

# Juvenile Justice in India

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## I. INTRODUCTION

The goal of the juvenile justice system is to protect and safeguard the human rights of all children and teenagers. This area of law addresses minors or kids who have been accused of crimes or who have experienced abuse or desertion at the hands of their parents or guardians. It places more emphasis on the rehabilitation of its charges than on adult criminal justice. In the situation of teenagers who are accused of crimes, commonly referred to as juveniles in confrontation with the law, international standards emphasize for their importance in both prevention and rehabilitation.<sup>1</sup>

A child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, herein under and for matters connected to children, this Act aims to consolidate and amend the laws pertaining to children who are alleged and found to be in conflict with the law, as well as children who require care and protection.

In comparison to adults, children should receive less severe punishment for crimes they commit because they lack awareness of the repercussions of their actions as well lack malicious intent because their mental upbringing and mental age has not been evolved to that extent where they understand what is right and what is wrong in the eyes of law and society as they are in their learning phase. "Doli incapax," which means "incapable of doing any harm or committing a crime," derived from latin maxim. It is assumed that a child is unable to develop the essential

criminal intent to conduct an offence in such a vital and small age. a vast majority of juvenile crimes are perpetrated by kids from disadvantaged neighbourhoods with poor living conditions, toxic environments, a lack of educational opportunities, challenging survival situations, etc.

In Indian society there are many individuals who presume that "Juvenile" and "Minor" both are same terminologies but there is a vast difference between both the terms "Juvenile" and "Minor".

language we use both the terms interchangeably but 'juvenile' and 'minor' in legal terms are Though they are commonly used in same context many times but in legal terms they are different. The term juvenile is used with reference to a young criminal offender who commits a malicious act and the term minor relates to legal capacity or majority of a person. Thus, Juvenile is a child who is alleged to have committed certain acts or omissions which are in violation of any law and are declared to be an offence.<sup>2</sup>

## II. HISTORY AND EVOLUTION OF JUVENILE JUSTICE IN INDIA

The historical development of juvenile justice in India can be traced back to ancient times which has evolved from colonial-era welfare measures to a comprehensive legal framework aimed at balancing rehabilitation and accountability, where the concept of providing care and protection to children in need was prevalent in Indian society. However, the formal establishment of a juvenile justice system began during the British colonial period. The historical journey reflects India's gradual shift from a punitive to

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<sup>1</sup> Juvenile justice system in India by Aastha Goyal, <https://www.researchgate.net/publication/360540963>

<sup>2</sup> Juvenile Delinquency in India by Kunjana Mittal, [https://www.researchgate.net/publication/342734513\\_JUVENILE\\_DELINQUENCY\\_IN\\_INDIA](https://www.researchgate.net/publication/342734513_JUVENILE_DELINQUENCY_IN_INDIA)

a reformative and rights-based approach. Understanding this evolution is essential to appreciate how past developments continue to influence juvenile justice policies in today's society.

In this twenty first century, we find that the young generation is highly deviated from leading a moral life. Ergo it leads to the increasing rate of youth indulgences in immoral activities is a greater concern for the society. And with this increase in the number of young offenders, there is also a need for a system for administration of Juvenile Justice.<sup>3</sup>

To understand the history and evolution of Juvenile Justice in India we have to understand it in two main time lapse era:-

- Pre Independence Era
- Post-Independence Era

### III. PRE INDEPENDENCE ERA

The beginning of juvenile justice in India was started long ago at the time when East India Company, who entered the country in saying of trade but afterwards slowly started making company rule or company raj over India. So as the company was somewhat having control over the state, when the company amends it rules it reflects on India as well.

It all begin after the "Somerset case" which is Somerset v. Stewart, It was a landmark case of 1772. Legal case that significantly impacted the history of slavery in England. The case involved James Somerset, a slave brought to England by his owner,

Charles Stewart. When Somerset escaped from his owner he was again recaptured, this lead to a legal battle, culminating in a ruling by Lord Mansfield, Chief Justice of the Court of King's Bench at that time, the case clearly challenge the legality of slave trade in England<sup>4</sup>.

This case somewhat effects India as well in some way as the company is following this rule and the company has a great influence over the state. Individuals like William Wilberforce and Thomas Clarkson<sup>5</sup> played also played crucial roles in increasing public awareness and protest over slave trade in England at that time.

After that the Abolition of Slave Trade Act was passed and enacted in 1807 in England which made it illegal to buy and sell enslaved people through out the British colonies which include India as well. However, the act abolished the trade in enslaved people, it did not end the use of enslaved people across the British Empire which means that the already enslaved people have to perform their slavery but cannot be go for trade again ever in the British Colonies<sup>6</sup>.

Later on, after the discretion of the parliament which established Slavery Abolition Act 1833 that abolished slavery from most of the British colonies which include India as well<sup>7</sup>. In India at that time the Concern for the Children prompted the establishment of a centre for destitute children in Calcutta by Lord Cornwallis which is named as "THE RAGGED SCHOOL" in 1843<sup>8</sup>.

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<sup>3</sup> International Journal of Research in Social Sciences and Humanities, (IJRSSH) 2017, Vol. No. 7, Issue No. II, Apr-Jun e-ISSN: 2249-4642, p-ISSN: 2454-4671 130, INTERNATIONAL JOURNAL OF RESEARCH IN SOCIAL SCIENCES AND HUMANITIES EVOLUTION OF JUVENILE JUSTICE SYSTEM IN INDIA by Dr. Azad Kumar Dwivedi, <https://www.ijrssh.com/>

<sup>4</sup> HISTORY AND COLLECTIONS, 'Let justice be done though the heavens fall', <https://www.english-heritage.org.uk/visit/places/kenwood/history-stories-kenwood/somerset-case/>

<sup>5</sup> The Abolition Campaigns, BITESIZE

<sup>6</sup> 1807 Abolition of The Slave Trade, Interview with Maria Amidu

<sup>7</sup> Slavery Abolition Act, <https://www.britannica.com/topic/Slavery-Abolition-Act>

<sup>8</sup> A Short History of Juvenile Legislations in India: A Socio-Legal Perspective by Sayanti Ganguly, *Quest Journals, Journal of Research in Humanities and Social Science, Volume 11 ~ Issue 4 (2023) pp: 100-102, ISSN(Online):2321-9467, Received 26 Mar., 2023; Revised 05 Apr., 2023; Accepted 07 Apr., 2023* © The author(s) 2023. [www.questjournals.org](http://www.questjournals.org)

All this was effects of England policies which effected Indian society for Juvenile Justice, In India Juvenile Justice has also evolved from his early period of British rule. The first legislative initiative in India that addressed the issue of juvenile offenders was the Apprentices Act of 1850. It states that children between the ages of 10-18 convicted in courts to be provided vocational training as part of their rehabilitation process. Instead of punishment, the act emphasized providing vocational training and skills to juvenile offenders, aiming to integrate them back into society. Later Indian Penal Code of 1860(45 of 1860) and Code of Criminal Procedure of 1861 was enacted as they play a critical role in the uprising period of Juvenile Justice from the British era in India. IPC section 82 states that ‘Nothing is an offence which is done by a child under seven years of age’<sup>9</sup> as it is an presumption of ‘doli incapax’ a Latin term which means incapable of the wrong. Section 83 states that ‘Act of a child above seven and under twelve of immature understanding’, Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion<sup>10</sup>.

In CrPC also, Section 27 of CrPC states that if a person who is under the age of 16 years at the time of appearing or being brought before the court who has committed an offence will not be punishable with death or imprisonment for life.

Later on their was the establishment if the Reformatory Schools Act of 1876 which was an act passed by the Governor General of India(Lord Lytton) in Council to establish reformatory schools for male youthful offenders. It was enacted to provide a system for the detention and rehabilitation of young criminals, aiming to reform them through education and training over period of time. This act was a significant step in the development of the juvenile justice system in India<sup>11</sup>. This act marked a shift from purely punitive

measures for juvenile offenders to focus on their reformation and rehabilitation. It laid the foundation for the development of the juvenile justice system in India, although it was later amended and expanded upon by subsequent legislation like the Reformatory Schools Act, 1897. This also aimed to establish and regulate reformatory schools for youthful offenders. It allowed courts to send young offenders convicted of certain crimes to these schools instead of traditional prisons. This act defined "youthful offender" as a male under 15 years of age who is convicted of an offence which is punishable by transportation or imprisonment. It also outlined the powers of the State Government to establish and maintain these schools, as well as the procedures for sending offenders to them according to the act.

According to section 31 of this act which empower court to deal with these offenders other than transportation or imprisonment or directing him to be detained in a reformatory school,

Sub clause (1)(a) speaks about the discharge of the offender after the due admonition, or

Sub clause (1)(b)directs to deliver him to his parents, or to his guardian or nearest adult relative who will execute a bond as the court may require to be responsible for the good behaviour of the young offender for any period not more than 12 months<sup>12</sup>.

Sub clause (2) states that “young offenders includes girl”.

In case of *Ulla Mahapatra v. The King, AIR 1950 Ori 261 (Orissa HC)* where the appellant

Ulla Mahapatra, is a boy of about twelve years of age. He has been convicted of an offence under Section 302 of Indian Penal Code for causing the death of a Dandasi boy named Ranka Naik and has been sentenced to transportation for life. In this the High Court invoked Section 8 of the Reformatory Schools Act and ordered detention in a reformatory school for five years, emphasizing the act’s use even where the offence is punishable with death<sup>13</sup>.

<sup>9</sup> Indian Penal Code,1860(45 of 1860)

<sup>10</sup> Indian Penal Code,1860(45 of 1860)

<sup>11</sup> The Reformatory School Act, 1876,  
<https://www.indiacode.nic.in/repealedfileopen?rfilelename=A1876-5.pdf>

<sup>12</sup> The Reformatory School Act, 1897

<sup>13</sup> Ulla Mahapatra v. The King, AIR 1950 Ori 261 (Orissa HC),  
[https://indiankanoon.org/doc/141485/?utm\\_source=chatgpt.com](https://indiankanoon.org/doc/141485/?utm_source=chatgpt.com)

Later in 1919, the Indian Jail Committee was designated which suggested to establishing of special courts and institutions for child offenders and also it spoke against the imprisonment of such children. The committee also presented some recommendations which states that different legislations were enacted at different provinces. The first Children Act was the Madras Children Act 1920 which focuses on the custody, trial, welfare, and education of child offenders and provide a separate juvenile justice system. This act marked a significant shift towards recognizing children as distinct from adult offenders and initiating a system tailored to their specific needs<sup>14</sup>, followed by Bengal Children Act, 1922 and Bombay Children Act, 1924 which focused somewhat on the same agenda and motive<sup>15</sup>.

#### IV. POST INDEPENDENCE ERA

India became independent on 15th August, 1947 and adopted the Indian Constitution in 26<sup>th</sup> November 1949 which was came in force on 26<sup>th</sup> January 1950. The years after 1950's the country witnessed the development of a more precise and distinct juvenile justice system in India. The first significant step came with the enactment of the Children Act, 1960, which Established a more reformatory and welfare-oriented system for juvenile offenders. This act provided for the creation of separate courts for juveniles and emphasized the importance of reformation and rehabilitation rather than punitive punishment. It introduced provisions for juvenile homes, observation homes, and special schools to ensure that children in conflict with the law received appropriate care, rehabilitation as well as reintegration into the society.

However, the Children Act, 1960, applied only to Union Territories, leading to disparities in Juvenile Justice policies across different states, as each state formulated its own laws concerning juvenile offenders. On 6th February 1924, a voluntary state-aided agency, the Children's Aid Society, was formed to implement the provisions of the Bombay Children Act in the Municipal Corporation of Bombay. The institutions established by the agency for care and protection of children which continue till date. The first central legislation, The Children Act was enacted as the model legislation which was to be followed by the states while enacting their own legislation. The Act provided for a discriminatory definition of "child" since a boy below 16 years of age was considered to be a child as opposed to 18 years for a girl child'. This act also initiated two distinct bodies to determine matters involving "children in conflict with law" and "children in need of care" known as the Children's Court and Child Welfare Board respectively. It prohibits imposition of death penalty, imprisonment, or use of police station or jails for housing children under any circumstance indeed.

In Spite of all these legislations, the problem still remained the same because several states had several laws concerning juvenile justice which treated differently in the same situation. There was no concrete definition of "child", different state laws recognized child differently. In "*Sheela Barse v. Union of India*<sup>16</sup>", Supreme Court held that:

"we would suggest that instead of each State having its own Children Act different in procedure and content from the Children's Act in other States, it would be desirable if the Central Government or the Union Government initiates Parliamentary Legislation on the

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<sup>14</sup> Cambridge University Press & Assessment , 5 - Saving the Child: The Madras Children Act, 1920, and the Beginnings of a Juvenile Justice System, Published by Cambridge University Press:19 April , 2023,  
<https://www.cambridge.org/core/books/abs/imaging-childhood-improving-children/saving-the-child-the-madras-children-act-1920-and-the-beginnings-of-a-juvenile-justice-system/6554216D057F7F01D0AA85DAB754F025>

<sup>15</sup> Juvenile Law Project By Naina Chawla on 24<sup>th</sup> January'21,  
<https://www.scribd.com/document/491920142/JUVE-NILE-LAW-PROJECT>

<sup>16</sup> JT 1988 (3) 15, AIR 1988 SUPREME COURT 2211,SCC 226

subject, so that there is complete uniformity in regard to the various provisions relating to children in the entire territory of the country. The Children's Act 1960 which may be enacted by Parliament should contain not only provisions for investigation and trial of offences against children below the age of 16 years but should also contain mandatory provisions for ensuring social, economic and psychological rehabilitation of the children who are either accused of offences or are abandoned or destitute or lost. Moreover, it is not enough merely to have legislation on this subject, but it is equally, if not more, important to ensure that such legislation is implemented<sup>17</sup>.

So later in order to resolve these discrepancies, the Indian government passed a new act as the Juvenile Justice Act which was enacted in 1986, which became the nation's first unified/codified Juvenile Justice law which bring our country closer to International standards. This act's main aim is to provide a uniform law for the whole country regarding juvenile justice and juvenile offenders, resolving somewhat the issues present in the earlier Children Act of 1960 which did not had a uniformity and only applicable to the Union Territories and also has many individual state laws enacted which were addressed in this. This act was a response to the need for a more comprehensive and uniform approach to juvenile justice. It also defined a juvenile below 16 years for boys and 18 years for girls<sup>18</sup>. This act also reflected India's commitment to international conventions on child rights, particularly the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985), Followed by India's ratification of the United Nations Convention on the Rights of the Child (UNCRC) in 1992. This act also made it possible of the formation of Juvenile Welfare Boards and Juvenile

Courts and Committee to handle the cases in which child are indulged<sup>19</sup>.

However in the case of *Sampurna Behura v. Union of India*<sup>20</sup>, the Supreme Court held that the Juvenile Justice Act, 1986 had failed to create any meaningful impact at the state level. The Court observed that despite the legislation being in force for two decades, most States and Union Territories had not framed the necessary rules to implement its provisions. Critical institutions mandated under this act, such as Juvenile Courts, Observation Homes, and Special Homes, were either absent or grossly inadequate. In fact, children were still being lodged in regular prisons alongside adult offenders, which went completely against the rehabilitative spirit of this act as well as saying for the term 'Juvenile Justice'.

The Court further noted that there was no uniformity in the enforcement of this act across India, while a few states had taken partial steps, most had ignored their statutory obligations altogether. This uneven implementation meant that the act remained a 'dead letter' in practice.

After that for these disturbances, A new act was enacted which is The Juvenile Justice(Care and Protection of Child)Act,2000 through which the old Juvenile Justice Act 1986 was repealed. This acts key features was it established a separate mechanism for 'children in need for care and protection' and ' children in conflict with law'. It also established now working and legitimate Juvenile Justice Boards and Child Welfare Committee. It also prohibits death penalty and life imprisonment of the juvenile without parole<sup>21</sup>.

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<sup>17</sup> SHEELA BARSE & ORS. Vs. RESPONDENT: UNION OF INDIA & ORS. DATE OF JUDGMENT:13/08/1986 BENCH: BHAGWATI, P.N. (CJ) BENCH: BHAGWATI, P.N. (CJ) MISRA RANGNATH CITATION: JT 1986 136 1986 SCALE (2)230 ACT: Constitution of India, 1950

<sup>18</sup> The Juvenile Justice Act 1986, (Act no. 53 of 1986)

<sup>19</sup> Juvenile justice act a comparative study of juvenile justice act India U.K and U.S.A protection of children through juvenile justice act 2015 analysis by Preeti

Varma and Dr. Amit Singh , DOI: <https://doi.org/10.22271/27899497.2024.v4.i1a.68> 2024 IJCCSL [www.criminallawjournal.org](http://www.criminallawjournal.org)

<sup>20</sup> *Sampurna Behura v. Union of India* 3 (1988) 4 SCC 226 W.P. (C) No.473 of 2005

<sup>21</sup> CHANAKYA LAW REVIEW (CLR) VOL. V (ISSUE 01) JAN-JUNE 2024, pp.103-118, EVALUATING & RE-IMAGINING JUVENILE JUSTICE: FROM ITS INSTITUTION TO ITS FUTURE by Falak Munaf Solkar and Ayush Mishra

This act also raised the age of juveniles to 18 years for both boys and girls, in line with UN Convention on the Rights of the Child (CRC), 1989<sup>22</sup>.

Moreover, public perception of Juvenile Justice in India changed significantly after the 2012 landmark gang rape case in Delhi (Nirbhaya case), where one accused was a juvenile(child). There was widespread debate on whether juveniles involved in heinous crimes should be tried as adults.

This led to the Juvenile Justice (Care and Protection of Children) Act, 2015, which introduced a provision allowing juveniles aged 16-18 to be tried as adults for heinous offenses such as rape, murder, and terrorism. The law also strengthened mechanisms for the rehabilitation of juveniles, introducing foster care and adoption provisions for children in need of care and protection. The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, further refined the law by empowering District Magistrates to ensure faster adoption procedures and improve the functioning of Child Welfare Committees (CWCs). This amendment aimed to streamline child protection policies and make the Juvenile Justice system more efficient and accountable.

There are also some Constitution Provisions as well such as Article 15(3), which provides the state to make special laws for women and children. Article 39(f) was inserted in the Constitution of India by the 42nd Amendment Act in 1976 which states that the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and they must be protected against exploitation and against moral and material abandonment. Article 47, which imposes a duty on the State to raise the level of nutrition and the standard of living to improve public health<sup>23</sup>.

## V. THE JUVENILE JUSTICE ACT , 2015: LIMITATIONS AND GAPS

The Juvenile Justice (Care and Protection of Children) Act, 2015, generally called JJ Act, was enacted with the laudable goal of providing a comprehensive framework for addressing offences committed by children in conflict with the law, prioritizing their rehabilitation and reintegration into society. However, despite this progressive intent, the Act is plagued by several critical weaknesses that ultimately undermine its effectiveness in achieving these aims, hindering its ability to adequately protect and rehabilitate juvenile offenders.

Mentioning some key factors about the limitations and gaps of the Juvenile Justice act 2015 under:-

**Subjectivity in Determining Adult Trial:** Juvenile Justice Act Section 15 lacks clear guidelines, causing inconsistent juvenile trials as adults. Standardized assessments with psychological evaluations, maturity data, crime comprehension, and rehabilitation potential are crucial for fair, consistent, and improved juvenile justice.

**Overburdened on Juvenile Justice Boards:** Understaffed and overloaded Juvenile Justice Boards (JJBs) cause hearing delays and poor assessments. This harms detained youths mental health and Juvenile Justice act effectiveness. Backlogged courts worsen trauma, hinder interventions, and prolong exposure to harm, damaging credibility and eroding family trust.

**Inadequate Infrastructure in Observation Homes:** Insufficient facilities, poorly trained staff, and absent rehabilitation programmes in observation and special homes impede the reformation of juvenile offenders. Substandard living conditions and inadequate support may contribute to recidivism rather than rehabilitation<sup>24</sup>.

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<sup>22</sup> The Juvenile Justice(Care and Protection of Child)Act,2000

<sup>23</sup> Constitution of India

<sup>24</sup> Limitations of juvenile justice act,2015 by Md. Imran Wahab ,

<https://www.legalserviceindia.com/legal/article-19813-limitations-of-the-juvenile-justice-act-2015.html>

The Juveniles offenders who aged between 16–18 years accused of heinous crimes to let the juvenile justice board examine whether they should be tried as adults or not. This itself is the main proposition of the act for not treating young child like adults, this provision appears to dilute the principle of presumption of innocence and best interest of the child guaranteed under Article 39(f) of the Constitution.

As said in the case of *Shilpa Mittal v State of NCT of Delhi*<sup>25</sup>, where the Supreme Court highlighted the confusion in categorizing “heinous offences” and directed that offences with a maximum punishment of exactly seven years cannot be treated as “heinous.” This judgment demonstrates the vagueness in the 2015 Act.

Other than that in the case of *Mukesh & ors. V. State of Delhi*<sup>26</sup>, popularly known as "Delhi Gang Rape" case, a juvenile, who was few months less to 18 years have been sentenced to 3 years custodial sentence, however, it was said that he was the active member in the rape case. It outraged the spark amongst the people and it was contended that there is a need to amend the Juvenile Justice (Care & Protection) Act, 2000. According to the data collected by the National Crime Record Bureau cases registered for juveniles under the age of 16-18 year are mentioned as: There were a total of 36,138 cases registered in 2014. Of these cases, the highest pertained to riots (1,733 cases), kidnapping at rank two (1,635 cases) and cases of rape stood third (1,488 cases)<sup>27</sup>.

These were the limitations faced by the juvenile justice act, 2015 faced in the country being their for public safety of securing children rights.

#### VI. REASONS DRIVING JUVENILES INTO CONFLICT WITH LAW

The phenomenon of juveniles coming into conflict with law cannot be understood merely in terms of individual delinquency but must be analysed against the backdrop of socio-economic, psychological, and systemic factors. The Juvenile Justice (Care and Protection of Children) Act, 2015 itself recognizes that juvenile offending is often rooted in circumstances beyond the control of the child. In 2018, the educational and family background of juveniles who were apprehended was taken into record by the NCRB(National Crime Records Bureau 2018). The data revealed that a total of 20,099 cases involved children who were either illiterate, or educated up to primary level only, or lived with their guardians or were homeless<sup>28</sup>.

Background of Juvenile in Conflict With Law In 2018  
Source: National Crime Records Bureau 2018

Research has proven that children often develop delinquent tendencies if they grow up in a hostile domestic environment or under ineffective parenting. Similarly, children belonging to broken or dysfunctional families also show a higher tendency of delinquency. Conditions of substance abuse and psychiatric disorders can also lead to law-abiding behaviour.

Illiterate	3610
Up to primary educated	10666
Homeless	2391
Above primary to above higher secondary	23980
Living with guardian	3432
Living with parents	32433

<sup>25</sup> AIR 2020 SUPREME COURT 405, 2020 (2) SCC 787, AIR ONLINE 2020 SC 18, (2020) 1 CRILR(RAJ) 106, (2020) 1 CRIMES 109, (2020) 1 KER LT 335, (2020) 1 RECCRIR 582, (2020) 1 SCALE 657, (2020) 266 DLT 494, (2020) 77 OCR 773, 2020 CRILR(SC MAH GUJ) 106, AIR 2020 SC( CRI) 466

<sup>26</sup> (2017) 6 SSC1

<sup>27</sup> SSC(Supreme Court Cases)

<sup>28</sup> THE JUVENILE JUSTICE SYSTEM IN INDIA: A BRIEF OVERVIEW by TEENA THOMA, [https://sprf.in/wp-content/uploads/2024/12/22.5.2020\\_The-Juvenile-Justice-System-in-India\\_A-Brief-Overview.pdf](https://sprf.in/wp-content/uploads/2024/12/22.5.2020_The-Juvenile-Justice-System-in-India_A-Brief-Overview.pdf)

It is clear that a combination of social, environmental, economic and psychological parameters trigger delinquency among juveniles. It is for this reason that under the act, as a preventive measure, a special category of 'children in need for care and protection' is included. This refers to children without a home, children living on streets, child laborers, children who are orphaned or have been abandoned, children who might be victims of abuse or trafficking, children suffering from any mental illness, among others, who might be especially vulnerable to commit crimes. While such positive measures are a clear recognition of the fact that at an adolescent age, children are more prone to recklessness and rebellious behaviour, at the same time, pushing for their incarceration into adult jails will only decrease their chances of reformation. Reformation and rehabilitation is not only important because it is a part of the existing law, but also because it reveals the underlying reasons for delinquency among children and seeks to resolve them through empathetic measures such as counselling.

#### VII. CONCLUSION

The trajectory of juvenile justice in India reflects a gradual shift from a punitive colonial framework to a rehabilitative, child-based approach rooted in constitutional values and international obligations. Despite progressive legislations such as the Pre independence era and then post-independence era where the main Juvenile Justice Acts of 1986, 2000, and 2015, challenges remain in terms of inconsistent implementation, inadequate infrastructure, and socio-economic vulnerabilities driving children into conflict with law. Judicial interventions, from *Sheela Barse* to *Sampurna Behura* and *Shilpa Mittal*, have played a crucial role in reinforcing the rehabilitative spirit of juvenile justice. However, true reform lies not only in legal provisions but also in ensuring social support, education, and care systems that prevent delinquency and secure the best interests of every child in the country.

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