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THE JUVENILE JUSTICE SYSTEM IN INDIA

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I. ABSTRACT

The juvenile justice system in India now rests on a unified child rights framework that treats all persons below eighteen as children and distinguishes carefully between children in conflict with law and children in need of care and protection. The Juvenile Justice (Care and Protection of Children) Act, 2015, aligned with UNCRC standards, embeds principles of best interests, rehabilitation, diversion and institutionalisation as a measure of last resort, while the new criminal codes on substantive offences, procedure and evidence operate around this special regime. The study examines the evolution of this framework, the key substantive and procedural provisions on classification of children, age determination, bail and preliminary assessment, and the functioning of core institutions such as Juvenile Justice Boards, Child Welfare Committees, District Child Protection Units and Child Care Institutions. It analyses leading Supreme Court and High Court decisions that develop a rights-based, child-centric jurisprudence and interrogates continuing implementation deficits, including uneven institutional capacity, weak diversion mechanisms and gaps in aftercare. On this basis the research offers doctrinal and policy suggestions aimed at strengthening rehabilitation oriented responses, improving coordination across stakeholders and ensuring closer conformity with constitutional mandates and international child rights obligations.

II. KEYWORDS

Juvenile justice system in India, Juvenile Justice (Care and Protection of Children) Act 2015, children in conflict with law, children in need of care and protection, child rights and rehabilitation.

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III. INTRODUCTION

A. Concept and Rationale of Juvenile Justice

Juvenile justice denotes a specialised legal response for children who come into contact with law, based on the insight that children differ from adults in physical, mental and emotional development and therefore in culpability. It accepts that delinquent behaviour often reflects neglect, poverty, abuse or peer pressure rather than hardened criminal intent, and that traditional punitive criminal law cannot adequately address these child specific conditions. The core concept rests on correction, guidance and support instead of retribution, while still recognising that children can cause serious harm and that the system must respond in a structured and accountable manner.[3]

The rationale of a separate juvenile justice system also grows from international child rights standards which insist that childhood is a distinct, protected phase of life. Academic work on juvenile justice explains that modern systems deliberately move away from viewing children as property of parents or miniature adults and instead treat them as independent rights holders who require special safeguards in law and practice. This shift, influenced strongly by the Convention on the Rights of the Child and related instruments, makes rehabilitation, social re integration and best interests of the child the organising principles of juvenile justice, not merely desirable side effects.[4]

International norms such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the Beijing Rules, further refine this rationale by requiring that responses to children primarily promote their well being and future prospects. Rule 5 in particular states that juvenile justice should emphasise the welfare of the juvenile and help avoid purely punitive sanctions, and that any intervention should be proportionate not only to the gravity of the offence but also to the circumstances and

[3] M.R.A. Kaushik, Impact and Implementation of Juvenile Justice Act, 2000 1–3 (2018), https://nludelhi.ac.in/download/publication/iijj2000.pdf (last visited Mar. 9, 2026).
[4] Saumya Uma, Module 1: Concept and Rationale of Juvenile Justice 2–4 (e-PG Pathshala, 2018), https://epgp.inflibnet.ac.in/epgpdata/uploads/epgp_content/S001608/P001809/M027674/ET/1520851568JJMODULE1CONTENTS.pdf (last visited Mar. 9, 2026).

needs of the child. This language supports diversion, non custodial measures and restorative processes as preferred options, and views institutionalisation as a genuine last resort.[5]

Human rights analysis on children and justice stresses that the aim of juvenile justice is the child's rehabilitation and social reintegration in a manner consistent with dignity and self respect. It reads Article 40 of the Convention on the Rights of the Child as recognising the right of every child alleged or accused of an offence to treatment that fosters a sense of worth and reinforces respect for human rights and fundamental freedoms, while preparing the child to assume a constructive role in society. Contemporary Indian scholarship on juvenile justice adopts this rationale and argues that a credible system must combine accountability with a strong rehabilitative, child centred orientation if it is to reduce re offending and protect communities in the long run.[6]

B. Research Objectives

1. To explain the concept, philosophy and rationale of juvenile justice in India and to situate it within the broader framework of constitutional rights, welfare state duties and human rights norms.
2. To critically analyse the substantive and procedural scheme of the Juvenile Justice (Care and Protection of Children) Act, 2015, especially in relation to classification of children, age determination, bail and preliminary assessment, and to map the emerging judicial trends.
3. To assess the functioning of the institutional framework under the juvenile justice system, with particular attention to the roles and inter-linkages of Juvenile Justice Boards, Child Welfare Committees, District Child Protection Units and Child Care Institutions in practice.

[5] United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), G.A. Res. 40/33, annex (Nov. 29, 1985), https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-administration-juvenile (last visited Mar. 9, 2026).
[6] Richa Sharma, A Study of Juvenile Justice in India 4–7, Int'l J. Fundamental & Applied Res. (2025), https://www.ijfmr.com/papers/2025/4/50520.pdf (last visited Mar. 9, 2026).

4. To develop concrete and workable suggestions for legislative, policy and administrative reforms that can strengthen a rights based, child centric and rehabilitative juvenile justice system in India, in harmony with international standards and the new Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita and Bharatiya Sakshya Adhiniyam.

C. Research Questions

1. How does the juvenile justice framework in India conceptualise childhood and justify a separate system for children in conflict with law and children in need of care and protection?
2. How do the substantive and procedural provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, together with the new criminal codes, shape judicial approaches to age determination, bail and preliminary assessment of juveniles?
3. How effectively do key institutions such as Juvenile Justice Boards, Child Welfare Committees, District Child Protection Units and Child Care Institutions implement the child rights and rehabilitation mandate under the 2015 Act?
4. What legal and institutional reforms are required to align the Indian juvenile justice system more closely with constitutional guarantees and international child rights standards including the UNCRC, Beijing Rules and Riyadh Guidelines?

D. Research Methodology

The study adopts a primarily doctrinal and analytical research methodology, grounded in a close reading of primary legal materials and supported by critical engagement with secondary literature. It will examine constitutional provisions, the Juvenile Justice (Care and Protection of Children) Act, 2015 and its Rules, relevant sections of the Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Sanhita, 2023 and Bharatiya Sakshya

Adhiniyam, 2023, as well as international instruments such as the UNCRC, the Beijing Rules and the Riyadh Guidelines. Judicial decisions of the Supreme Court and various High Courts will be analysed using a case study and doctrinal approach to trace interpretive trends on age, bail, preliminary assessment and child rights principles. The research will also rely on authoritative commentaries, peer reviewed articles, law commission and committee reports, NCRB data, government and child rights body reports (such as those of the Ministry of Women and Child Development, NCPCR and UNICEF) to evaluate institutional performance and implementation gaps.

IV. HISTORICAL EVOLUTION AND INTERNATIONAL FRAMEWORK

A. Evolution of Juvenile Justice in India

The Indian juvenile justice system grew slowly from colonial poor laws that treated children almost like miniature adults in conflict with criminal law. The Apprenticeship Act 1850 used apprenticeship to control destitute children, while the Reformatory Schools Act 1897 allowed courts to detain boys under fifteen in reformatory institutions instead of prisons, marking a cautious move toward rehabilitation. The Indian Jail Committee Report 1919–20 criticised confinement of children with adults and recommended separate institutions, which later informed provincial Children Acts in Madras, Bengal and Bombay that set up juvenile courts and special homes for young offenders.[7]

Post independence, the constitutional commitment to equality and special protection for children under Articles 14, 15(3), 21 and 39(e)–(f) pushed the discourse from mere control to welfare and rights. The Probation of Offenders Act 1958 encouraged non custodial responses for youthful offenders and tried to keep them away from hardened criminals. The Children Act 1960, applicable to Union Territories, prohibited imprisonment of children, created juvenile courts and welfare boards, and insisted that no child should be

[7] Renu Bala, Juvenile Justice System in India: An Appraisal, 7 Int'l J. L. 54, 54–58 (2021), https://www.lawjournals.org/assets/archives/2021/vol7issue1/7-1-18-835.pdf (last visited Mar. 9, 2026).

kept in police lock ups or jails, though many States either lagged behind or used divergent age limits, which produced serious inconsistencies in treatment.[8]

These gaps, and the Court's concern in *Sheela Barse v. Union of India* that children continued to languish in jails despite protective laws, led to demand for a uniform central statute. The Juvenile Justice Act 1986 therefore consolidated disparate Children Acts and created a single national framework for both "neglected" and "delinquent" juveniles. It introduced Juvenile Courts, welfare boards, observation homes and after care programmes, and drew heavily on the United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985, the Beijing Rules, so that Indian law reflected emerging international standards on diversion and non custodial measures.[9]

Ratification of the Convention on the Rights of the Child 1989 in 1992 shifted the paradigm again, because Article 40 requires States to build specialised juvenile justice laws that promote dignity, reintegration and a constructive role for the child in society. India responded through the Juvenile Justice (Care and Protection of Children) Act 2000, which adopted a uniform age of eighteen for all children and embedded a child friendly, rights based language. Subsequent amendments and the Juvenile Justice (Care and Protection of Children) Act 2015 further refined this regime by classifying petty, serious and heinous offences, creating new procedural safeguards, and trying to balance public concern about violent juvenile crime with the international obligation to keep detention as a last resort.[10]

Judicial doctrine then deepened this evolution by insisting on liberal application of the juvenile law and careful age determination. Decisions such as *Eerati Laxman v. State of Andhra Pradesh*, *Ravinder Singh Gorkhi v. State of U.P.* and *Ram Suresh Singh v. Prabhat Singh*

[8] Nat'l L. Univ. Delhi, Impact and Implementation of Juvenile Justice Act, 2000 4–6 (2018), https://nludelhi.ac.in/download/publication/iijj2000.pdf (last visited Mar. 9, 2026).
[9] E-PG Pathshala, Module 1: Evolution of Juvenile Justice 3–4 (Ministry of Hum. Res. Dev. 2018), https://epgp.inflibnet.ac.in/epgpdata/uploads/epgp_content/S001608/P001809/M027674/ET/1520851568JJMODULE1CONTENTS.pdf (last visited Mar. 9, 2026).
[10] Convention on the Rights of the Child art. 40, Nov. 20, 1989, 1577 U.N.T.S. 3, https://www.ohchr.org/sites/default/files/crc.pdf (last visited Mar. 9, 2026).

treated school records, documentary evidence and medical opinion as crucial tools to ascertain juvenility and directed that any reasonable doubt must favour the child. These rulings, read together with compilations of important case law on juvenile justice, show how courts used evidentiary principles under the law of evidence and criminal procedure to operationalise the protective purpose of successive juvenile justice statutes in India.[11]

B. International Standards: UNCRC, Beijing Rules and Riyadh Guidelines

The United Nations Convention on the Rights of the Child places juvenile justice inside a broader child rights framework and treats every child in conflict with law as first and foremost a rights holder. Articles 37 and 40 prohibit torture or cruel treatment, restrict detention to a last resort for the shortest time, and require respect for dignity, worth and reintegration of each child. These provisions also insist on legal assistance, fair trial guarantees and a child specific system of laws, authorities and institutions.[12]

The Committee on the Rights of the Child then clarifies these obligations in General Comment No. 10, where it asks States to build a comprehensive juvenile justice policy based on non discrimination, best interests, survival and development and participation. The Comment encourages a higher minimum age of criminal responsibility, stronger diversion schemes and restorative measures and very cautious use of deprivation of liberty. It stresses that ordinary criminal justice goals of deterrence or retribution cannot dominate when authorities deal with children and that procedures, environments and language must be genuinely child friendly.[13]

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the Beijing Rules, operate as detailed soft law guidance on how a child sensitive system should function in practice. The Rules emphasise the primary goal of promoting the well

[11] High Court of Madhya Pradesh, Compilation of Important Cases on Juvenile Justice 4–8 (2013), https://mphc.gov.in/PDF/web_pdf/JJC/UPLOADED/Compilation%20of%20Important%20Cases%20on%20Juvenile%20Justice.pdf (last visited Mar. 9, 2026).
[12] Convention on the Rights of the Child arts. 37–40, Nov. 20, 1989, 1577 U.N.T.S. 3.
[13] U.N. Comm. on the Rights of the Child, General Comment No. 10 (2007): Children's Rights in Juvenile Justice, ¶¶ 10–14, U.N. Doc. CRC/C/GC/10 (Apr. 25, 2007), https://www.refworld.org/legal/general/crc/2007/43085 (last visited Mar. 9, 2026).

being of the juvenile, require proportionality between response and both circumstances and gravity of the offence, and encourage diversion, social enquiry reports and graduated non custodial options. They call for specialised personnel, separate procedures from adults, and impartial application without discrimination so that the formal system intervenes only when strictly necessary and with minimum impairment of future prospects of the child.[14]

The United Nations Guidelines for the Prevention of Juvenile Delinquency, known as the Riyadh Guidelines, shift the focus further upstream to preventive social policy. They describe prevention of juvenile delinquency as an essential part of crime prevention and require a child centred orientation that supports harmonious development through family, education, community, culture, employment and media. The Guidelines discourage criminalisation of status behaviour and call on States to strengthen positive socialisation, participatory leisure, and early support services instead of relying on coercive control or institutionalisation.[15]

Together, the UNCRC, Beijing Rules and Riyadh Guidelines create a dense matrix of binding and persuasive norms that press States to design juvenile justice as a specialised, welfare oriented and preventive system rather than a mere extension of adult criminal justice. Contemporary scholarship on international juvenile justice standards notes that these instruments demand integrated policies where laws on procedure, evidence, sentencing and institutional administration all align with reintegration and best interests of the child. Indian reforms under the Juvenile Justice (Care and Protection of Children) Acts and related criminal law codes draw

[14] United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), G.A. Res. 40/33, annex (Nov. 29, 1985), https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-administration-juvenile (last visited Mar. 9, 2026).
[15] United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), G.A. Res. 45/112, annex (Dec. 14, 1990), https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-guidelines-prevention-juvenile-delinquency-riyadh (last visited Mar. 9, 2026).

V. SUBSTANTIVE AND PROCEDURAL LAW UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

A. Key Definitions and Classification of Children

The 2015 statute defines a child as a person who has not completed eighteen years of age and fixes a single age standard for the entire scheme.[16] This bright line replaces earlier scattered thresholds in different laws and avoids confusion between the terms juvenile, minor and child. It shows that every person below eighteen is meant to receive the special procedures and protective focus of the juvenile justice system, without having to argue about age thresholds drawn in other criminal statutes.

Within this broad class the Act first recognises the child in conflict with law, meaning a child alleged or found to have committed an offence who had not completed eighteen years on the date of the incident.[17] It also defines the child in need of care and protection, a wide welfare category that covers children without home or subsistence, children living or working on the street, children with abusive or unfit parents or guardians, and children exposed to sexual abuse, trafficking, drugs, armed conflict, disaster or even risk of child marriage. The twin categories separate children who face allegations of offending from children who reach the system mainly as victims or in deep vulnerability, while both remain rights bearing children in the eyes of the law.

The statute further refines children in need of care and protection through the labels abandoned child, orphan and surrendered child, which together cover most children without effective parental care.[18] An abandoned child is deserted by biological or adoptive parents or guardians and is declared abandoned by the Child Welfare Committee after inquiry. An orphan is a child without biological or adoptive parents or

[16] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 2(12) (India).
[17] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, §§ 2(13), 2(14) (India).
[18] Univ. of Mohanlal Sukhadia, Unit V – Juvenile Justice Law 2–3 (n.d.), https://mlsu.ac.in/econtents/1076_Juvenile%20Justice%20Act.pdf (last visited Mar. 9, 2026).

legal guardian or whose guardian is unwilling or unable to care, while a surrendered child is one whom parents or guardians formally relinquish to the Committee because of serious physical, emotional or social factors beyond their control, and whom the Committee then declares surrendered.

These interlinked definitions permit precise classification of each child for forum, procedure and long term care planning.[19] A child in conflict with law comes before the Juvenile Justice Board and usually receives rehabilitative or diversionary responses, whereas a child in need of care and protection, including any orphan, abandoned or surrendered child, appears before the Child Welfare Committee and enters the network of child care institutions, sponsorship, foster care and adoption. Judicial and training material under the Act stress that correct use of these statutory terms is crucial so that every child moves into the proper legal pathway and receives the specific safeguards promised under the 2015 framework.

B. Juveniles in Conflict with Law: Procedure and Safeguards

The 2015 Act treats a "child in conflict with law" as any child alleged or found to have committed an offence before completing eighteen years, and then lays down a self contained procedure for such cases under Chapter IV. The Act operates as a special code that overrides general criminal procedure wherever there is inconsistency, so that investigation, inquiry and disposition happen in a child friendly and welfare oriented manner from the first point of contact itself.[20]

When police apprehend a child, Section 10 read with the Model Rules requires immediate production before the Juvenile Justice Board within twenty four hours, after excluding travel time, and forbids use of police lock up or jail. The child must go to an observation home or place of safety and a Child Welfare Police Officer or Special Juvenile Police Unit

[19] Padmesh Shah, Sensitization of Child Rights & Key Issues Related to Juvenile Justice Act 2015 8–11, M.P. State Judicial Acad. (n.d.), https://mphc.gov.in/PDF/web_pdf/JJC/PDF/publication/Session-1%20Presentation%20by%20Shri%20Padmesh%20Shah%2C%20Additional%20Director%2C%20MPSJA.pdf (last visited Mar. 9, 2026).
[20] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, ch. IV (India).

should handle the case in plain clothes and with minimal force. Parents or guardians and the probation officer receive prompt intimation so that the child does not stand alone before the Board and so that social background information is available from the outset of proceedings.[21]

Section 12 then creates a strong presumption in favour of bail for every child in conflict with law, whether the alleged offence is bailable or not, and allows refusal only where release may bring the child into association with known criminals, expose the child to moral, physical or psychological danger, or defeat the ends of justice. Courts have read this as making detention the rare exception, not the rule, and they link it to the constitutional right to personal liberty and to the international requirement that deprivation of liberty must be a last resort and for the shortest appropriate duration.[22]

Once the Board receives the child, Section 14 directs it to conduct an inquiry in an informal, non adversarial manner and within strict timelines, with distinct pathways for petty, serious and heinous offences. The Board relies on social investigation reports, interaction with the child and family, and support services rather than formal trial mechanics, and may finally pass a range of rehabilitative orders under Sections 17 and 18, including counselling, probation, community service, and placement in a special home for a maximum of three years. Section 21 bars sentences of death or life imprisonment without release for any child in conflict with law, which marks a clear break from adult sentencing logic.[23]

For children aged sixteen to eighteen who face allegations of heinous offences, Section 15 requires the Board to conduct a preliminary assessment into the child's mental and

[21] Children in Conflict with Law, DeFacto Judiciary (June 1, 2024), https://www.defactojudiciary.in/notes/children-in-conflict-with-law (last visited Mar. 9, 2026).
[22] Ashish Lakra, A Critical Legal Analysis of Delinquency, Reform, and Accountability in India's Juvenile Justice System 1346–48, ShodhKosh: J. Vis. & Performing Arts, vol. 5, no. 2 (2023), https://www.granthaalayahpublication.org/Arts-Journal/ShodhKosh/article/download/5478/4968/28970 (last visited Mar. 9, 2026).
[23] An Overview of Juvenile Justice Act, 2015 with Regard to Child in Conflict with Law 6–9 (Dist. Child Protection Unit, Khordha 2022), https://cdnbbsr.s3waas.gov.in/s37a68443f5c80d181c42967cd71612af1/uploads/2025/03/20250319117068816 4.pdf (last visited Mar. 9, 2026).

physical capacity to commit the offence, ability to understand its consequences and the specific circumstances of the case, with expert assistance where needed. The Supreme Court in *Shilpa Mittal v. State of NCT of Delhi, (2020) 2 SCC 787* clarified how "heinous" and "serious" offences must be classified and stressed that even this assessment is not a full trial but a structured, rights based evaluation. Scholarship on juvenile justice further points out that these provisions, read with safeguards on confidentiality, removal of disqualification and privacy of identity, seek to hold the child accountable while still keeping reintegration and best interests at the centre of the process.[24]

C. Children in Need of Care and Protection: Mechanisms and Processes

The Act defines a "child in need of care and protection" in very wide terms and lists multiple concrete situations, such as a child without a home or subsistence, a child living on the street, a child whose parents are unfit or incapacitated, a child rescued from abuse, trafficking or hazardous labour, or a child at imminent risk of early marriage.[25] This inclusive drafting pushes authorities to see vulnerability in many forms and not wait for extreme abuse before they intervene. It also allows children who move between categories, like street connected children who sometimes come into conflict with law, to still receive protection as rights holders rather than only as offenders.[26]

The primary forum for such children is the Child Welfare Committee, constituted in every district as a quasi judicial body with powers of a first class Judicial Magistrate for CNCP cases.[27] Any person, including police, Childline services, NGOs, local authorities or even the child, can produce a suspected CNCP before the Committee within twenty four hours, excluding travel time. The Committee must then make immediate orders for temporary shelter, emergency medical care, counselling or food and clothing, so that the

[24] Ashish Lakra, A Critical Legal Analysis of Delinquency, Reform, and Accountability in India's Juvenile Justice System 1348–50, ShodhKosh: J. Vis. & Performing Arts, vol. 5, no. 2 (2023), https://www.granthaalayahpublication.org/Arts-Journal/ShodhKosh/article/download/5478/4968/28970 (last visited Mar. 9, 2026).
[25] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 2(14) (India).
[26] Frequently Asked Questions under JJ Act, 2015, Delhi High Court J.J. Comm. (n.d.), https://jjcdhc.nic.in/?page_id=1619 (last visited Mar. 9, 2026).
[27] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, §§ 27–30 (India).

child does not remain in unsafe spaces or police custody. User manuals prepared for CWCs repeatedly remind members that their first response must secure safety and dignity, and that long interviews or paperwork should not delay basic care.[28]

After the initial production, the Committee conducts an inquiry, usually within a four month outer limit, based on a social investigation report prepared by a probation officer or social worker and on interaction with the child and family.[29] Training modules emphasise that members should listen to the child in an age appropriate way, verify documents or claims made by adults, and consult other protection structures such as the District Child Protection Unit. On this material, the Committee passes final orders under Section 37, which can include restoration to parents with supervision, placement with a fit person or fit facility, admission to a children's home or specialised facility, or referral for foster care, sponsorship or adoption, always guided by best interests and the individual care plan of that child.[30]

Rehabilitation and social reintegration provisions then link CWC decisions to a broader network of services, under Sections 39 to 46, that cover institutional care, sponsorship, foster care, pre adoption and aftercare support.[31] Studies on children in street situations in India show that when properly used, these mechanisms can move children from extreme precarity to more stable family based or community based environments, though gaps in capacity and funding often slow this transition.[32] The statutory mandate still makes it clear that long term institutionalisation must stay a measure of last resort and that every order of the Committee should contain a clear pathway toward family restoration or alternative family care wherever possible.

[28] Ministry of Women & Child Dev., User Manual for Child Welfare Committee (CWC) 6–10 (Mission Vatsalya 2023), https://missionvatsalya.wcd.gov.in/public/user-manual/cwc.pdf (last visited Mar. 9, 2026).
[29] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, §§ 36–37 (India).
[30] Nat'l Comm'n for Prot. of Child Rts., Training Module for Chairperson and Members of Child Welfare Committee 69–73 (2022), https://www.ncpcr.gov.in/uploads/1668950434637a29a2d3cd9_cwc-module-updated.pdf (last visited Mar. 9, 2026).
[31] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, §§ 39–46 (India).
[32] UNICEF India, Study of Children in Street Situations in India 97–101 (2022), https://www.unicef.org/india/media/13451/file/Study%20of%20Children%20in%20Street%20Situation%20in%20India.pdf.pdf (last visited Mar. 9, 2026).

VI. INSTITUTIONAL FRAMEWORK AND STAKEHOLDERS

The Juvenile Justice (Care and Protection of Children) Act 2015 builds a multi level institutional architecture, rooted in the Ministry of Women and Child Development at the Union level and mirrored by State Child Protection Societies and District Child Protection Units. The statute defines the District Child Protection Unit as the key district body for implementation of the Act and related child protection measures, which signals a shift from purely court centric justice to a broader protection system under the overall supervision of the district administration.[33]

Within this framework the Juvenile Justice Board and the Child Welfare Committee function as core quasi judicial fora that specialise in children. The Board deals with children in conflict with law, conducts inquiries and passes rehabilitation focused orders, while the Committee exercises wide powers in respect of children in need of care and protection, including inquiry, declaration of legal status, placement and review. Training material issued for CWCs describes them as watchdogs over all Child Care Institutions in the district and as gatekeepers for family preservation, restoration and alternative care, which makes them central actors rather than peripheral welfare bodies.[34]

The District Child Protection Unit operates as the technical and coordination hub that links these fora to front line services. It maps vulnerable areas, maintains data on children and institutions, coordinates rescue and rehabilitation operations, and supports sponsorship, foster care and aftercare schemes. A detailed training module on DCPUs under the Integrated Child Protection Scheme and the JJ Act notes that the Unit is responsible for converging efforts of all district departments, NGOs and community

[33] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 2(26), § 106 (India).
[34] Nat'l Comm'n for Prot. of Child Rts, Training Module for Chairperson and Members of Child Welfare Committee 5–7 (2022), https://www.ncpcr.gov.in/uploads/1668950434637a29a2d3cd9_cwc-module-updated.pdf (last visited Mar. 9, 2026).

structures to achieve the child protection goals set out in the legislation and national policy.[35]

Police structures also sit inside the juvenile justice framework through Special Juvenile Police Units and Child Welfare Police Officers posted at police stations. Guidelines on child friendly police functioning require that SJPU officers handle all cases relating to children, avoid handcuffs and coercive tactics, and never compel a child to confess, while ensuring immediate production before the Board or Committee as the case may be. These directions treat the police not only as crime control agents but as protection stakeholders who must work in coordination with DCPUs, CWCs and JJBs, and who need specialised training on child rights standards.[36]

VII. JUDICIAL INTERPRETATION AND DOCTRINAL ANALYSIS

A. Landmark Supreme Court and High Court Decisions

In *Sheela Barse v. Union of India*, 1986 SCC 3 596, and later orders in 1988, the Supreme Court condemned the presence of children in jails and directed States to identify, separate and shift all such children to appropriate homes, with legal aid and periodic judicial inspection of custodial institutions.[37] These directions pushed governments to operationalise juvenile homes and laid an early constitutional foundation for a child centered justice system under Articles 21 and 39(f).

In *Salil Bali v. Union of India*, (2013) 7 SCC 705, and *Dr. Subramanian Swamy v. Raju*, (2014) 8 SCC 390, the Court rejected challenges to the uniform upper age of eighteen years and

[35] New Concept Information Sys., District Child Protection Unit – Structure and Functionaries 3–5 (2018), https://newconceptinfosys.net/Tarang/Upload/Training/Modules/Module%202_English.pdf (last visited Mar. 9, 2026).
[36] Nat'l Comm'n for Prot. of Child Rts, Guidelines for Establishment of Child Friendly Police Stations 4–6 (2018), https://ncpcr.gov.in/uploads/165753842162cc07750a4a2_guidelines-for-establishment-of-child-friendly-police-stations-911-kb.pdf (last visited Mar. 9, 2026).
[37] Ashish Lakra, A Critical Legal Analysis of Delinquency, Reform, and Accountability in India's Juvenile Justice System 1342–44, ShodhKosh: J. Vis. & Performing Arts, vol. 5, no. 2 (2023), https://www.granthaalayahpublication.org/Arts-Journal/ShodhKosh/article/download/5478/4968/28970 (last visited Mar. 9, 2026).

refused to carve out an exception for juveniles accused of heinous offences.[38] It treated the age threshold as a deliberate legislative choice aligned with the UN Convention on the Rights of the Child and underlined that the juvenile justice law embodies a restorative rather than retributive philosophy, which cannot be rewritten through judicial populism.

In *Jarnail Singh v. State of Haryana*, (2013) 7 SCC 263, the Supreme Court treated Rule 12 of the Juvenile Justice Rules 2007 on age determination as a general evidentiary standard for children in criminal cases.[39] The Court prioritised matriculation or school records, then municipal birth registers, and allowed medical opinion only as a last resort, while insisting that any reasonable doubt about age must operate in favour of juvenility. This approach has influenced later practice under the Juvenile Justice Act 2015 and under the Bharatiya Sakshya Adhiniyam on documentary proof.

In *Shilpa Mittal v. State of NCT of Delhi*, (2020) 2 SCC 787, the Court confronted a gap in the 2015 Act regarding offences that carry a maximum sentence of more than seven years but no minimum term.[40] It held that such offences do not fall within the statutory definition of "heinous offences" that permit transfer of sixteen to eighteen year olds for trial as adults, and therefore must be treated at best as "serious offences", while inviting Parliament to consider appropriate amendments. This reading avoided an expansive transfer of children to adult courts beyond what the statute clearly authorises.

In *Sampurna Behura v. Union of India*, (2018) 4 SCC 433, the Supreme Court used continuing mandamus to monitor chronic non implementation of the Juvenile Justice Acts, issuing detailed directions on constitution of Juvenile Justice Boards, Child Welfare Committees,

[38] Centre for Child and Youth Research, Revisiting the Minimum Age of Criminal Responsibility in India: Bridging Law, Science and Global Ethics (2025), https://ccyj.nalsar.ac.in/revisiting-the-minimum-age-of-criminal-responsibility-in-india-bridging-law-science-and-global-ethics/ (last visited Mar. 9, 2026).
[39] Shreya Rastogi, Determining Age in Criminal Law: A Comparative Legal Analysis of POCSO and Juvenile Justice Frameworks in India 6–9 (2025), https://ijirl.com/wp-content/uploads/2025/05/DETERMINING-AGE-IN-CRIMINAL-LAW-A-COMPARATIVE-LEGAL-ANALYSIS-OF-POCSO-AND-JUVENILE-JUSTICE-FRAMEWORKS-IN-INDIA.pdf (last visited Mar. 9, 2026).
[40] Shilpa Mittal v. State of NCT of Delhi and Anr., Case Comment, Int'l J. L. Litig. & Res., vol. 3, no. 2 (2022), https://doi-ds.org/doilink/01.2022-21799835/IJLLR/V3/I2/A187 (last visited Mar. 9, 2026).

District Child Protection Units and registration of Child Care Institutions.[41] High Courts have complemented this oversight, for instance the Delhi High Court in *Court on its Own Motion v. Govt. of NCT of Delhi*, W.P.(Crl.) 249 of 2009, which treated every missing child report as a cognisable offence and laid down protocols for tracing, counselling and rehabilitation, thereby extending juvenile justice protection at the police and community level.

B. Doctrinal Issues on Age, Bail, and Preliminary Assessment

Age determination doctrines under the Juvenile Justice (Care and Protection of Children) Act, 2015 rest on Section 94, which creates a strict evidentiary hierarchy. The Board or Committee must first look at the school date of birth certificate, then at a birth certificate from municipal or local authorities, and only in their absence may it order ossification or other medical tests. This structure gives documentary proof presumptive weight and treats medical opinion as advisory, with courts often applying a margin of error and giving the benefit of doubt to the child. The Supreme Court in Jarnail Singh v. State of Haryana extended this approach to child victims as well, which pulls the whole system closer to a uniform, child-centred standard on age.[42]

Doctrinal tension appears once this age enquiry interacts with offence classification and the transfer mechanism for older children. The 2015 Act now differentiates petty, serious and heinous offences, introduces preliminary assessment for alleged heinous offences by children aged sixteen to eighteen, and recognises that a child in conflict with law can simultaneously be a child in need of care and protection. Age findings therefore decide not only forum and procedure but also the possibility of adult trial. Scholarship

[41] Sampurna Behura v. Union of India: Enhancing the Framework for Juvenile Justice and Child Rights Implementation, Case Comment, Casemine Commentary (2018), https://www.casemine.com/commentary/in/sampurna-behura-v.-union-of-india%3A-enhancing-the-framework-for-juvenile-justice-and-child-rights-implementation/view (last visited Mar. 9, 2026).

[42] Eshanya Mishra, Determining Age in Criminal Law: A Comparative Legal Analysis of POCSO and Juvenile Justice Frameworks in India, Indian Journal of Integrated Research in Law, Vol. V, Issue III, 2025, at 413–420, https://ijirl.com/wp-content/uploads/2025/05/DETERMINING-AGE-IN-CRIMINAL-LAW-A-COMPARATIVE-LEGAL-ANALYSIS-OF-POCSO-AND-JUVENILE-JUSTICE-FRAMEWORKS-IN-INDIA.pdf (last visited Mar. 9, 2026).

highlights how many children lack birth or school records, and how even short delays or errors in age inquiry can expose them to harsher processes despite the statutory promise of best interests and rehabilitation.[43]

On bail, Section 12 of the 2015 Act reworks ordinary criminal procedure by making release the rule and detention the narrow exception for a child in conflict with law. The provision directs that the child "shall" be released on bail with or without surety, unless release is likely to bring the child into association with known criminals, expose them to moral or physical danger, or defeat the ends of justice. Recent doctrinal analysis reads this as creating a strong presumption in favour of liberty, and notes that several High Courts have borrowed general bail principles under Article 21 to insist that gravity of the alleged offence alone cannot justify denial. Courts and commentators also debate the interface between this child-specific regime and anticipatory bail under Section 438 of the Code of Criminal Procedure and its successor in the Bharatiya Nagarik Suraksha Sanhita, with some decisions treating the Juvenile Justice Act as a more protective, self-contained code that should ordinarily govern first.[44]

Preliminary assessment under Section 15 has generated a distinct set of doctrinal questions. The Board must, within three months, evaluate the mental and physical capacity of the child, their ability to understand the consequences of the alleged offence, and the circumstances in which it was committed. The statute clarifies that this is not a trial, but a threshold inquiry that may lead either to retention before the Board or to transfer to the Children's Court for possible adult trial. Academic commentary stresses that the Act provides almost no concrete guidance on how to assess mental capacity or understanding, and that Boards therefore rely heavily on psychologists and psycho-social

[43] Jasdeep Kaur, Preliminary Assessment – Section 15 Juvenile Justice (Care and Protection) Act 2015: View Point of Legal Aid Counsel, International Journal of Law Management & Humanities, Vol. 7, Issue 1, 2024, at 2182–2189, https://ijlmh.com/wp-content/uploads/Preliminary-Assessment-Section-15-Juvenile-Justice-Care-and-Protection-Act-2015.pdf (last visited Mar. 9, 2026).

[44] Bail For Juveniles in the Indian Legal Landscape, International Journal of Creative Research Thoughts, Vol. 11, Issue 4, 2023, at 3865–3872, https://ijcrt.org/papers/IJCRT2304477.pdf (last visited Mar. 9, 2026).

experts, which is uneven across districts and can create wide discretion and inconsistency.[45]

In Barun Chandra Thakur v. Master Bholu & Another, arising from the Ryan International School murder, the Supreme Court interpreted Section 15 in a rights-protective way yet also revealed structural gaps. The Court held that where the Board does not include a member with a degree in child psychology or psychiatry, the word "may" in Section 15 regarding expert assistance operates as a mandatory requirement and the Board is obliged to seek such help. It also warned that IQ scores show only basic mental capacity and cannot, by themselves, prove a child's ability to grasp the social and legal consequences of the act. The Court finally called upon the Union and child rights commissions to frame detailed guidelines for preliminary assessment, recognising that the absence of clear protocols risks arbitrary transfer of children into the adult criminal justice system.[46]

C. Rights-Based Interpretation and Child-Centric Jurisprudence

Indian courts increasingly read the Juvenile Justice framework through a rights based lens that flows from Articles 14, 15(3), 21 and 39 of the Constitution and from the best interest of the child doctrine. They treat children not as passive recipients of welfare but as independent rights holders whose dignity, development and participation need protection in every legal process. Judicial reasoning now uses the best interest standard as a substantive norm, a rule of interpretation and a procedural requirement when decisions affect any child.[47]

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[45] Jasdeep Kaur, Preliminary Assessment – Section 15 Juvenile Justice (Care and Protection) Act 2015: View Point of Legal Aid Counsel, International Journal of Law Management & Humanities, Vol. 7, Issue 1, 2024, at 2182–2189, https://ijlmh.com/wp-content/uploads/Preliminary-Assessment-Section-15-Juvenile-Justice-Care-and-Protection-Act-2015.pdf (last visited Mar. 9, 2026).

[46] Shreyas Sumant Mahajan, Case Comment: Barun Chandra Thakur v. Master Bholu & Another 2022, Journal of Legal Research and Juridical Sciences, Vol. 2, Issue 4, 2023, at 1160–1164, https://jlrjs.com/wp-content/uploads/2023/10/129.-Shreyas-Sumant-Mahajan.pdf (last visited Mar. 9, 2026).

[47] Jyoti Yadav & Anurag Tripathi, Best Interest of the Child Doctrine in Indian Courts: Interpretation, Application and Gaps, 6 Indian J. Legal Rev. 941, 941–945 (2026), https://ijlr.iledu.in/wp-content/uploads/2026/02/V6I199.pdf (last visited Mar. 9, 2026).

Constitutional jurisprudence on children has therefore shifted from a charity oriented welfare approach to a child centric paradigm that links juvenile justice with broader rights to education, protection, health and development. Courts in public interest litigations concerning bonded labour, child trafficking, street children and children in institutional care treat State duties under the Juvenile Justice Act, the POCSO Act and the Right to Education Act as enforceable obligations, not vague policy choices. This line of decisions gradually constructs a composite, rights based architecture in which juvenile justice boards and child welfare committees become instruments for realising fundamental rights.[48]

Rights based interpretation also reshapes criminal procedure and evidence rules through child friendly justice. In sexual offence cases involving children, the Supreme Court and High Courts endorse measures like in camera trials, screens, separate waiting areas, breaks during testimony and recording of statements in a familiar environment. Judicial training materials emphasise that such adaptations do not dilute fair trial rights of the accused but actually enhance truth finding while reducing secondary victimisation of child witnesses and child victims who enter the juvenile justice and allied systems.[49]

The Supreme Court in Ms. Eera Through Dr. Manjula Krippendorf v. State (Govt. of NCT of Delhi) illustrates this child centric approach by urging a purposive construction of penal and protective statutes in light of UNCRC obligations and mental age considerations. The Court stresses that legal categories must capture the real vulnerability and cognitive capacity of children and of persons with intellectual disabilities, and that formalistic readings of definitions can defeat both equality and special protection guarantees. This reasoning influences how juvenile capacity, consent,

[48] Tanuja Panda, Children and the Law: Rights, Remedies, and Realities in India, 3 Indian J. Legal Stud. & Soc. Sci. 531, 536–542 (2025), https://ijlsss.com/children-and-the-law-rights-remedies-and-realities-in-india/ (last visited Mar. 9, 2026).

[49] Asha Bajpai, Child Friendly Court Procedures and Judicial Attitudes: Ensuring the Best Interest of the Child (Nat'l Judicial Acad. 2017), https://nja.gov.in/Concluded_Programmes/2017-18/P-1044_PPTs/8.Child%20friendly%20Court%20Procedures%20and%20Judicial%20Attitudes.pdf (last visited Mar. 9, 2026).

and culpability are evaluated in overlapping regimes like POCSO and the Juvenile Justice Act.[50]

VIII. CONCLUSION & SUGGESTIONS

The contemporary juvenile justice framework in India now rests on a coherent statutory code that unifies children in conflict with law and children in need of care and protection within one rights oriented architecture.[51] Constitutional guarantees of equality, special protection for children and dignified life give this code normative strength, and the 2015 legislation clearly adopts rehabilitation, social re integration and best interests of the child as central aims rather than incidental goals of criminal policy.[52]

Empirical work on the system, however, shows persistent gaps between this ambitious design and actual practice on the ground. Studies record uneven constitution and functioning of Juvenile Justice Boards and Child Welfare Committees, variable quality of Child Care Institutions, and serious shortfalls in specialised staff, legal aid, counselling and aftercare services, which directly affect outcomes for children.[53] National level assessments by child rights bodies further highlight that many CCIs remain only partially compliant with registration, inspection and standards of care, and that access to quality education and vocational training inside institutions is still patchy despite clear statutory mandates.[54]

A first set of suggestions must therefore focus on institutional strengthening and accountability. State governments need to fill all vacancies in JJBs, CWCs and District Child Protection Units, and to ensure regular training in child rights, trauma informed practice and restorative techniques for police, prosecutors, probation officers and

[50] Ms. Eera Through Dr. Manjula Krippendorf v. State (Govt. of NCT of Delhi), (2017) 15 S.C.C. 133.
[51] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, pmbl., §§ 2, 3 (India).
[52] Press Information Bureau, Child Care Institutions, Ministry of Women & Child Dev. (July 29, 2022), https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=1846135 (last visited Mar. 9, 2026).
[53] Vidhi Joshi, Evaluating the Effectiveness of Juvenile Justice Systems: A Comparative Analysis of Rehabilitation vs. Punitive Approaches in India, 5 ShodhKosh J. Visual & Performing Arts 1345 (2024), https://www.granthaalayahpublication.org/Arts-Journal/ShodhKosh/article/view/5651 (last visited Mar. 9, 2026).
[54] Nat'l Comm'n for Prot. of Child Rts, A Study on Education and Vocational Training of Children Staying at Children's Homes 5–10 (2019), https://ncpcr.gov.in/uploads/165665457962be8af31089d_final-report---educational-vocational-training-of-children.pdf (last visited Mar. 9, 2026).

counsellors. Central and state authorities should strictly enforce registration and periodic inspection of CCIs, with transparent social audits and the possibility of closure or de recognition where minimum standards are not met, while at the same time investing in non institutional alternatives like foster care, sponsorship and supervised independent living.[55]

A second cluster of reforms should deepen the system's rehabilitative orientation. Bail for children in conflict with law must be treated in practice as the norm that the statute already declares it to be, with pre trial detention used only in genuinely exceptional situations. Diversion schemes, community based programmes and restorative justice conferences need scaling up, supported by evidence based interventions that address education, mental health, addiction and family conflict rather than only the legal incident. Clear national guidelines on preliminary assessment under Section 15, prepared through interdisciplinary consultation, would also reduce arbitrariness and protect older adolescents from unwarranted transfer to adult courts.[56]

Finally, policy must embrace a more integrated "justice for children" approach in line with international standards. This requires linking juvenile justice systems with broader child protection, education, health and social protection schemes, and building strong data systems that capture long term outcomes such as recidivism, schooling and employment. Partnerships with judicial academies, bar councils and civil society can sustain child sensitive jurisprudence and advocacy, while periodic national reviews of the law under the new criminal codes will help keep the juvenile justice framework aligned with evolving constitutional values and global child rights norms.[57]

[55] Ministry of Women & Child Dev., Integrated Child Protection Scheme and Mission Vatsalya Framework (2023), https://wcdhry.gov.in/schemes-for-children/icps/ (last visited Mar. 9, 2026).
[56] Conference on Juvenile Justice Act, 2015: Report of Proceedings (High Court of Punjab & Haryana JMC 2018), https://highcourtchd.gov.in/jjmc/NOTIFICATION/conf_10052018.pdf (last visited Mar. 9, 2026).
[57] UNICEF India, Justice for Children Programme Note (2024), https://www.unicef.org/india/what-we-do/justice-for-children (last visited Mar. 9, 2026).

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