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JUVENILE JUSTICE REFORMS WITH REFERENCE TO 2015 AMENDMENT

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Abstract

The juvenile justice system in India has evolved as a specialized legal framework aimed at addressing children in conflict with law and those in need of care and protection. Rooted in the principles of reformation, rehabilitation, and reintegration, the system recognizes that children possess the capacity for change and should not be subjected to the same punitive measures as adults. Over time, the system has been influenced by constitutional mandates and international obligations, particularly the United Nations Convention on the Rights of the Child (UNCRC). The enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015 marked a significant shift by introducing elements of accountability alongside the traditional welfare-oriented approach. This study critically examines the evolution of juvenile justice in India, focusing on historical development, the need for reforms, and the challenges faced in implementation. It highlights that while the 2015 Act seeks to address contemporary concerns such as rising juvenile crime, it also raises important questions regarding the preservation of child rights and rehabilitative principles. The study concludes that a balanced and child-centric approach is essential to ensure the effectiveness of the juvenile justice system.

Introduction

Juvenile justice refers to the legal framework designed to deal with children who come into conflict with law or require care and protection. Unlike the adult criminal justice system, which is primarily punitive, juvenile justice is based on reformatory and rehabilitative principles, recognizing that children are not fully mature and are more capable of reform. In India, the

development of juvenile justice has been closely linked to constitutional values such as equality, dignity, and protection of vulnerable groups. The Constitution of India, through provisions like Articles 14, 15(3), and 21, provides the foundation for a child-friendly justice system. The Juvenile Justice (Care and Protection of Children) Act, 2015 represents a significant development in this field by introducing a dual approach that combines child welfare with accountability. This shift has generated considerable debate regarding whether the system should prioritize rehabilitation or adopt stricter measures in response to serious offences committed by juveniles.

Historical Development

The evolution of juvenile justice in India reflects a gradual transition from a punitive system to a reformatory and rights-based approach. In the pre-colonial period, children who committed offences were generally treated with leniency, as they were considered incapable of forming criminal intent similar to adults. Social institutions such as family and community played a key role in correcting their behavior through moral guidance and discipline. During the colonial period, however, the British legal system initially failed to distinguish between adult and juvenile offenders, resulting in harsh treatment of children. Over time, reforms were introduced through legislations such as the Apprentice Act of 1850 and the Reformatory Schools Act of 1897, which aimed to provide training and rehabilitation to juvenile offenders. After independence, India made significant efforts to align its laws with constitutional values and international standards. The Juvenile Justice Act of 1986 established a uniform framework, which was further strengthened by the Juvenile Justice (Care and Protection of Children) Act, 2000, emphasizing rehabilitation and child rights. However, growing concerns about serious juvenile offences eventually led to the enactment of the 2015 Act.

Need for Reforms

The need for reforms in juvenile justice law in India arose due to several social, legal, and practical factors. One of the primary reasons was the increasing involvement of juveniles in serious crimes, particularly in the age group of 16 to 18 years. The changing nature of crimes, influenced by rapid urbanization, technological advancements, and greater exposure to media, further highlighted the inadequacy of the existing legal framework. The Juvenile Justice Act, 2000 was criticized for treating all juveniles uniformly regardless of the gravity of the offence, which was perceived as overly lenient and lacking deterrent effect. High-profile criminal cases

involving juveniles led to widespread public outrage and demands for stricter laws. There was a growing perception that older juveniles were capable of understanding the consequences of their actions and should be held accountable in cases of heinous offences. These factors necessitated a reform that could balance the principles of child welfare with the need for justice and deterrence. The Juvenile Justice Act, 2015 was thus introduced to address these concerns by incorporating accountability measures while retaining the core objective of rehabilitation.

Implementation Challenges

Despite the progressive nature of the Juvenile Justice Act, 2015, its implementation faces numerous challenges that hinder its effectiveness. One of the major issues is the lack of adequate infrastructure, including insufficient and poorly maintained child care institutions, which adversely affect the rehabilitation process. The shortage of trained personnel such as social workers, psychologists, and legal professionals further complicates the functioning of the system, as specialized knowledge is essential for dealing with juvenile cases. Delays in inquiry and disposal of cases also pose a significant problem, leading to prolonged uncertainty and negatively impacting the development of children. The provision for preliminary assessment of juveniles in heinous offences presents additional challenges, as it involves subjective evaluation of mental capacity and understanding, often without clear guidelines or expert involvement. Lack of awareness among stakeholders, including law enforcement agencies and the general public, results in improper implementation and violation of procedural safeguards. Moreover, weak monitoring mechanisms and instances of abuse in childcare institutions highlight the gap between legislative intent and practical reality. Social stigma associated with juvenile delinquency further hinders the reintegration of children into society, making it difficult for them to lead normal lives after rehabilitation.

Conclusion

In conclusion, the evolution of the juvenile justice system in India reflects a continuous effort to balance the ideals of child welfare with the demands of justice in a changing social context. The enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015 represents a significant milestone in this journey, as it attempts to address the shortcomings of earlier legislation while responding to contemporary challenges such as rising juvenile crime and public demand for accountability. By introducing a structured classification of offences and permitting, in limited circumstances, the trial of older juveniles as adults, the Act marks a shift

from a purely rehabilitative model to a more balanced framework incorporating both reformative and deterrent elements.

However, this shift also raises critical concerns regarding the preservation of the fundamental principles of juvenile justice, particularly the emphasis on rehabilitation, reintegration, and the best interests of the child. The possibility of exposing juveniles to the adult criminal justice system risks undermining their psychological development and long-term prospects for reform. Furthermore, the effectiveness of the Act is significantly constrained by practical challenges such as inadequate infrastructure, lack of trained personnel, procedural delays, and weak monitoring mechanisms. These issues create a gap between the objectives of the law and its actual implementation on the ground.

Therefore, the success of the juvenile justice system in India depends not only on the strength of its legal framework but also on the efficiency and sensitivity of its implementation. There is a pressing need for clearer guidelines, enhanced training of stakeholders, improved institutional facilities, and stronger oversight mechanisms to ensure that the system functions in a truly child-centric manner. Ultimately, a balanced approach that safeguards the rights and dignity of children while addressing societal concerns is essential to achieving the true purpose of juvenile justice—transforming young offenders into responsible and productive members of society.

Footnotes (Sample Citations for Your Paper):

1. Constitution of India, art. 14.
2. Constitution of India, art. 15(3).
3. Constitution of India, art. 21.
4. Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016 (India).
5. Juvenile Justice (Care and Protection of Children) Act, 2000, No. 56 of 2000 (India).
6. United Nations Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990).
7. *Sheela Barse v. Union of India*, AIR 1986 SC 1773.

In-Text Citation Style (Example Usage)

- The Constitution guarantees equality before law and protection of life and liberty.¹³
- The Juvenile Justice Act, 2015 introduced a new framework for dealing with heinous offences.⁴
- Courts have emphasized the importance of child rights in cases involving juveniles.⁷

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 - Article 14 – Equality before Law
 - Article 15(3) – Special Provisions for Children
 - Article 21 – Right to Life and Personal Liberty
- Juvenile Justice (Care and Protection of Children) Act, 2015
 - Section 2(33) – Heinous Offences
 - Section 15 – Preliminary Assessment
 - Section 18 – Orders Regarding Child in Conflict with Law
- Juvenile Justice (Care and Protection of Children) Act, 2000