty of children, the Juvenile Justice Legislation of 2000, addressing child care and protection was introduced. This legislation sets out procedures to be adhered when approaching juveniles entangled in violation of the law, guided by the understanding that children are not only individuals with potential but also the foundation of a nation's future. However, like two sides of the same coin, juvenile justice presents a complex dilemma. On one hand, there is the innocence and immaturity associated with youth, which often impairs decision-making; on the other hand, there are cases where juveniles commit heinous crimes that rival those of adults in severity and brutality. Safeguarding child rights and ensuring equitable justice concerning children administration is essential for fostering a transformative and compassionate society. This research paper takes a socio-legal perspective to explore issues related to juvenile justice and child rights, connecting legal provisions with the real-life experiences children involved in legal conflicts side by side with those requiring nurture and safety. It examines constitutional mandates, pivotal legislations like the Juvenile Justice act 2015, addressing child care and protection, and international frameworks such as the UN treaty on the rights of the child (UNCRC). Through this lens, the paper evaluates the effectiveness of institutional care, rehabilitation programs, and child-centred policies, while also identifying systemic shortcomings in their implementation. The study emphasizes the importance of a multidisciplinary approach that not only ensures legal safeguards but also promotes rehabilitation, reintegration, and the holistic development of every child.

Key words: Juvenile Delinquency, sexual assault, heinous crime, juvenile justice, socio-legal approach, rehabilitation, child- protection, UNCRC.

I. INTRODUCTION

Juvenile Justice in India: An Overview

Children represent the most valuable asset of any nation, symbolizing its hopes for a brighter, progressive future. Their protection, development, and overall well-being are not just moral imperatives but essential responsibilities shared by society, legal systems, and governing institutions. Despite this, countless children worldwide continue to face abuse, neglect, exploitation, and deprivation of fundamental rights. Among the most at-risk groups are juveniles who either violate the law or are in dire requirement of safety and assistance.

Understanding the Juvenile Justice mechanism

Juvenile justice corresponds to the legitimate and social measures in place to address issues concerning minors—individuals below 18 years of age—who engage in unlawful activities or require state intervention for their welfare. Unlike the adult criminal justice system, which emphasizes punishment, juvenile justice focuses on care, protection, rehabilitation, and reintegration, upholding the doctrines of human dignity, compassion, and child rights.

In India, the juvenile justice system operates under a dedicated legal framework that ensures minors involved in legal violations are treated differently from adults. It aims to reform rather than penalize, based on the belief that children possess enhanced ability to change and deserve a second chance.

Factors Leading to Juvenile Delinquency

Juvenile delinquency can be described as anti-social or illegal behavior by individuals under the age of 18. Multiple factors contribute to such behavior, including unstable or abusive family environments, poor academic engagement, mental health struggles, peer pressure, substance abuse, poverty, and inaccessibility to supportive community structures. These children often act out due to neglect or survival instincts rather than criminal intent.

Core Components of India's Justice framework for juveniles

- **Elucidation of a Juvenile:** under Indian law, a juvenile refers to any individual younger than 18.
- **Child against the Law:** A juvenile charged with or convicted of breaking the law.
- **Vulnerable Child:** Refers to children lacking guardianship who are neglected, exploited, or abused and thus require state intervention.
- **Juvenile Justice Boards (JJBs):** These are specialized bodies that handle cases of children involved in legal violations. Comprising of magistrates and social workers, JJBs ensure a child-sensitive inquiry process.
- **Child Welfare Committees (CWCs):** These panels deal with children who need care and protection, ensuring decisions are made in the child's best interest.
- **Observation and Special Homes:** These facilities provide temporary or long-term care, counselling, and rehabilitation services for children undergoing legal procedures or serving rehabilitation orders.
- **Guiding Principles:** The system is based on key principles including the presumption that of innocence, prioritizing the benefit of the child, maintaining the child's right to privacy, and adopting a child-friendly approach throughout the legal process.
- **Procedures for Apprehension and Inquiry:** When a child is apprehended, authorities must follow strict guidelines to ensure humane treatment. The child must be presented to the JJB within 24 hours, without being placed in a police lock-up.
- **Orders and Dispositions:** JJBs may issue orders like community service, counselling, probation, or alternatively assigned a special home, as per the nature and severity in connection with the offence.
- **Rehabilitation and Reintegration:** The overarching purpose is to reunite the child with their family or provide appropriate alternative care, ensuring they are reintegrated into society as responsible individuals.
- **International Commitments:** India's juvenile justice framework is aligned with the United Nations Treaty on the rights of

the child, which the country ratified in 1992. This international agreement reinforces the commitment to child rights and protection.

The Juvenile justice act of 2000

The 2000 act on juvenile justice and child protection was introduced to bring India's juvenile justice system, aligned with the doctrines of UN Treaty on the rights of child. It replaced the earlier Juvenile Justice Act of 1986, establishing a more progressive and child-centric legal framework that emphasized care, protection, and rehabilitation over punitive measures. This Act represented a significant shift in approach, viewing children against the law not as offenders, but as individuals requiring support, guidance, and opportunities for reform.

Key Objectives and Features of the Act:

- **Child-Centric Approach:** The Act places the best interests of the child at the centre of all procedures and decisions. Children are to be treated with dignity, sensitivity, and respect throughout the process, ensuring their physical and emotional well-being.
- **Rehabilitation and Reintegration:** Instead of punitive measures, the Act emphasizes reformative approaches. It provides for the initiation of institutions such as monitoring homes, rehabilitation homes, and shelter homes to rehabilitate children and reintegrate them into mainstream society.
- **Institutional Framework:** The Act mandates the creation of youth justice panels to handle cases of children in conflict with the law, and Child Welfare Committees (CWCs) to care for children in need of care and protection. These bodies ensure specialized attention based on the child's specific circumstances.
- **Uniformity and Standardization:** The legislation aims to create a uniform juvenile justice system across all states in India. It ensures consistency regarding the management of juveniles, procedures followed, and institutions established, promoting fairness and efficiency.
- **Compliance with International Norms:** A major purpose under the provisions of the Act is to harmonize legal provisions for juveniles in India, laws with international child rights standards, particularly those outlined in the UNCRC. This ensures that

children's rights are protected as per globally accepted principles.

- **Defined Age Criteria:** The Act clearly defines any individual below 18 years of age—whether male or female—as a juvenile. This uniform age limit ensures equal protection for all minors under the law.
- **Timely Disposal of Cases:** To prevent prolonged legal uncertainty for juveniles, the Act stipulates legal cases pertaining to children offending the law should be resolved within four months counted from the date of first production before the JJB.
- **Preventive and Proactive Approach:** Emphasis is also placed on preventing juvenile delinquency through community participation, early identification of at-risk children, and timely intervention. The focus is on addressing the root causes rather than only the aftermath of juvenile behavior.
- **Social Integration of Child Victims:** In situations where children are victims, the law promotes rehabilitation and reintegration without necessarily resorting to formal legal proceedings. The goal is to ensure healing, support, and a return to normal life without the trauma of lengthy court cases.
- **Training and Sensitization of Stakeholders:** All individuals involved in implementing the Act—including police, judicial officers, and caregivers—are required to undergo specialized training. This ensures a sensitive, informed, and rights-based approach while attending to children.

Overall, the 2000 Juvenile Justice Act concerning the care and protection of children serves as a comprehensive and reformatory piece of legislation aimed at protecting the rights of children, preventing juvenile offenses, and ensuring a justice system that prioritizes compassion, care, and rehabilitation over punishment.

Juvenile Justice Act, 2015, concerning the care and protection of children

This act was enacted to replace the 2000 Act, driven by increasing concerns over juvenile delinquency and imperative for strengthening and responsive legal framework. This updated legislation aimed to address the gaps in the earlier law while aligning more closely

with international standards, particularly the United Nations Treaty on the Rights of the Child. It offers a comprehensive legal structure for the care, protection, development, and rehabilitation of both children against the law and those in demand for security and well-being.

One of the most notable and controversial stipulations of the 2015 Act is the allowance for juveniles aged 16 to 18 years to be tried as adults in cases involving heinous offenses. However, this is contingent upon a preliminary assessment by the Juvenile legal Board, which evaluates the child's mental and physical capacity to commit the offense, as well as their understanding of its consequences. This reform was introduced to ensure justice in serious criminal cases, while still striving to uphold a child-sensitive and rehabilitative approach.

Key Attributes of the Act:

- **Child-Centric Approach:** The Act emphasizes the guiding tenet of the “best interest of the child,” focusing on rehabilitation, reintegration, and the use of child-friendly procedures. It seeks to ensure that the justice system treats juveniles with compassion and prioritizes their long-term welfare.
- **Categorization of Offenses:**
 - *Petty Offenses:* Subject to imprisonment for a maximum of 3 years.
 - *Serious Offenses:* Carrying the penalty of imprisonment between 3 to 7 years.
 - *Heinous Offenses:* Punishable with imprisonment for more than 7 years.
- **Trial as Adults:** In heinous offenses, the Act empowers the JJB to conduct an initial assessment of juveniles aged 16–18 to determine whether they should be tried as adults. This decision considers the child's mental capacity, maturity, and factors related to offense.
- **Strengthened Institutional Framework:** The obligations and tasks of Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs) are reinforced to ensure more effective delivery of justice and care services.

- **Adoption Reforms:** The Act provides a streamlined adoption process and grants statutory status to the Central Adoption Resource Authority (CARA), ensuring accountability and transparency in adoption procedures.
- **Child Welfare Provisions:** It criminalizes and introduces penalties for cruelty towards children, supplying intoxicating substances, using children for begging or trafficking, and other exploitative activities.

Major Challenges in Implementation:

Despite the progressive nature of the Act, its implementation remains fraught with difficulties:

- **Implementation Gaps:** Enforcement varies significantly across states, with inconsistent application of provisions and delays in the constitution of necessary bodies like JJBs and CWCs.
- **Resource Shortages:** Numerous institutions are deficient in proper infrastructure, staffing, and financial support to provide quality care and rehabilitation services.
- **Training Deficiencies:** There exists notable lack of advanced training programs for police officers, judicial officers, social workers, and institutional staff in handling juvenile cases sensitively.
- **Handling Heinous Offenses:** The provision to try juveniles as adults is controversial, raising ethical concerns about psychological harm, stigmatization, and the potential undermining of rehabilitative goals.
- **Socio-Cultural Barriers:** Deep-rooted societal attitudes, lack of awareness, and stigma surrounding young individuals in legal trouble hinder the establishment of child-friendly measures.
- **Aftercare Services:** Although mandated by the Act, support systems for youth aged 18–21 who leave institutional care are often weak or absent, leaving them vulnerable to reoffending or exploitation.

Comparison with the Juvenile Justice law, 2000

Repeal & replaced: the law governing the welfare and rehabilitation of juveniles 2000, while important, was replaced by Juvenile justice law, 2015 due to the need for more responsive & child focused laws.

No offence categories: the Juvenile justice law 2000 lacked the same clear classification of petty, serious, & heinous offences as the law governing the welfare and rehabilitation of juveniles 2015.

Limited powers for JJBs: the Juvenile Justicelaw 2000 lacked the robust structures for preliminary inquiries that the child focused justice and protectionact 2015 established, which determine whether a child ought to be handled.

In conclusion, while the Juvenile Justice law, 2015 provides a robust legal framework, its effectiveness depends significantly on improved implementation, greater investment in child welfare services, and a shift in societal attitudes towards juvenile justice and rehabilitation.

Rights of Children

Constitutional Provisions for Children's Rights in India

Article 14 – Guarantees *equality before the law* and *equal protection of laws*, ensuring children are not discriminated against.

Article 15(3) – Empowers the State must ensure particular measures are in place for *children's welfare*, allowing affirmative actions.

Article 21 – Ensures the *right to survivallife* and *personal liberty*, which includes a child's right to reside with dignity, access healthcare, and receive education.

Article 21(A) – *Provides every child aged 6-14 the right to free and compulsory education.*

Article 23 – *trafficking and forced exploitation, offering protection to children from exploitation.*

Article 24 – *Prohibits employment of children below 14 years in factories, mines, or hazardous jobs.*

Article 39(e) – *Directs the State to prevent the abuse of children and protect them from being forced into unsuitable work due to economic hardship.*

Article 39(f) – *Mandates that children be provided with opportunities to develop in a healthy and dignified environment.*

Article 41 – Ensures the right to education and public assistance in certain cases; though primarily for adults, it indirectly benefits minors.

Article 45 – Obligates the State is mandated to offer early childhood care and education to every child below the age of 6.

Article 47 – Makes it the State's duty to improve nutrition, living standards, and public health, especially relevant for child health.

Article 51A(k) – Places a fundamental duty on parents and guardians to ensure education for their children aged 6 to 14 years.

Article 243G – Empowers Panchayats to plan and implement programs for the education and welfare of children.

Article 275 – Allows grant-in-aid for the welfare of Scheduled Tribes, including schemes specifically targeting tribal children.

II. CONCLUSION

The Juvenile Justice system in India, through its evolution—from the 1986 Act to the reforms in 2000 and 2015—represents a shift toward a more child-sensitive and rights-based approach. The framework aims not only to protect and rehabilitate young persons in violation of the law or in demand for care but also to integrate them back into society with dignity and hope. However, ensuring its effectiveness requires addressing implementation challenges, increasing awareness, and strengthening institutional capacity to uphold the rights and future of every child.

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