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Evolution and Efficacy of The Juvenile Justice System in India: A Critical Analysis of the 2015 Act and 2021 Amendment

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1. INTRODUCTION

It is often asserted that the future of a nation is shaped by its children, making their mental and social well-being a foundational concern. The quest to establish a fair and effective juvenile justice system, however, presents a significant challenge, primarily due to the inherent tension between two competing principles: the welfare and rehabilitation of the child and the imperative of public security. Over the past century, policy has oscillated between these priorities. The passage of the Juvenile Justice (Care and Protection of Children) Act, 2015, marked a pivotal legislative attempt to address this balance, though it sparked considerable debate. Supporters viewed it as a necessary modernization, while critics argued it compromised the core rehabilitative ideal of a separate juvenile system.

The journey of India's juvenile justice legislations are backed not only by statutes at national level rather many of the

international covenants has also been a significant player in this remarkable journey. The legislative journey progressed from the territorially limited Children Act of 1960 to the uniform Juvenile Justice Act of 1986 which eventually culminated towards Juvenile Justice (Care and Protection of Children) Act, 2000. The 2000 Act provided a statutory clarity by fixing the age of majority at eighteen and bifurcating the adjudication process into two distinct categories i.e. "*children in conflict with law*," governed by the Juvenile Justice Board (JJB), and "*children in need of care and protection*," overseen by the Child Welfare Committee (CWC).

The need for the 2015 Act arose from growing societal and political pressure following high-profile crimes (*Nirbhaya Rape case*) involving older adolescents. It introduced profound changes amongst which the most controversial was permitting juveniles aged 16-18 to be tried as adults for "heinous offences."¹ Furthermore, the Act institutionalized adoption procedures by granting statutory status to the Central Adoption Resource Authority (CARA), thereby replacing obsolete personal laws with a secular, universal framework and mandated the registration of all Child Care Institutions (CCIs) ensuring that entities housing "orphaned, abandoned or surrendered" children operate within the bounds of legal scrutiny.

Despite the statutory advancements, the 2015 Act faced severe scrutiny for allegedly tilting towards a retributive rather than reformative approach. Legal critics argued that lowering the age of criminal responsibility violated the spirit of Article 40(3)(a) of the UNCRC.² Beyond theoretical objections, operational efficacy was compromised by acute infrastructural deficits. A significant number of CCIs and observation homes

¹The Juvenile Justice (Care and Protection of Children) Act, 2015, s. 15.

²United Nations Convention on the Rights of the Child, 1989, art. 40(3)(a).

lacked the requisite facilities and specialized staff to foster genuine rehabilitation. Furthermore, a dearth of legal literacy among enforcement agencies, including the police and judiciary, often led to procedural lapses. Reports indicated that a vast majority of CCIs, particularly those operated by non-governmental entities, failed to adhere to mandatory registration norms, prioritizing financial aid over the statutory mandate of care and protection.

To address these implementation lacunae, the legislature promulgated the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021. This amendment sought to rectify legal ambiguities by redefining "serious offences" to prevent the inadvertent trial of minors as adults for crimes where the statute prescribes a maximum sentence of seven years but no minimum sentence³. By clarifying this definition, the Amendment aims to retain a larger cohort of offenders within the rehabilitative scope of the juvenile system. Additionally, the Act consolidated judicial jurisdiction by designating the Children's Court as the exclusive forum for trying offences under the Act, thereby simplifying the procedural hierarchy.

A significant administrative overhaul under the 2021 Amendment involved empowering District Magistrates (DMs) to sanction adoption orders, powers previously vested in the civil courts, and to exercise enhanced supervisory control over CCIs and Child Welfare Committees. While this devolution of power to the executive aimed to expedite proceedings and reduce judicial backlog, it has raised constitutional concerns regarding the separation of powers. Critics argue that vesting judicial functions in executive officers, who may lack specialized legal training, risks administrative overreach and

³ Section 2(54), The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

incompetence. Ultimately, despite legislative fortification, the system remains plagued by deep-seated malaise, including administrative apathy and a critical lack of mental health interventions, suggesting that statutory amendments alone are insufficient without robust infrastructural and procedural enforcement.

2. GLOBAL STANDARDS AND CONSTITUTIONAL SAFEGUARDS: A JUVENILE JURISPRUDENCE PERSPECTIVE

2.1 International Legal Instruments and Global Trends

The architectural framework of juvenile justice systems across the globe is anchored in international human rights law, which mandates that the treatment of young offenders must prioritize rehabilitation, inherent dignity, and the specialized status of the child. A landmark shift in this global consensus occurred with the 2005 United States Supreme Court ruling in *Roper v. Simmons*, which struck down the death penalty for minors, thereby aligning American domestic policy with the international principle that the unique capacity of juveniles for reform necessitates protection from the most draconian punishments.⁴ The normative core of this international regime is the United Nations Convention on the Rights of the Child (UNCRC), 1989, which codifies the full spectrum of civil, political, and socio-economic rights for children. This treaty is bolstered by three pillars of non-binding but highly influential instruments: the Beijing Rules (1985), which emphasize diversionary tactics and fair adjudication; the Havana Rules (1990), setting minimum standards for the deprivation of

⁴ *Roper v. Simmons*, 543 U.S. 551 (2005).

liberty; and the Riyadh Guidelines (1990), which focus on the prevention of juvenile delinquency.⁵

In the global arena, India's Juvenile Justice Act, 2015, has encountered rigorous academic and legal critique for its perceived departure from these standards. Critics argue that the judicial waiver system, permitting the trial of 16-to-18-year-olds as adults for "heinous offences" violates the UNCRC's foundational mandate that all persons under eighteen receive specialized protection.⁶ Furthermore, concerns persist regarding the potential commingling of juveniles with adult populations and the erosion of the "detention as a measure of last resort" principle. However, from a domestic legal standpoint, Indian courts maintain that while international treaties inform jurisprudence, municipal law takes precedence unless such treaties are specifically incorporated by Parliament through legislative action.⁷

2.2 Comparative Philosophical Models and Rehabilitative Efficacy

Globally, juvenile justice systems fluctuate between the Welfare Model, which emphasizes therapeutic intervention and is common in Scandinavia and New Zealand, and the Justice Model, which prioritizes legal accountability and proportionality, historically favoured by the United Kingdom and the United States. Neither approach is considered inherently superior, as overly informal welfare systems can sometimes lack crucial due process safeguards, while rigid justice models may ignore the developmental vulnerabilities of

⁵ United Nations General Assembly, Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), Res 40/33 (1985).

⁶ United Nations Convention on the Rights of the Child, 1577 UNTS 3 (1989).

⁷ *Jolly George Varghese v. Bank of Cochin*, AIR 1980 SC 470

youth. Contemporary research suggests that regardless of the model employed, the most effective outcomes are derived from evidence-based, multisystem therapies and cognitive-behavioural interventions rather than punitive “Scared Straight” initiatives, which often prove counterproductive. Comparative analysis reveals a diverse landscape where, for instance, the United Kingdom maintains a low age of criminal responsibility at ten years but strictly prohibits life sentences without parole for minors, illustrating a hybrid approach to accountability and reform.⁸

2.3 The Constitutional Bedrock of Juvenile Rights in India

The Constitution of India serves as the ultimate arbiter of juvenile rights, providing a protective canopy that mandates the state to act as *parens patriae*, or the ultimate guardian of those unable to protect themselves. This constitutional mandate is bifurcated into enforceable Fundamental Rights and the guiding Directive Principles of State Policy (DPSP). Within the realm of Fundamental Rights, Article 14 ensures equality before the law, protecting vulnerable children from systemic discrimination, while Article 15(3) provides the specific constitutional enabling provision for the state to enact special laws for the benefit of women and children.⁹ Furthermore, Article 21, which guarantees the right to life and personal liberty, has been expansively interpreted by the Supreme Court to include the right to a dignified existence, nutrition, and protection from exploitation. This is complemented by Article 21A, which guarantees the fundamental right to free and compulsory education for children aged six to fourteen, and

⁸ Henggeler, S. W., & Schaeffer, C. M., Multisystemic Therapy: An Evidence-Based Juvenile Justice Reform, *Juvenile Justice Review* (2010).

⁹ The Constitution of India, art. 15(3)

Articles 23 and 24, which explicitly prohibit human trafficking, forced labor, and hazardous child employment.¹⁰

The Directive Principles of State Policy, specifically Article 39(e) and (f), further enjoin the state to ensure that children are provided with opportunities to develop in a healthy environment and are protected against moral and material abandonment.¹¹ The Indian judiciary has been instrumental in translating these principles into reality through “judicial activism” and Public Interest Litigation (PIL). In seminal cases such as *M.C. Mehta v. Union of India*, the courts have mandated the rescue of children from hazardous industries, citing the harmonious construction of Fundamental Rights and Directive Principles.¹² In essence, the 2015 Act represents a legislative attempt to reconcile public demands for retribution with constitutional and international obligations for reform. The success of this legal framework depends not on its punitive capacity, but on its ability to uphold the “best interests of the child” through humane, rehabilitative, and constitutionally sound implementation.

3.0 THE EVOLUTIONARY TRAJECTORY OF JUVENILE JURISPRUDENCE IN INDIA

3.1 Historical Genesis and Legislative Evolution

The genesis of juvenile justice in India can be traced to eighteenth-century welfare initiatives, specifically the 1787 establishment of destitute shelters in Calcutta. However, the formal legal framework originated with the Apprentice Act of 1850, which prioritized vocational rehabilitation for orphaned youth. This reformatory philosophy was subsequently codified

¹⁰ *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645

¹¹ The Constitution of India, art. 39(f).

¹² *M.C. Mehta v. Union of India*, AIR 1997 SC 699.

in the Indian Penal Code (IPC), 1860, through the doctrine of *doli incapax* under Sections 82 and 83. These provisions establish a conclusive presumption of innocence for children under seven and a rebuttable presumption for those aged seven to twelve, contingent upon their "attained maturity" and capacity to discern the nature of their conduct.¹³

The transition toward a modern, uniform system occurred with the Juvenile Justice Act, 1986, which distinguished between "delinquent" and "neglected" youth. This was eventually superseded by the Juvenile Justice Act, 2000, which harmonized domestic law with the United Nations Convention on the Rights of the Child (UNCRC) by standardizing the juvenile age at eighteen years. The 2000 Act bifurcated the system into two functional categories: "children in conflict with law," adjudicated by Juvenile Justice Boards (JJB), and "children in need of care and protection," managed by Child Welfare Committees (CWC).¹⁴

A transformative shift occurred with the Juvenile Justice (Care and Protection of Children) Act, 2015, enacted amidst heightened public discourse regarding adolescent culpability in grave offenses. While preserving the welfare ethos, the 2015 Act introduced a contentious mechanism under Section 15, permitting juveniles aged sixteen to eighteen accused of "heinous offenses" to be prosecuted as adults following a preliminary assessment of their mental and physical capacity.

3.2 Institutional Framework and the 2015 Statutory Provisions

The 2015 Act established two key district-level bodies. Juvenile Justice Boards, comprising a magistrate and social

¹³ The Indian Penal Code, 1860, ss. 82 & 83.

¹⁴ *Salil Bali v. Union of India*, (2013) 7 SCC 705.

workers, manage children in conflict with law. Their critical duty is to conduct preliminary assessments for older adolescents to determine if a trial in adult court is warranted. Child Welfare Committees, consisting of a chairperson and members, serve as the ultimate authority for the care, protection, and rehabilitation of vulnerable children.

The Act categorizes offences into heinous, serious, and petty crimes. For heinous crimes, which carry a minimum punishment of seven years, the Act permits the trial of sixteen to eighteen year olds as adults. This is not an automatic process but requires the Juvenile Justice Board to evaluate the child's comprehension and the circumstances of the offence.¹⁵

3.3 Implementation Deficits and the 2021 Remedial Amendments

Despite its detailed provisions, the 2015 Act faced severe implementation failures. Widespread infrastructural deficits were found in juvenile homes and Child Care Institutions, which lacked basic facilities and trained staff. There was also a significant lack of awareness and training among police, judges, and social workers. A 2020 NCPDR report revealed that a vast majority of Child Care Institutions were not even registered, operating without proper oversight or a genuine rehabilitative focus.¹⁶

In response, the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, was promulgated to strengthen accountability. The amendment expanded the definition of "serious offenses" to include crimes where the maximum punishment exceeds seven years but no minimum is prescribed, thereby ensuring more children remain within the

¹⁵ *Barun Chandra Thakur v. Master Bhole*, 2022 SCC OnLine SC 870.

¹⁶ National Commission for Protection of Child Rights (NCPDR), *Social Audit of Child Care Institutions*, 2020.

protective ambit of the juvenile system.¹⁷ Most significantly, it transferred the authority to issue adoption orders from civil courts to District Magistrates (DMs) and Additional District Magistrates, intended to expedite the adoption process and enhance the supervision of district child protection units.

3.4 Integrative Framework and Contemporary Challenges

The Indian juvenile system is bolstered by complementary statutes such as the Protection of Children from Sexual Offences (POCSO) Act, 2012, which mandates victim-centric, confidential proceedings and specialized courts for survivors. Furthermore, the Probation of Offenders Act, 1958, emphasizes non-custodial sentencing, requiring the judiciary to provide recorded reasons if it chooses to incarcerate a youthful offender instead of granting probation.¹⁸

The 2021 reforms, while aimed at strengthening the system, present new concerns. Granting judicial powers to District Magistrates without ensuring specialized training risks ineffective implementation and blurs the separation of executive and judicial functions. Furthermore, deep-rooted issues such as the chronic shortage of legally adoptable children, underreporting of crimes due to social and economic barriers, and a critical lack of mental health support in childcare institutions persist.¹⁹

The evolution of India's juvenile justice system reflects a transition from colonial-era welfare to a multifaceted legal structure attempting to reconcile child rehabilitation with societal demands for accountability. While legislative efforts have matured, the system continues to grapple with a profound

¹⁷ The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, s. 2(54)

¹⁸ The Probation of Offenders Act, 1958, s. 6

¹⁹ Exploration of the 2021 Amendment Impact, *Report by the Ministry of Women and Child Development* (2023).

"implementation gap." Future progress necessitates a shift from statutory drafting to the robust resourcing and vigilant oversight of rehabilitative institutions to ensure that the "best interests of the child" transition from a legal rhetoric to a functional reality.

4.0 JUDICIAL INTERPRETATION AND THE EVOLUTION OF JUVENILE JURISPRUDENCE

The Indian judiciary has served as the primary architect of juvenile jurisprudence, consistently reinforcing the doctrine of *parens patriae* to ensure that rehabilitation remains the cornerstone of the legal process. Through a series of transformative rulings, the Supreme Court and High Courts have navigated the complexities of age determination, the procedural nuances of the 2015 Act, and the fundamental rights of children in custodial care.

4.1 Principles of Age Determination and Evidentiary Standards

A foundational tenet established by the judiciary is that the determination of juvenility must be anchored to the date of the alleged commission of the offense, rather than the date of trial or arrest. This principle was solidified in *Pratap Singh v. State of Jharkhand*, where the Supreme Court affirmed that a child should not be deprived of statutory protections due to the inherent delays in the judicial system.²⁰ In establishing a child's age, the courts have institutionalized a strict evidentiary hierarchy. Contemporary school records, specifically matriculation certificates or admission registers, are granted primacy over medical opinions. This was underscored in *Ashwani Kumar Saxena v. State of M.P.*, where the Court held that documentary evidence from an educational institution

²⁰ *Pratap Singh v. State of Jharkhand*, (2005) 3 SCC 551.

must prevail over ossification tests, which are viewed as secondary and capable of providing only a speculative age range.²¹ However, the judiciary maintains a vigilant stance against “belated claims” of juvenility. As seen in *Parag Bhati v. State of Uttar Pradesh*, claims made without contemporary documentary support or those plagued by internal contradictions are viewed with skepticism to prevent the strategic misuse of the Act in cases involving grave offenses.²²

4.2 Judicial Clarification of “Heinous Offences” and Preliminary Assessment

The introduction of the trial-as-adult provision for the 16–18 age cohort necessitated rigorous judicial scrutiny to prevent administrative overreach. In the seminal case of *Shilpa Mittal v. State of NCT of Delhi*, the Supreme Court provided a definitive interpretation of the term “heinous offence,” ruling that it applies exclusively to crimes carrying a mandatory minimum sentence of seven years’ imprisonment.²³ In this landmark decision, the Supreme Court provided a pivotal interpretation, holding that an offence is only “heinous” if it carries a mandatory minimum sentence of seven years imprisonment. Offences with a maximum sentence over seven years but a lower or no minimum sentence were classified as “serious offences,” for which a juvenile cannot be tried as an adult. This interpretation was later incorporated into the 2021 Amendment.

Furthermore, the judiciary has delineated the procedural boundaries of the “Preliminary Assessment” mandated under Section 15 of the 2015 Act. In *Rajiv Kumar v. State of Bihar*, it was clarified that the Juvenile Justice Board’s power to assess a

²¹ *Ashwani Kumar Saxena v. State of M.P.*, (2012) 9 SCC 751.

²² *Parag Bhati v. State of Uttar Pradesh*, (2016) 12 SCC 744.

²³ *Shilpa Mittal v. State of NCT of Delhi*, (2020) 2 SCC 787.

child's mental and physical capacity is restricted solely to heinous offenses.²⁴ The courts have further emphasized that the Board's findings do not bind the Children's Court; rather, the latter must conduct an independent judicial evaluation. As held in *CCL LK @LKP vs. State*, the Children's Court is obligated to record specific, reasoned findings before deciding to try a juvenile as an adult. Even in instances where a minor is tried within the adult system, the Supreme Court has mandated that the child be detained in a "place of safety" rather than a traditional prison until the age of 21, ensuring uninterrupted access to educational and reformatory resources.

4.3 Writ Jurisdiction and the Enforcement of Institutional Standards

The judiciary has actively utilized its writ jurisdiction to oversee the state's execution of juvenile welfare mandates. The Bombay High Court in *Master Rajeev Shankar Lal Parmar v. Officer In-charge* established that any court possesses a suo motu duty to investigate an accused's age if doubt arises, and that the illegal detention of a juvenile in an adult facility entitles the victim to monetary compensation.²⁵ On a systemic level, the Supreme Court's directives in *Sampurna Behura v. Union of India* revolutionized the oversight of Child Care Institutions (CCIs), compelling the government to ensure these facilities meet statutory standards of hygiene, safety, and psychological support.²⁶ This proactive stance was further evidenced during the *In Re Contagion of COVID-19 Virus* proceedings, where the Court issued emergency guidelines to

²⁴ *Rajiv Kumar v. State of Bihar*, 2017 SCC OnLine Pat 1419.

²⁵ *Master Rajeev Shankar Lal Parmar v. Officer In-charge*, 2011 (3) BomCR 642.

²⁶ *Sampurna Behura v. Union of India*, (2018) 4 SCC 433.

protect the health of children in state custody, demonstrating that the judiciary remains the ultimate guarantor of a child's right to dignity and reformative justice.

In short, the judicial perspective has been instrumental in shaping a juvenile justice system that balances legal accountability with a steadfast commitment to the care, protection, and ultimate rehabilitation of the child. The courts have constructed rigorous procedural safeguards, interpreted punitive provisions narrowly to protect juvenile status, and consistently upheld the rehabilitative purpose of the law, thereby operationalizing the principle that the "best interest of the child" is paramount.

5. CONCLUSION AND RECOMMENDATIONS

The culmination of this study indicates that while the Indian juvenile justice framework is anchored in commendable reformative ideals, it is profoundly compromised by an "implementation deficit" that obstructs its dual mandate of child protection and delinquency reduction. Despite the progressive iterations of the Juvenile Justice (Care and Protection) Act in 2015 and 2021, the operational reality is undermined by a systemic lack of specialized infrastructure, untrained human resources, and fragmented inter-agency coordination. Empirical evidence highlights a disconcerting trend where nearly 39% of Child Care Institutions (CCIs) operate without statutory registration, coupled with a near-total absence of viable aftercare initiatives. This institutional neglect often forces released juveniles back into the socio-economic environments that initially catalyzed their delinquent behavior. The research posits that a sustainable system cannot rely solely on punitive deterrence or isolated reformative policies; instead, it requires a synthesized approach that balances accountability with robust, preventive rehabilitation.

The analysis further identifies a significant disconnect between legislative intent and grassroots execution. Legal ambiguities surrounding the reclassification of offenses and the adult-trial assessment process for the 16–18 age cohort continue to generate judicial and administrative inconsistencies. On the ground, this is exacerbated by a critical shortage of welfare officers and psychological counselors, rendering individualized rehabilitation plans, a statutory requirement, virtually non-existent. Furthermore, the 2021 strategy of devolving judicial powers to overburdened District Magistrates (DMs) without providing specialized manpower or intensive training risks creating a bottleneck that could neutralize the intended reforms. The system remains siloed, failing to integrate effectively with the broader spectrum of child-centric laws or to establish a cohesive follow-up mechanism for reintegrated youth.

To bridge the gap between law and practice, the state must prioritize the professionalization of stakeholders through mandatory training in child psychology for the judiciary, police, and social workers. Infrastructure must be modernized to ensure CCIs provide genuine vocational and emotional care. Success should be evaluated based on the qualitative outcomes of individualized aftercare plans rather than mere processing statistics. Additionally, a community-integrated care model should be adopted to reduce reliance on institutionalization.

Finally, the legal framework itself requires refinement to ensure procedural justice. The state must explicitly guarantee and provide high-quality, free legal aid to every child in conflict with the law to prevent the victimization of the underprivileged. Reducing case pendency through dedicated fast-track mechanisms is essential to ensuring that justice is both fair and certain. By harmonizing the Juvenile Justice Act with other protective statutes, India can create a seamless legal ecosystem. Ultimately, the transformation of the system from a

theoretical construct into a functional reality depends on a committed, well-resourced implementation that remains unswervingly focused on the “best interests of the child”.