

From Punishment to Protection: The Historical Evolution of Juvenile Justice and the Emergence of a Child-Centred Legal Framework in India

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Abstract—Juvenile justice is an evolving approach to children’s legal issues, reflecting fundamental shifts in societal attitudes toward childhood, culpability, punishment, and rehabilitation. Previously, children involved in conflict with the law were often dealt with in the same way as adults, as legal structures failed to account for childhood as a distinct developmental phase. Philosophical and humanitarian change, psychological and sociological advancement, child-welfare movements, and international human rights norms together played a crucial role in establishing specialised juvenile justice regimes. This paper explores the historical evolution of juvenile justice, from ancient and medieval practices to welfare-oriented and rights-based modern systems, with particular focus on the Indian context. It analyses key concepts, including age and maturity, the transition from punishment to rehabilitation, the doctrine of *parens patriae*, the establishment of juvenile courts, reformatory institutions, and procedural guarantees. The evolution of juvenile justice systems in England and the United States is also considered, given their influence on the institution of juvenile justice in other common-law countries, including India. This paper discusses the evolution of juvenile justice from indigenous and customary practices, through colonial-era legislation, to the post-Independence constitutional and statutory framework in India. Various international instruments, including the United Nations Convention on the Rights of the Child and the Beijing Rules, contributed to strengthening the child-centred approach and related principles such as the best interests of the child, rehabilitation, proportionality, diversion, and deprivation of liberty as a measure of last resort. This paper argues that the evolution of juvenile justice is more than the substitution of one legal regime for another; it reflects broader changes in how society views children - as a distinct category of persons and as holders of rights.

Index Terms—Juvenile Justice; Juvenile Delinquency; Child Rights; Rehabilitation; Child-Centred Justice;

Parens Patriae; Juvenile Courts; India; Human Rights; Social Reintegration.

I. INTRODUCTION

The rationale underlying juvenile justice rests on the recognition that children differ fundamentally from adults in their physical, psychological, emotional, social, and moral development, and that social context including family background, education, economic circumstances, peer influence, and community profoundly shape a child’s behaviour. A legal system that treats children as “little adults” and applies adult rules and penalties overlooks these developmental realities and the humanitarian, philosophical progress that has increasingly questioned harsh, retributive approaches in favour of proportionate, rehabilitative responses. Contemporary juvenile justice accordingly embodies not merely a separate court structure but an entirely new philosophy: instead of asking only what punishment an offender deserves, it asks what has caused the child to offend and how those causes can be addressed to secure the child’s future through care, rehabilitation, and the best interests of the child.

This study traces the historical development of juvenile justice in India against the backdrop of parallel developments in the international community, with particular attention to the transition from punitive justice to welfare- and rehabilitation-oriented frameworks. It examines the historical origins and evolution of juvenile justice institutions in England and the United States, the changing approaches toward children in conflict with the law, and the influence of international child-rights instruments-especially the United Nations Convention on the Rights of the Child

(UNCRC)¹, the Beijing Rules, and related standards² on India's domestic legal architecture from the colonial era through the Juvenile Justice (Care and Protection of Children) Act, 2015³. The study further identifies the major principles underlying contemporary child-centred juvenile justice and analyses the significance of rehabilitation, diversion, and social reintegration as core components of modern juvenile justice systems.

By adopting a qualitative, doctrinal, and historical methodology, the analysis draws on authoritative primary and institutional sources including the text of the Juvenile Justice (Care and Protection of Children) Act, 2015⁴ and United Nations documentation on juvenile justice standards to present a chronological review of ancient, medieval, modern, English, American, Indian, and international developments. While making no claim to present empirical findings, the paper offers a comprehensive historical, legal, conceptual, and documentary analysis of how juvenile justice has evolved from traditional systems focused on social control, authority, deterrence, and retribution to specialised, child-friendly frameworks centred on care, protection, development, treatment, and social reintegration.

II. CONCEPTUAL FOUNDATION OF JUVENILE JUSTICE

A key premise underlying juvenile justice is that childhood is a unique period of development. Children have not yet developed the full capacity to exercise judgment, regulate their emotions, understand social interactions, and make autonomous decisions. Youth offending, therefore, cannot necessarily be explained through the same concepts of accountability and culpability that apply to adults. Correction, rehabilitation, and social integration are accordingly among the core goals of juvenile justice. This distinguishes juvenile justice from the ordinary

criminal justice process, in which punishment remains a central element.

2.1 Childhood as a Distinct Legal Category

Historically, childhood was not perceived as a legal status requiring protection. In many cultures, children assumed social and economic responsibilities very early in life. The legal treatment of a child was accordingly based on the child's apparent discernment rather than on any refined understanding of psychological development. The contemporary juvenile justice system, by contrast, proceeds on the premise that the capacity to make decisions is not equally developed in children as in adults.

2.2 From Punishment to Rehabilitation

The most significant change in juvenile justice has been the shift from punishment to rehabilitation. Earlier systems relied on incarceration, corporal punishment, and other punitive measures that exposed children to adult criminal settings and thereby increased the likelihood of further delinquency. Contemporary juvenile justice instead involves education, counselling, vocational training, family intervention, community intervention, and reintegration into society. Rehabilitation and social reintegration are accordingly regarded as two essential aspects of juvenile justice.

2.3 Welfare and *Parens Patriae*

The doctrine of *parens patriae* served as a crucial foundation for welfare-oriented juvenile justice, on the premise that the state should assume responsibility for children lacking adequate protection or supervision. The emergence of this doctrine marked an important shift, since the state was now expected to protect the interests of the child rather than merely to punish. The English experience illustrates how central the concept of *parens patriae* was to the formation of juvenile courts.⁵ At the same time, the welfare model revealed a serious operational drawback: excessive judicial

¹United Nations, Convention on the Rights of the Child, 1989, available at: <https://www.ohchr.org> (last visited on Sept. 26, 2026).

²UN General Assembly, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*, GA Res 40/33, UN Doc A/RES/40/33 (Nov. 29, 1985).

³The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016).

⁴*Supra* note 3.

⁵See Thomas J. Bernard, *The Cycle of Juvenile Justice* (Oxford University Press, New York, 1992).

discretion, resulting in a corresponding deficit of procedural justice.

III. JUVENILE JUSTICE IN ANCIENT CIVILISATIONS

Ancient civilisations did not possess modern juvenile courts or specialised juvenile justice institutions. Nevertheless, several traditions recognised the relevance of age, maturity, moral development, and guidance.

3.1 Ancient Indian Perspective

Ancient Indian conceptions of justice were closely linked with dharma, morality, social obligation, and social regulation. Ancient Indian law took into account factors such as age, knowledge, intention, and circumstance in assessing responsibility⁶. Misbehaviour by juveniles was typically addressed by families, schools, and communities, with parents, elders, educators, and community authorities involved in discipline and moral education. Juvenile regulation thus existed as part of the wider social order rather than as a separate judicial institution. Ancient Indian society was, however, stratified, and the application of law and social norms was not necessarily equal across caste, gender, and social position. Ancient concepts cannot, therefore, be equated with modern conceptions of child rights. Their significance lies instead in the early recognition of the relevance of age and maturity to responsibility.

3.2 Ancient Greece

The Greek philosophical tradition placed considerable emphasis on education and moral formation. Philosophers such as Plato and Aristotle held that character education was essential to the development of responsible citizens⁷, on the premise that improper conduct among the young stemmed from inadequate education and socialisation. This idea that delinquent conduct is linked to deficient education and socialisation rather than to innate wrongdoing remains relevant to juvenile justice today.

⁶Ram Mohan Das, *Crime and Punishment in Ancient India: With a Particular Reference to the Manusmṛiti* (Kanchan Publications, Bodh-Gaya, 1982).

3.3 Ancient Rome

Roman law introduced a more elaborate system of criminal responsibility based on age and capacity. Despite the strongly disciplinary character of Roman society and the severity of its punishments, the recognition that age was relevant to criminal responsibility led to the historical emergence of age-based responsibility⁸. Ancient law thus did not provide for a modern juvenile justice system, but it did generate early conceptions of age and capacity that would later inform such systems.

IV. JUVENILE JUSTICE DURING THE MEDIEVAL PERIOD

The medieval era was characterised by a marked emphasis on authority, religious morality, hierarchical social order, and punishment as deterrence. In medieval Europe, age differentiation existed but remained underdeveloped and was applied inconsistently. Young offenders were subject to harsh punishments, including incarceration and corporal punishment, and no specialised institutions of reform were available. In medieval India, the position was more complex, since religious belief, custom, and political authority together shaped the administration of justice. Nevertheless, community and family-based mechanisms retained their significance, and no uniform system of juvenile justice, comparable to modern arrangements, existed. The principal limitation of the medieval approach was thus the absence of any institutionalised differentiation of childhood as a distinct legal category.

V. EMERGENCE OF REFORMATIVE THOUGHT IN THE MODERN ERA

Modern-era reforms in juvenile justice were closely linked to Enlightenment thought and humanitarianism, which questioned punishments lacking justification or proportionality. Cesare Beccaria's ideas concerning proportionality and reasonable punishment made an

⁷Aristotle, *Nicomachean Ethics* bk. II (David Ross trans., Lesley Brown ed., Oxford University Press, Oxford, rev. edn., 2009).

⁸Wojciech J. Kosior, "Criminal Liability of Juveniles in Ancient Rome" 20(2) *Ius Novum* 54 (2026).

important contribution to this critique⁹. In addition, developments in the social sciences and in psychology drew attention to the social factors underlying criminal conduct. The nineteenth century witnessed unprecedented industrialisation and urbanisation. Poverty, child labour, homelessness, inadequate education, and low family income raised concern about children growing up in unfavourable conditions, and youth delinquency could no longer be viewed in isolation from these social circumstances. This gave rise to the child-welfare movement, which led to the establishment of reformatories, industrial schools, and similar institutions¹⁰ intended to separate juveniles from adults and to provide them with education and training. This period may accordingly be characterised as a turning point toward prevention, education, and rehabilitation.

VI. DEVELOPMENT OF JUVENILE JUSTICE IN ENGLAND

England played an important role in the institutional development of modern juvenile justice, particularly within common-law systems.

6.1 Reformatory Schools

The reform movement in nineteenth-century England led to the establishment of reformatory schools. The Reformatory Schools Act, 1854 marked an important institutional development¹¹, providing for the placement of juveniles in reformatories rather than in jails. Their purpose was to provide discipline, education, religious instruction, and vocational training. Although the institutions themselves were imperfect, their establishment marked a decisive departure from adult incarceration.

6.2 Industrial Schools

Industrial schools catered to a different category of children¹² the neglected, the vagrant, the poor, and those regarded as potential offenders with prevention

as the underlying rationale. The distinction between reforming children who had committed an offence and protecting children exposed to conditions likely to produce offending ensured that juvenile justice became something more than courtroom justice alone.

6.3 Juvenile Courts

The Children Act, 1908 represented a significant development in England¹³, establishing separate juvenile courts and introducing more child-sensitive procedures. These courts were designed to be less formal and less intimidating than adult courts, and encouraged consideration of the child's family, educational, and social circumstances. This development reinforced the principle that juvenile proceedings should not merely replicate adult criminal trials.

VII. DEVELOPMENT OF JUVENILE JUSTICE IN THE UNITED STATES

One of the major contributions of the United States to the development of specialised juvenile justice was the establishment of the first juvenile court, in Chicago, in 1899¹⁴. The early American juvenile court was welfare-oriented and relied heavily on the *parens patriae* doctrine. Judges were expected to inquire into the circumstances of the child's case and to determine the course of action most likely to secure the child's reform. The extensive discretionary powers of juvenile courts nonetheless raised concerns regarding the lack of procedural fairness in these proceedings. By the mid-twentieth century, the purely welfare-oriented approach had begun to give way to a welfare-and-due-process approach. The case of *In re Gault* (1967) deserves particular attention¹⁵, as the United States Supreme Court there extended basic procedural rights to juveniles. The development of due-process protections demonstrated that child-oriented justice must protect children not only from over-punishment, but also from arbitrary proceedings. This stage may be

⁹Cesare Beccaria, *On Crimes and Punishments and Other Writings* (Richard Bellamy ed., Cambridge University Press, Cambridge, 1995).

¹⁰See generally Anthony M. Platt, *The Child Savers: The Invention of Delinquency* (University of Chicago Press, Chicago, 2nd edn., 1977).

¹¹The Reformatory Schools Act, 1854 (17 & 18 Vict. c. 86), U.K.

¹²The Industrial Schools Act, 1857 (20 & 21 Vict. c. 48), U.K.

¹³The Children Act, 1908 (8 Edw. 7 c. 67), U.K.

¹⁴An Act to Regulate the Treatment and Control of Dependent, Neglected and Delinquent Children (Illinois Juvenile Court Act), 1899 Ill. Laws 131; see also *supra* note 10.

¹⁵*In re Gault*, 387 U.S. 1 (1967).

described as a considered compromise between rehabilitation and constitutionality.

VIII. HISTORICAL DEVELOPMENT OF JUVENILE JUSTICE IN INDIA

The history of juvenile justice in India illustrates the interaction of indigenous custom, colonial legislation, constitutional principle, and international child-rights standards. This history may be characterised as a progressive evolution from penalism and fragmentation toward a welfare- and rights-based approach.

8.1 Colonial Period

Under British rule, juvenile offenders were generally tried under the general criminal law. The colonial system recognised certain age-based restrictions, yet juvenile offenders might still be processed through the ordinary criminal courts alongside adults. The enactment of the Reformatory Schools Act, 1897 marked an important milestone¹⁶ in the development of juvenile justice in colonial India, facilitating the use of reformatory schools and a more educational approach to juvenile offending. Juvenile justice during the colonial period nevertheless remained fragmented, since the principal concerns of colonial administration were the maintenance of law and order. Reformative efforts of this period thus fell short of a comprehensive child-rights regime.

8.2 Post-Independence Constitutional Framework

Following Independence, the constitutionalisation of juvenile justice became possible. The Constitution of India confers significant rights and policy guidance concerning children, notably through Article 15(3) and the Directive Principle in Article 39.¹⁷ The post-Independence period thus marks a critical transformation toward welfare and rights focused governance. State level Children Acts introduced institutions such as juvenile courts, welfare boards,

observation homes, and special homes¹⁸. Variation among the state laws, however, produced significant discrepancies in definitions, procedure, and standards.

8.3 The Effect of the Convention on the Rights of the Child

India's ratification of the UN Convention on the Rights of the Child in 1992¹⁹ marked a further critical step toward a rights-based juvenile justice framework. The Convention articulated key principles concerning dignity, protection, development, and access to justice for children. International developments in juvenile justice also emphasised the exceptional character of deprivation of liberty and the corresponding importance of rehabilitation and reintegration. The influence of these international standards on Indian juvenile justice is particularly notable.

8.4 Juvenile Justice Legislation

India subsequently enacted national legislation to establish a more uniform framework. The Juvenile Justice Act, 1986 represented an important attempt to provide a national framework²⁰, and was followed by the Juvenile Justice (Care and Protection of Children) Act, 2000²¹, which further aligned Indian law with international child-rights standards. The current central statute is the Juvenile Justice (Care and Protection of Children) Act, 2015²², the stated purpose of which is to provide for care, protection, development, treatment, social reintegration, rehabilitation, and a child-friendly approach in matters concerning children in conflict with the law and children in need of care and protection. The 2015 framework therefore represents the culmination of a long historical movement rather than an isolated legislative development.

¹⁶The Reformatory Schools Act, 1897 (Act 8 of 1897).

¹⁷The Constitution of India, art. 15(3); *ibid.*, arts. 39(e) and 39(f).

¹⁸See Ved Kumari, *The Juvenile Justice System in India: From Welfare to Rights* (Oxford University Press, New Delhi, 2nd edn., 2010).

¹⁹*Supra* note 1.

²⁰The Juvenile Justice Act, 1986 (Act 53 of 1986).

²¹The Juvenile Justice (Care and Protection of Children) Act, 2000 (Act 56 of 2000).

²²*Supra* note 3.

IX. INTERNATIONALISATION OF JUVENILE JUSTICE

During the twentieth century, juvenile justice became increasingly connected to international human rights law. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), 1985 provided an important international framework for juvenile justice, adopted by the United Nations General Assembly through Resolution 40/33 on 29 November 1985²³. This international framework emphasised the principles of proportionality; specialised juvenile justice procedures; respect for the dignity of children; diversion, where appropriate; rehabilitation; reintegration; protection against unnecessary institutionalisation; and consideration of developmental needs. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), 1990²⁴ further established that institutional placement should be a measure of last resort, imposed for the minimum necessary period. These standards reinforced the principle that juvenile justice should not simply replicate adult criminal justice.

X. FROM WELFARE TO RIGHTS-BASED JUVENILE JUSTICE

The historical development of juvenile justice can be understood through three broad philosophical stages.

10.1 Punitive Model

The punitive model viewed juvenile offending primarily as wrongdoing requiring punishment. Age and developmental differences received limited recognition, and the central objectives were deterrence, retribution, and the maintenance of social order.

10.2 Welfare Model

The welfare model shifted attention toward the circumstances of the child. Poverty, neglect, inadequate education, family breakdown, and the wider social environment became relevant considerations. The state was increasingly viewed as

bearing a protective responsibility. Excessive welfare discretion, however, could result in paternalism and insufficient procedural safeguards.

10.3 Rights-Based Model

The rights-based model seeks to combine protection with legal safeguards. Children are viewed neither as miniature adults nor merely as passive recipients of welfare, but as persons possessing dignity and legal rights²⁵. This model accordingly requires: child-friendly procedures; legal representation and procedural fairness; privacy; participation appropriate to age and maturity; rehabilitation; education and skill development; family and community involvement; diversion, where appropriate; and social reintegration. The historical movement from welfare to rights does not entail the abandonment of welfare; rather, it seeks to ensure that welfare interventions operate within a framework of rights and accountability.

XI. REHABILITATION AND SOCIAL REINTEGRATION

Rehabilitation is a further defining feature of the contemporary juvenile justice system. The goal of rehabilitation is not only to prevent further offending but also to address the developmental and social difficulties that may have contributed to the child's conduct. Education, counselling, vocational training, family support, psychological assistance, community-based services, and aftercare are among the elements contributing to successful reintegration. Social integration is a particularly important aspect of this process, since punishment without any corresponding opportunity for reintegration tends to magnify stigma and diminish the prospects of positive development. Restorative justice usefully supplements rehabilitation, as it promotes responsibility, healing, and constructive integration into the community.

XII. MAJOR HISTORICAL FINDINGS

The historical and doctrinal analysis leads to the following findings:

²³Supra note 2.

²⁴UN General Assembly, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*

(*The Havana Rules*), GA Res 45/113, UN Doc A/RES/45/113 (Dec. 14, 1990).

²⁵Supra note 1.

1. Juvenile justice developed gradually rather than through a single historical event, with different societies contributing concepts concerning age, responsibility, moral development, welfare, and reform.
2. The most significant transformation has been the recognition of childhood as a distinct developmental stage; modern juvenile justice is fundamentally grounded in this recognition.
3. The movement from punishment to rehabilitation was shaped by humanitarian thought, social reform, psychology, sociology, and the child-welfare movement.
4. England played an important role in developing reformatories, industrial schools, juvenile courts, and the doctrine of *parens patriae* institutional ideas that influenced other common-law jurisdictions.
5. The United States made a significant contribution through the development of juvenile courts, probation, community-based interventions, and, later, constitutional safeguards.
6. Indian juvenile justice developed through a combination of indigenous tradition, colonial legislation, constitutional principle, and international child-rights standards.
7. The Indian system has moved gradually from fragmented, welfare-oriented approaches toward a more structured, rights-based framework.
8. International standards have reinforced the principles of proportionality, rehabilitation, diversion, child-friendly procedure, and the minimal use of institutionalisation.
9. Welfare and rights should not be regarded as competing principles; a modern juvenile justice system requires both meaningful protection and procedural fairness.
10. Effective juvenile justice must be forward-looking: its objective should be to prevent a youthful mistake from permanently determining the individual's future.

XIII. CHALLENGES IN CONTEMPORARY JUVENILE JUSTICE

Notwithstanding considerable legal progress, historical development alone does not ensure effective implementation. The modern framework continues to face obstacles relating to infrastructure, trained

personnel, capacity-building, inter-agency coordination, social stigma, and access to rehabilitation programmes. The gap between law and implementation is accordingly of particular significance. Sound legislation may articulate the correct principles, but its realisation requires effective institutions, trained professionals, adequate resources, proper monitoring, and community involvement. A further difficulty lies in striking the appropriate balance between public protection and the best interests of the child. Although serious offences raise legitimate concerns of accountability, the state's response must remain proportionate and consistent with child-rights legislation. History demonstrates that both excessive punishment and excessive discretion may produce undesirable consequences. The most promising approach therefore remains one grounded in accountability, proportionality, rehabilitation, and rights.

XIV. CONCLUSION

The history of juvenile justice reveals a fundamental shift in the understanding of children and of responsibility. Juvenile offenders were initially subject to punishment, deterrence, and social control; this perspective changed over time under the influence of reform in philosophy, humanitarianism, child welfare, psychology, and international human rights. This history reflects a movement from punishment to rehabilitation, from an adult-oriented process to a specialised juvenile process, from welfare alone to welfare informed by rights, and from institutionalisation to reintegration into society. The Indian experience follows this international trend while retaining its own constitutional and historical specificities. Institutional innovation began, in fragmentary form, during the colonial era. In the post-colonial period, constitutional values and welfare legislation assumed a central role in the protection of children, while international human rights standards further promoted the development of a rights-based approach. The Juvenile Justice (Care and Protection of Children) Act, 2015 is one manifestation of this historical development.²⁶ The central insight to be drawn from the history of juvenile justice is that juvenile offenders should not be defined solely by

²⁶Supra note 3.

their conduct. They are young persons whose behaviour may be shaped by external influences, and who retain a genuine prospect of positive change. Juvenile justice should not, therefore, strip young offenders of accountability, but should render that accountability constructive, proportionate, developmental, and respectful of dignity. A historically informed approach to juvenile justice recognises that punishment alone cannot resolve the complex phenomenon of juvenile offending. Protection, education, rehabilitation, participation, family, community, and reintegration are all required alongside punishment in order to serve the ends of justice. Viewed in this light, the history of juvenile justice is properly understood as the history of society learning to see the child behind the offence.

XV. SUGGESTIONS

Based on the foregoing historical analysis, the following measures are suggested to strengthen juvenile justice:

- [1] Judicial and administrative processes should remain accessible and non-intimidating for children.
- [2] Judges, police officers, probation officers, social workers, counsellors, and institutional staff should receive specialised training in child development and juvenile justice.
- [3] Appropriate cases should be addressed through counselling, supervision, mediation, community-based intervention, and other alternatives to formal institutional proceedings.
- [4] Educational, vocational, psychological, and social-support programmes should be integrated into rehabilitation plans.
- [5] Welfare oriented intervention should not compromise the child's legal rights.
- [6] Reintegration is more sustainable where families, schools, communities, and social institutions participate constructively.
- [7] Consistent with international standards, deprivation of liberty should remain a measure of last resort, for the shortest appropriate period.
- [8] Rehabilitation should not end when institutional or judicial proceedings conclude; appropriate aftercare and reintegration support are essential.
- [9] Children who have come into conflict with the law should not be permanently labelled as criminals.
- [10] Juvenile justice programmes should be evaluated systematically to identify approaches that genuinely support rehabilitation and reduce reoffending.