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THE JUVENILE JUSTICE SYSTEM IN INDIA : A DEEP ANALYSIS

~ Muskan Jaiswal

The juvenile justice system is a legal or court framework for cases involving child offenders, including minor offenses and care and protection. In India, the system works on the principle of providing justice, while at the same time taking steps to rehabilitate and care for the juvenile. A recent [car crash accident](#) in one of the well-known cities of India (Pune) gathered an uncountable number attention from the public, reason for the same was not only because the accused was a minor (17years old) driving an unregistered car while being heavily drunk which resulted into the death of 2 youngsters but also because he was bailed under 24 hours of the incident taking place and the punishment he received for the incident was too write a 300-word essay on road accidents. “ESSAY?” “Is the Juvenile Justice System of India that bad? Or The Lives of 2 Youngsters Only worth 300 words essay?” All these questions have made the public believe that justice in India is dead, but is it true? The juvenile justice system of India is really that outdated? Let’s find answers to all of these questions together in this blog.

In the Pre-Independence era when all youngsters were treated as adults and given as same punishment as adults, the Bombay High Court recognized the need to have separate laws for young offenders (under 16 years old), which led to the establishment of [Children Act of 1920](#). The act acknowledged the special need for offenders under 16 needing unique care, and protection leading to the establishment of a separate judicial framework, whose sole focus is in addressing juvenile issues. After this in [1986, the Juvenile Justice Act](#) came into force with the noble concept of not only giving punishment to young offenders but also helping them with rehabilitation. The age of the young offenders was increased from 16 to 18 years old. But after the [Nirbhaya Case](#) in [2015, an important amendment](#) was made to this act any offender between the age of 16-18 is involved in a heinous crime like rape and murder then the juvenile will be treated as an adult, therefore be punished as an adult.

The juvenile justice system is a legal or court framework for cases involving child offenders, including minor offenses and care and protection. The word 'Juvenile' comes from the Latin word 'juvenis' which means a young person, and the juvenile means a young person in conflict with the law. "child or juvenile" means a person who has not attained the age of eighteen years; It divides children into two categories one is as 'children in conflict with law' (who are offender) and another as 'children in need of care and protection' (who are vulnerable and, in need of support. In the eyes of the law, they were not required to be treated as conventional criminals because they were just young offenders in conflict with the law who lacked the care and protection for themselves. In India, the system works on the principle of providing justice, while at the same time taking steps to rehabilitate and care for the juvenile. [The Juvenile Justice \(Care and Protection of Children\) Act, 2015](#) forms the basis of India's existing juvenile justice system. This included several major provisions that were designed to target more acceptable handling of juveniles and improve on the concept of creating an act that would allow juveniles to be handled more in the way of serving jail time while still being rehabilitated.

While there is no denial of the fact that youngsters sometimes do commit heinous crimes like rape and murder. There are still some crimes whose consequences don't impact one's day-to-day life much. These crimes were one of the reasons for the establishment of rehabilitation centers. But the main question is giving punishment to this childrens will really help the society or not? The complete overview of laws and policies with respect to juvenile justice would hardly be spent without narrating the back grounds and circumstances responsible for the commission of crimes by juveniles. Later in [2018, the National Crime Records Bureau](#) (NCRB) collected data on the antecedents of juveniles in conflict with law — the educational and family background of detained juveniles. Of the cases recorded, the overwhelming 20,099 involved children who were illiterate or had only primary-level education, were living with guardians, or were homeless. Studies reflects that there is a strong association between harsh home conditions or inadequate parenting and the genesis of criminal behaviour in children As a result, children of divorce and children who experience marriage breakdown are significantly more likely to exhibit delinquent behavior. While the amendment of 2015 was taking place, Congress MP Shashi Tharoor said, "Most lawbreaking kids are from illiterate, poor families These are the ones you are trying to punish instead of giving them education." He stated that it is all of the idea of inhibition of the presumption of innocence. He further added that the amended Act would not only [humiliate the government](#) but it would also infringe on "United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 or the Beijing Rules

which require a child or a young person accused of an offence to be treated differently from an adult.”¹. A young boy in India who has gone through the juvenile justice system said this: “We learn everything from adults. From people who take drugs, we learn to take drugs; from people who make bombs, we learn to make bombs. And that is what we will learn when you send us to jail. So, if you send us to jail, we will become like them.”²

India's juvenile justice system strives to strike a balance between justice and rehabilitation for young offenders. It is based on progressive laws and international standards. Even though a detailed legislative framework has been created, difficulties with implementation and resource allocation still exist. Improvements in staff training, ongoing improvements, and civil society engagement are necessary for a system to be genuinely effective. The ultimate objective is to guarantee that each juvenile gets the assistance and chances required for them to reintegrate into society as law-abiding, contributing members of society.

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