



## **Breaking the Cycle: Safeguarding the Future of Juvenile Offenders via Rights and Reform**

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### **ABSTRACT**

In India, juvenile offenders and their rights in Prisons are an extensive issue, which involves children and adolescents which accounts for a sizable percentage. Despite efforts to solve these problems, the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, continues to confront obstacles such as overcrowding in juvenile facilities, insufficient rehabilitation programs, lack of legal help, and shortage of qualified staff. The delicate balance between rehabilitation and retribution is made more difficult by the stigma associated with young offenders, the lack of regular rehabilitation programs, and inadequate facility supervision. Upgrading the infrastructure of juvenile care facilities, prioritizing education, and skill development, integrating mental health support into rehabilitation, and expediting the legal process are just a few of the ways by which Indian legislation must prioritize for improving the juvenile justice system and address its related problems. In order to lessen institutionalization and promote reconciliation between victims and offenders, alternative conflict resolution procedures like mediation and restorative justice ought to be given priority. Through collaborations with local communities, foster care, adoption agencies, and non-governmental organizations, community-based rehabilitation initiatives have to be reinforced. Preventive measures, such school-based counselling, parenting classes, and welfare programs, can assist in identifying and assisting children who are at danger of violating the law. Maintaining the rights and

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dignity of children in legal trouble requires that India's juvenile justice system to be in line with international best practices. Indian prison administration also needs to improve and stricken its approach regarding proper implementation of juvenile prisoners rights. Initiatives are required for effectively providing and administering the basic human and other rights and facilities meant for the juvenile offenders in the prisons.

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### **A Historical Overview of the Juvenile Justice System in India**

Due to historical events and the country's varied cultural backdrop, the juvenile justice system in India has changed over time. As society developed, official legal processes were formed to address the special vulnerabilities of adolescents, while communities have always dealt with juvenile misbehaviors through informal methods. The Indian government has passed a number of laws, such as the Juvenile Justice (Care and Protection of Children) Act,<sup>1</sup> to protect the rights of children who require care and protection as well as juvenile offenders. Adaptations have been made to meet the evolving demands of society.<sup>2</sup> International best practices and standards from institutions such as the United Nations and other sophisticated juvenile justice systems have given Indian policymakers important direction.

The Indian juvenile justice system has changed throughout time due to a combination of legal, cultural, and historical influences. After gaining independence in 1947, the nation was divided, there were riots, and migration, which left many children without family care and homeless. Due to governmental reorganization, the Children Bill 1953 was shelved in 1954 after much discussion and eventually passed in 1960, the first central Children Act only applied to united areas. Under the Children Acts of many states, Sheela Barse<sup>3</sup> petitioned for the release of 1,400 children who had been unlawfully detained in 1983. In order to eliminate this imbalance, the Supreme Court recommended that the Union of India

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<sup>1</sup> **The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act No. 2 of 2016).**

<sup>2</sup> Anjali Mittal and Geetika Garg, "Juvenile Justice and New Criminal Laws in India" *Contemporary social science* (2024).

<sup>3</sup> Sheela Barse vs State Of Maharashtra 1983 AIR 378, 1983 SCR (2) 337.



enact uniform laws.<sup>4</sup> With the exception of Jammu and Kashmir, the Juvenile Justice Act of 1986 was the main uniform law passed by Parliament. It kept the key elements of the minors Act of 1960, such as the definition of ‘youngster’ based on sex and the complete prohibition against, under any circumstances, detaining minors in police headquarters, penal institutions, or detention centers.<sup>5</sup> The juvenile court’s ability to handle serious crimes was questioned prior to the Act. According to the Supreme Court, juvenile courts are capable of trying cases involving any serious offences that carry a death sentence or life in prison.

Following the Juvenile Justice Act of 1986,<sup>6</sup> several courts examined the law’s applicability to minors who committed crimes under the special provisions. An abrogating impact clause in the exceptional laws stated that the arrangements would have precedence over any other opposing laws that were in effect. In order to address concerns over the low criminal punishments under the Penal Code and the possibility of trying youngsters between the ages of 16 and 18 as adults, the Indian Parliament approved the Juvenile Justice (Care and Protection of Children) Act of 2000.<sup>7</sup> The Juvenile Justice (Care and Protection of Children) Amendment Acts of 2006 and 2011 subsequently revised the Act with the goal of better organizing and utilizing its provisions. Once being published in the Official Gazette, the Juvenile Justice (Care and Protection of Children) Rules, 2007 went into effect. They remained in effect until the relevant state government establishes clear guidelines for the state’s application of the J.J. Act. The claim of juvenility, which entails the juvenile justice board selecting adolescent cases under the court’s close supervision, were the primary emphasis of the Act. There was continuing debate and pending Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021 in the House. It sought to address problems with India’s juvenile justice system, including the absence of appropriate legal frameworks and the requirement for the Act to be enforced more successfully. It aimed at enhancing powers given to authorities for improving care and adoption process of juveniles and their further betterment. The bill was passed in 2021 India’s juvenile justice system is always getting better due to lessons learnt from other countries experiences and the adoption of effective tactics. To achieve a balance between rehabilitative strategies, to stop reoffending and rehabilitate young offenders into

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<sup>4</sup> Seema Rani and Mohd Wazid Khan, “Juvenile Delinquency in India: An Analysis” 4 *International Journal of Research Publication and Reviews* 221-227 (2023).

<sup>5</sup> Preamble, Juvenile Justice (care & Protection) Amendment Bill, 2015.

<sup>6</sup> The Juvenile Justice Act, 1986 (Act No. 53 of 1986).

<sup>7</sup> The Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (Act No. 33 of 2006).



society and punitive measures for significant offences, adaptive policy development is required. In India, the focus on juvenile offenders has shifted from punitive to reformatory tactics. The foundation for juvenile correctional facilities was established by British laws like the Apprentices Act of 1850 and the Reformatory Schools Act of 1897.<sup>8</sup> Additionally, criminals under the age of eighteen were given preferential treatment under the Indian Penal Code (IPC), 1860.<sup>9</sup> The Juvenile Justice Act of 1986,<sup>10</sup> India's first comprehensive law pertaining to juveniles in legal trouble, marked a sea change. Nonetheless, the Juvenile Justice (Care and Protection of Children) Act, 2000,<sup>11</sup> brought India's juvenile justice system into compliance with the 1989 United Nations Convention on the Rights of the Child (UNCRC).<sup>12</sup>

### **Role of International instruments in guiding the progress of juvenile offenders rights in India**

Models and procedures for handling adolescents in legal trouble have been developed by international treaties including the United Nations Convention on the Rights of the Child (1989),<sup>13</sup> the International Covenant on Civil and Political Rights (1966),<sup>14</sup> and other global instruments pertaining to adolescent equity. These tools are intended to guarantee that children who are in legal trouble receive equitable treatment from the time of their apprehension until their discharge. The particular legal national guidelines are left to the individual governments, even if the global minimum standards for the majority of child rights exist as a reference for all jurisdictions. The subject of child rights and the prevention of child abuse have benefited greatly from the deployment of international tools. India ratified the 1989

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<sup>8</sup> Cordelin Rea R S, "Juvenile Justice System: History and International Comparisons" *Jus Corpus Law Journal* (2024)

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

<sup>10</sup> *Supra* note 6.

<sup>11</sup> The Juvenile Justice (Care and Protection of Children) Act, 2000 (Act No. 56 of 2000).

<sup>12</sup> "Convention on the Rights of the Child", *UNICEF for Every Child*, available at: <https://www.unicef.org/child-rights-convention> (last visited on Jan. 22, 2025).

<sup>13</sup> *Ibid* at 12.

<sup>14</sup> "International Covenant on Civil and Political Rights", *United Nations*, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (last visited on Jan. 22, 2025).



United Nations Convention on the Rights of the Child in 1992, acknowledging the rights of children. Since its establishment in 1773, the juvenile justice system in India has undergone substantial change, most of it due to external pressures. The necessity of a child-friendly approach to justice and the defense of children's rights was underlined by the 1992 UN Convention on the Rights of the Child. The young Justice Act's amendments have improved the system even further by striking a balance between young offenders accountability and rehabilitation.<sup>15</sup> Notwithstanding advancements, difficulties still exist, underscoring the necessity of a cohesive and efficient system. Reducing adolescent delinquency rates requires a strong emphasis on prevention and rehabilitation, with worldwide standards highlighting the need of multidisciplinary methods and community engagement. By emphasizing early intervention and support networks, a nurturing atmosphere can be established.

The dedication to upholding the rights of minors and offering them opportunity for rehabilitation has been a fundamental tenet of India's juvenile justice system, which has been shaped by historical, cultural, and global influences. To promote a more compassionate and inclusive society, India must keep enhancing its juvenile justice system to match worldwide standards while attending to the particular demands and problems of its varied populace.

### **Indian legal provisions concerning Juvenile Justice Care and Protection of Children**

A crucial component of any judicial system that seeks to rehabilitate and reintegrate young offenders into society is juvenile justice. International agreements, cultural shifts, and legislative reforms have all had a major impact on how juvenile criminals are treated in India. To ensure the complete development of juvenile offenders and avoid recidivism, it is imperative that their future be protected via rights and reforms. Thus, it is crucial to investigate the legislative frameworks, historical background, difficulties, weaknesses, and potential future paths of juvenile justice in India. The Juvenile Justice Act of 2021 i.e. Juvenile Justice (Care and Protection of Children) Amendment Act, 2021<sup>16</sup> is India's most current and important piece of law pertaining to juvenile justice. This law brought several revisions and superseded the 2015 Act, such as - Separation of Criminals according to age and Offence has been mentioned under the act. The Act divides transgressions into three categories i.e. minor, major, and egregious. The Juvenile Justice Board (JJB) has the authority to try cases of minors between the specified age who are accused of serious crimes as adults as prescribed under the act.

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<sup>15</sup> *Supra* note 4.

<sup>16</sup> The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 (Act No. 23 of 2021).



Juvenile Justice Board (JJB) is a quasi-judicial organization that guarantees a kid-friendly approach with respect to handling of young people who are in legal trouble. Children in need are cared for and rehabilitated by the Child Welfare Committees (CWCs).<sup>17</sup> The reforms in adoption and foster care include encouraging alternatives to institutional care and expediting adoption procedures. Criminalization Prevention through the act as it focusses on reform and avoids children from being labelled as criminals. By making abuse and cruelty committed by employees or those in charge of Child Care Institutions (CCI) indiscernible, the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, seeks to make it more difficult to disclose abuse at these facilities. The Juvenile Justice Act of 2015 is amended in a number of ways, including the reclassification of crimes under the special law that carry sentences of three to seven years as non-cognizable. By giving the district magistrate the authority to issue adoption orders, the amendment also improves the protection and adoption of children. The Act created a more generally accessible adoption statute in place of the Hindu Adoptions and Maintenance Act (1956)<sup>18</sup> and the Guardians of the Ward Act (1890),<sup>19</sup> allowing adoption proceedings for orphans, relinquished, and abandoned children to proceed smoothly. Within six months of the start date, all child care facilities—whether operated by the State Government or nonprofit or voluntary groups—must register under the Act. The revision to Section 86 of the JJ Act that is being challenged, however, reclassifies crimes under the special law that carry sentences of three to seven years as non-cognizable. Recognizable offenses are those in which a police officer can begin an investigation without a court's approval and arrest the offender without a warrant. The change further complicates the process of reporting an offense to the police. The Criminal Procedure Code in India establishes guidelines for how procedures against somebody who has committed an offense are to be conducted. The processes for dealing with crimes under criminal law are described in the Criminal Procedure Code. It describes the guidelines for carrying out legal action against a culpable party. Police officers can arrest a convicted person without a warrant and start an investigation without a judge's approval if the offense is cognizable. Usually, these crimes are serious or horrible. India being the signatory to a number of international treaties, including the United Nations

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<sup>17</sup> Pritpal Singh Chahal, "Study of Juvenile Justice System" 8 *International Journal of Novel Research and Development* 362-265 (2023).

<sup>18</sup> The Hindu Adoptions and Maintenance Act, 1956 (Act No. 78 of 1956).

<sup>19</sup> The Guardians of the Ward Act, 1890 (Act No. 8 of 1890).



Convention on the Rights of the Child (UNCRC) 1989,<sup>20</sup> has an impact on India's juvenile justice laws. The Beijing Rules (1985)<sup>21</sup> is also one of the international instrument worth mentioning which contains various recommendations for the management of juvenile justice. Principles for safeguarding minors who are denied their freedom are outlined in the Havana Rules (1990).<sup>22</sup> In India, even if the juvenile offenders have committed crimes, they are provided with the fundamental rights which must be upheld. Among them are some rights to the juvenile offenders are:

- Right to Legal Aid- Children and teenagers are entitled to free legal counsel.
- Right to Privacy- Their identities are not revealed to others in order to avoid stigmatization.
- Protection from Abuse- Measures to prevent torture and abuse in detention.
- Right to Education and Skill Development- Reintegration-related access to education and career training.
- Right to a Fair and Fast Trial- In order to guarantee justice, cases must be resolved quickly.

Implementing Juvenile justice and rights presents numerous difficulties in the process. There are several obstacles that prevent India's juvenile justice system from being implemented effectively, even with progressive laws. Some of the potential difficulties are listed as under:

- Absence of Infrastructure- Rehabilitation attempts are hampered by the fact that many juvenile homes lack basic amenities.
- Personnel Inadequate Training- Juvenile justice boards and welfare committees lack qualified specialists.
- Social Stigmatization- Opportunities for reintegration are limited when juvenile offenders are rejected by society.
- Legal Proceedings Delays- Prolonged detentions are a result of juvenile court backlogs.
- The impact of socioeconomic factors- Lack of parental supervision and poverty frequently lead to adolescent criminality.

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<sup>20</sup> *Supra* note 12.

<sup>21</sup> General Assembly, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")*, UN GAOR, UN Doc General Assembly Resolution 40/33 of 29 November 1985.

<sup>22</sup> General Assembly, *United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*, UN GAOR, UN Doc General Assembly Resolution 45/113 of 14 December 1990.





There are many flaws in the Juvenile Justice System of India. The Juvenile Justice Act permits minors between the specified ages to be prosecuted as adults for serious crimes, however there is ambiguity in this regard. The standards by which a juvenile should be prosecuted as an adult are unclear, nevertheless. The consequence of such ambiguity results in a manner showcasing that the reformative approach of Indian law may be at odds with the Juvenile Justice Board's inconsistent rulings, which may result in unfair trials and disproportionate punishment.<sup>23</sup>

There is grave absence of rehabilitation and reintegration mechanisms provided for the juvenile offenders. Correct counselling, education, and skill development programs are lacking in many juvenile homes. In the absence of rehabilitation, young people run the danger of committing crimes again because they find it difficult to reintegrate into society. Inadequate execution of probation and aftercare services is also one of the prominent causes of ineffective implementation of juvenile protection and rights.<sup>24</sup> Despite the legal requirement for aftercare services, many institutions are under-equipped to carry them out successfully. This in turn results in the juvenile offenders being more likely to become homeless or unemployed. Juvenile homes that are overcrowded and have subpar conditions are also posing no good in the betterment of the prevailing situation. Numerous institutions for young people are overcrowded, inadequately secured and sanitary conditions are also in a very questionable position as per the minimum basic bar provided. The consequences of these are turning the offenders into being exposed to abuse and exploitation in these settings and may cause them into engaging in more criminal activities. The prolonged juvenile justice process of long court cases is the outcome of overworked juvenile justice boards. Long-term incarceration in juvenile facilities has the effect of increasing psychological stress and impeding their recovery from the traumas faced in their life of criminal activities. The Juvenile justice staff members are often provided with inadequate training regarding dealing and management of juvenile offenders. Many welfare workers and police officers also lack in the necessary training required to handle adolescent problems in a sympathetic manner. The implications of such incidents lead to development of deep-rooted trauma and mistrust in the justice system. This also might be resulting from the harsh questioning and abuse faced by them in the juvenile homes. There are also subject to a lot of social stigma and difficulties regarding reintegration of families and communities as they frequently reject juveniles when they are released from custody. It further leads to rise in recidivism rates when people have trouble finding employment and obtaining schooling. There

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<sup>23</sup> *Supra* note 2.

<sup>24</sup> *Supra* note 4.





are many issues regarding obtaining adequate assistance for children mental health . In many cases the untreated psychiatric illnesses or trauma plays a large number of young criminals. It results into the violent conduct of juveniles and reoffending them as they are influenced by a lack of mental health services.

There are various socioeconomic and background-based sentencing disparities. Due of a lack of access to legal help, children from lower-income families frequently face more discrimination. In furtherance which leads to the access of wealthier young people who could avoid harsh penalties by way of corruption or other unfair means, flourishing well. Adverse use of the juvenile justice act by criminal organizations is another alarming issue broadly seen in the scenarios. Criminal syndicates take advantage of legal leniency by committing crimes involving youngsters and later plead under such laws which provide little punishments as per their categorization of being committed by juvenile. As a result of being influenced by crime, juveniles commit crimes again and thus the loop of crime restarts.

There are various progressive initiatives that can help in the improvement and betterment of the prevailing sector scenario of juvenile justice rights and privileges in India. Some of the potential prospects for the future of Indian legislation with regard to this are enlisted as under –

- India has to take a comprehensive approach that improves community inclusion, rehabilitation, and legal clarity in order to close these gaps.
- For the juvenile justice system to be more successful, restorative justice concepts and international best practices must be incorporated.
- A second opportunity should be given to juvenile criminals, as per the gravity of offence caused by them or other circumstantial essentials.
- India can guarantee their rehabilitation and effective reintegration into society by closing these gaps and bolstering rights and reforms.
- This would lower juvenile crime and promote a more secure and equitable country.

The following significant laws and actions might be cited while discussing juvenile justice, rights, and reforms in India:

- The Juvenile Justice (Caring for and Protecting Children) Amendment Act 2021<sup>25</sup> is the main laws that control juvenile justice in India. It specifies how to deal with minors who are in legal

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<sup>25</sup> The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 (Act No. 23 of 2021).



trouble. It establishes guidelines for trying minors between the ages specified as adults for serious offences.

- The Penal Code of India (IPC), 1860 includes clauses pertaining to the criminal responsibility age (Sections 82 and 83).

Section 82- Complete immunity for children under the age of seven.<sup>26</sup>

Section 83- Children aged 7 to 12 are granted conditional immunity.<sup>27</sup>

- The Criminal Procedure Code (CrPC), 1973 provisions pertaining to dealing with minors who are in legal trouble treats kids differently, with a focus on rehabilitation gives kids preferential attention, prioritizing their rehabilitation above punishment.<sup>28</sup>
- The 1986 Act on the Prohibition and Regulation of Child Labour (Amended in 2016) protects kids from working in abusive settings to ensures that rescued child labourers receive education and rehabilitation.
- The POCSO Act of 2012, which protects children from sexual offences addresses sexual offences against minors and establishes severe penalties for violators. offers kid-friendly methods for reporting, investigating, and trying cases.<sup>29</sup>
- The 2009 Right to Free and Compulsory Education (RTE) Act for Children guarantees the fundamental right to education has a preventative effect by using education to lower juvenile delinquency.<sup>30</sup>
- The 1958 Probation of Offenders Act favors rehabilitation above incarceration. gives probation authorities the ability to supervise the rehabilitation process of young offenders.<sup>31</sup>
- The 1897 Reformatory Schools Act - It was among the first laws aimed at rehabilitating young criminals. For juvenile criminals, reformatory schools were established.<sup>32</sup>

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<sup>26</sup> The Indian Penal Code , 1860 (Act 45 of 1860), s. 82.

<sup>27</sup> The Indian Penal Code , 1860 (Act 45 of 1860), s. 83.

<sup>28</sup> The Criminal Procedure Code (CrPC), 1973 (Act 02 of 1974).

<sup>29</sup> The Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012).

<sup>30</sup> The Right to Free and Compulsory Education (RTE) Act of 2009 (Act 35 of 2009).

<sup>31</sup> The Probation of Offenders Act of 1958 (Act 20 of 1958).

<sup>32</sup> The Reformatory Schools Act , 1897 (Act No. 20 of 1958).



- India ratified the United Nations Convention on the Rights of the Child (UNCRC), 1989, in 1992 global legal system for children's rights influences the adoption of international norms for juvenile justice in India. The protection, rehabilitation, and reintegration of young offenders in India are facilitated by these statutes taken together.

### **International best practices that India can adapt in legislations regarding betterment of juveniles**

Adopting international best practices can help India's juvenile justice system. These include adopting a rehabilitation-focused strategy, increasing the minimum age of criminal responsibility, setting up juvenile courts with judges and legal professionals who have received specialized training, and introducing education and career training in juvenile institutions. Models of restorative justice that prioritize education, counselling, and reintegration into society have been adopted in Germany and Norway. The Youth Criminal Justice Act of the United States and Canada, which educates judges in child psychology and trauma-informed decision-making, is another law that India might embrace. The Juvenile Drug Courts in the United States, which prioritize rehabilitation and counselling over jail for young drug offenders, are another model that India might follow. In Canada, judges are trained in child psychology and trauma-informed decision-making under the Youth Criminal Justice Act. Finland and the Netherlands have introduced vocational training and education in juvenile detention facilities, collaborating with commercial businesses to provide reformed youths job placement and training.<sup>33</sup> These nations have adopted comparable policies; for example, Finland offers juvenile offenders high-quality schooling, while the Netherlands provides organized vocational training to help them develop their skills prior to reintegration. India may enhance its juvenile justice system in a number of ways. Among these are modifying legislation to outright forbid the death penalty or life in prison for minors, growing community-based and restorative justice initiatives, boosting mental health screenings, and counselling programs, implementing alternative sentencing procedures, bolstering early intervention and prevention initiatives, and bringing the Juvenile Justice Act of 2021 into compliance with international norms like the UNCRC, Beijing Rules (1985), and Havana Rules (1990). The Youth Court in New Zealand resolves juvenile issues via cultural healing and counselling based on Maori practices. Both Sweden and the United Kingdom offer trauma and mental health treatment, and all adolescent detainees are required to

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<sup>33</sup> *Supra* note 8.



undergo psychological testing. For adolescent offenders who do not commit violent crimes, alternative punishment methods including electronic monitoring, probation, and home arrest can be used. Programs for early intervention and prevention, like Denmark's family intervention initiatives and Singapore's Youth GO! Program, can also be improved. In conclusion, India may transition to a juvenile justice system that is child-friendly, rehabilitative, and reformatory by putting these international best practices into effect. This would guarantee that young people are given a second shot at life rather than a severe penalty.

Juvenile justice is an essential component of any legal system, ensuring that youngsters in trouble with the law are treated with compassion, rehabilitation, and an emphasis on reintegration into society. Although India's Juvenile Justice (Care and Protection of Children) Act, 2021 is the latest fundamental legal framework governing juvenile justice, its implementation faces considerable obstacles. Some urgent challenges include overcrowded juvenile facilities, poor rehabilitation systems, and a harsh response to egregious offences. India may improve its juvenile justice system by adopting best practices from nations such as Norway, Germany, the United States, Canada, New Zealand, Japan, and Finland, among others. Adopting a rehabilitation-centered strategy that prioritizes reintegration into society over jail will enhance India's juvenile justice system. The innovative juvenile justice systems of Germany and Norway emphasize social rehabilitation, open prison systems, and little use of imprisonment. India may put these reforms into effect by lowering its dependency on institutionalization, setting up community rehabilitation facilities, bolstering post-release aftercare services for young people, and collaborating with private sector and non-profit groups to offer skill-based training initiatives. According to the Indian Penal Code (IPC), the minimum age for criminal culpability in India is presently ten years old, making it one of the lowest in the world. Scotland raised the minimum age from 8 to 12 years old, Japan did not prosecute minors under the age of 14, and the UNCRC recommended a minimum age of at least 12 years old as examples of international best practices. India is advised to create diversion programs for youngsters involved in petty offences, revise the Juvenile Justice Act to raise the minimum age to 12-14 years, and increase the role of child welfare committees in deciding on age-appropriate interventions.

India has to make a number of reforms to strengthen its juvenile justice system. The normal courts must be modified to achieve fair and restorative justice. India should create Juvenile Justice Boards (JJBs) that include professional child psychologists and juvenile law specialists. India should enhance the number of juvenile courts and provide specialized training for judicial professionals who handle juvenile



cases. It should improve education and vocational training for juvenile offenders, many of whom come from low-income families. Models like as Finland and the Netherlands offer outstanding education and vocational training to juvenile offenders. India should make education and vocational training essential in juvenile detention facilities, collaborate with corporations and skill development organizations, and set up in-prison schools and e-learning programs for juvenile convicts.

In violation of international human rights norms that forbid the death sentence and life in prison for kids, India's JJ Act, 2015 permits juveniles to be prosecuted as adults for serious offences. The European Court of Human Rights and the UNCRC & Beijing Rules (1985) provide that minors serving life sentences undergo review. In order to prevent erroneous adult trials, India is advised to improve age determination procedures, fortify alternative justice systems, and outlaw death penalties and life in prison without the possibility of release.

### **Suggestive measures for improvement in the implementation of juvenile offenders rights and privileges**

The Juvenile Justice (Care and Protection of Children) Act, 2015, followed by its amendment act in 2021 which sought to provide a child-friendly approach to justice, were one of the major reforms made to India's juvenile justice system. However, a number of structural issues that impede their rights, welfare, and reintegration into society make the current situation of young offenders in Indian juvenile institutions and care systems concerning. Juveniles must receive education, vocational training, healthcare, and psychological assistance, as well as be treated with respect, according to the legislation. However, because to overpopulation, a shortage of qualified personnel, a lack of finance, and lax implementation of rehabilitation programs, the reality on the ground frequently falls short. Overcrowding in India's juvenile facilities forces kids to live in unsatisfactory conditions with little access to basic essentials.

Due to overcrowding in many juvenile homes around India, children are forced to live in unsatisfactory conditions with little access to basic essentials like wholesome food, clean drinking water, and adequate medical care. In addition, there is a severe lack of qualified psychologists, social workers, and counsellors who can offer juvenile offenders—many of whom have been traumatized, abused, or neglected before entering the system—the emotional and mental health treatment they require. Many young people find it difficult to reintegrate into society after being released from prison due to a lack of appropriate reintegration programs and specific rehabilitation plans, which raises the recidivism rate.



The mistreatment and abuse of children in juvenile homes is another urgent problem. There have been instances of sexual exploitation, emotional harassment, and physical punishment, which have exposed significant oversight and accountability gaps. These children are left susceptible by the absence of appropriate grievance redressal procedures as they lack trustworthy avenues for reporting abuse or pursuing justice. The level of care and protection that young offenders can get varies depending on how juvenile justice rules are applied in different jurisdictions. The clause that permits minors between the ages of 16 and 18 to face adult trials for serious offences has generated controversy since it goes against the rehabilitative ideal and puts these young offenders at greater danger of encountering the harsh reality of the adult criminal justice system. To create an inclusive society for juvenile offenders, deep-rooted societal obstacles must be removed, which stigmatize and isolate them, making reintegration into mainstream society difficult. Juvenile offenders frequently experience prejudice, social rejection, and limited possibilities for education and work as a result of their previous transgressions, impeding their capacity to lead productive lives. To overcome these cultural impediments, a multi-dimensional strategy that includes law reforms, community awareness, education, and rehabilitative support is required. The first step towards inclusiveness is to change cultural perceptions of juvenile offenders, seeing that they are children who need guidance, assistance, and second opportunities rather than permanent punishment.

Awareness campaigns spearheaded by the government, media, and civil society may play a critical role in sensitizing the public about the significance of rehabilitation over retribution, emphasizing that these young people can convert into responsible citizens if given the opportunity. Educational institutions and workplaces must also be more flexible, offering specific programs and training efforts to provide former juvenile offenders with necessary skills and certifications. Many juveniles who come into contact with the law are from economically disadvantaged backgrounds, and they lack access to decent education and employment prospects, which drives them to engage in criminal behavior in the first place.

Scholarships, skilldevelopment programs, and vocational training for rehabilitated juveniles can break the cycle by providing equitable educational possibilities. Schools and colleges should implement inclusive policies that allow rehabilitated juveniles to reintegrate into the school system without prejudice, as many drop out for fear of being judged by classmates and instructors. Another important aspect of social reintegration is employment opportunities-businesses and corporate organizations should be encouraged to hire rehabilitated juveniles through incentives such as tax breaks or CSR (Corporate Social Responsibility) initiatives, promoting the idea that everyone deserves a fresh start. Furthermore, community involvement is critical for breaking down societal barriers, since many



juveniles struggle to find acceptance even within their own families and neighborhoods after spending time in observation homes.

Community rehabilitation programs, in which former juvenile offenders participate in volunteer work, community service, or mentorship programs, can promote positive engagement with society, helping them to re-establish trust and demonstrate their dedication to personal improvement. Faith-based organizations, local governments, and non-governmental organizations (NGOs) can help bridge the gap between rehabilitated juveniles and society by organizing social reintegration programs, counselling sessions, and awareness efforts to educate communities about welcoming these persons. Another crucial component is mental health support, since many adolescents involved in court battles suffer from trauma, despair, and low self-esteem, further alienating them from society. Integrating psychological counselling, peer support groups, and mentoring programs into rehabilitation systems can help individuals recover confidence and build resilience against public judgement.

Legal and regulatory changes are also required to remove institutional obstacles preventing young offenders from fully engaging in society. One of the most significant issues is the existence of a criminal record on adolescents, which prohibits them from obtaining jobs, school, or housing. India should embrace models from nations that offer expungement or sealing of juvenile records, allowing rehabilitated juveniles to reconstruct their lives without the burden of their past influencing their future. Policies that promote restorative justice practices, such as mediation and community-based resolutions, can also aid in the reintegration of juveniles by emphasizing apologies and personal growth above punitive measures that isolate them even further. Furthermore, media representations of juvenile offenders must be more sensitive and responsible, as unfavorable stereotyping fosters social biases. Instead of sensationalizing juvenile offences, media outlets should emphasize on success stories of rehabilitated juveniles who have changed their ways and contributed constructively to society, instilling public trust in rehabilitation initiatives. Furthermore, creating police-community relationships that prioritize protection over persecution might make adolescents feel safer when seeking legal assistance or social services, rather than scared of authorities. Another critical step is to involve former juvenile offenders in advocacy and policy-making, allowing them to contribute their experiences and views on how social institutions might be improved to facilitate rehabilitation and reintegration. Giving people a forum to voice their challenges not only empowers them, but also contributes to the development of truly inclusive policy. Finally, family support systems must be enhanced, since having a





stable home environment is crucial to reducing recidivism. Many adolescent criminals originate from broken households, abusive families, or economically insecure backgrounds, which contribute to their early misbehavior. Offering family counselling, financial aid programs, and social support networks can help guarantee that juveniles have a secure and loving environment to return to, lowering their chances of reoffending. Society must recognize that juvenile offenders are not beyond redemption, and by fostering an inclusive, non-judgmental environment that focusses on growth and potential rather than past mistakes, we can create a system that not only protects their rights but also benefits the entire community by lowering crime rates and promoting social harmony. Inclusivity entails not only forgiveness, but also actively offering opportunities for these persons to reintegrate as productive, law-abiding citizens who positively contribute to society. The transformation of a juvenile offender into a responsible citizen is a collaborative effort of families, communities, governments, businesses, and educational institutions, working together to create an ecosystem in which every individual receives a second chance at life. Breaking the cycle of stigma, exclusion, and hopelessness allows us to truly embrace the ideals of justice, fairness, and equality, guaranteeing that no kid is eternally labelled by their previous errors.

## Conclusion

Although there are still many obstacles to overcome, India has made strides in modernizing its juvenile justice system. Even though there have been advancements thanks to the Juvenile Justice (Care and Protection of Children) Amendment Act of 2021, problems like the low age of criminal responsibility, the absence of specialized courts, the inadequacy of rehabilitation programs, and the persistent possibility of life in prison for minors still require immediate attention. Raising the minimum age of criminal responsibility to an acceptable age, outlawing life in prison for minors, and increasing community-based rehabilitation and mental health services are all ways that India may further improve and follow international best practices. A 2021 amendment to the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act 2015) brought changes to key areas such adoption, the classification of offenses, the designated courts, and the requirements for Child Welfare Committee (CWC) members. Although both the government and opposition parties backed the legislation, some alterations can have severe effects on children's welfare and best interests. The modification of Section 86(2) of the JJ Act 2015, which changes some major offenses from being cognizable to non-cognizable, is one change that is troublesome.



A non-cognizable offense is one for which a police officer cannot make an arrest without a warrant, and no police officer can look into a non-cognizable case without a magistrate's permission. The Delhi Commission for Protection of Child Rights (DCPCR) has filed a petition before the Supreme Court of India against the change to Section 86(2) of the JJ Act 2015. Due to this alteration, some major offences that were previously cognizable are now non-cognizable, meaning that they are not subject to bail and can be imprisoned for a maximum of seven years, but no more than three years. Non-cognizable offences are those for which a police officer does not have the right to make an arrest without a warrant, and no police officer can look into a non-cognizable case without a magistrate's permission. A number of offences against children are included in Chapter IX of the JJ Act 2015, including as cruelty to children, the sale or purchase of children, child labor for begging, the punishment for providing minors with alcohol, narcotic drugs, or psychotropic substances while drunk, and the exploitation of child workers. These offences are no longer recognized, when new ones were added, such as the purchase and sale of minors and the use of children by adults or militant organizations. By making certain offences non-cognizable, the police are prevented from making an arrest without a warrant and from starting an investigation without the court's approval. Furthermore, the accused may have more chances to manipulate evidence and sway witnesses if the inquiry is delayed. Over 15-20 lakh street children in India are thought to be the most at risk for the aforementioned crimes i.e. over 25% of them go missing and over 40,000 are kidnapped annually. Approximately 44,000 adolescents are ensnared by criminal gangs nationwide each year, according to research by Dr. Anupam Kaushik. With thousands of youngsters kidnapped and forced to participate in begging, trafficking, smuggling, and the sale of illegal substances, the change has made it harder for the law to address serious crimes against children. Child trafficking has increased as a result of the pandemic's increased vulnerability to criminality and minors. Concerns have been raised by child rights groups, but the government has ignored them. Regarding the Amendment Act, the National Commission on Child Rights (NCPCR), a statutory body that deals with abuses of children's rights, has said nothing. To prevent youngsters from being arrested without a warrant, significant offences are no longer recognized in Parliament. This reasoning, however, is faulty since Rule 8 of the Model Rules, which stipulates that police shall only arrest minors for serious crimes unless doing so is in their best interests, protects children. Apprehending the youngster is not required in any other situation involving minor and major offences. The Amendment Act protects those who commit crimes against children, almost all of whom are adults, since the legislature has failed to make a distinction between adults and children. The Juvenile Justice Act's ethos and India's worldwide commitment to children rights are both negatively impacted by the current modification. The legislature



is expected to rectify this mistake and bring the Act into line with its progressive nature, which seeks to protect, uphold, and advance the welfare of children. To really rehabilitate juvenile criminals and reintegrate them into society as responsible citizens, a heavy emphasis on education, vocational training, and alternative punishment procedures is necessary. It is possible to mold young criminals into decent people and responsible citizens by emphasizing community-based rehabilitation, education, mental health care, early intervention, and vocational training. To give these kids a second shot at a better life, India should put more emphasis on a child-centric, reformatory, and reintegrative strategy than on punitive measures. A fair, compassionate, and efficient juvenile justice system that promotes social and economic reintegration in addition to legal rehabilitation may be established in India through extensive legal changes and improved application of current legislation. By giving young people, the chance to start again and make valuable contributions to their communities, this would not only help juvenile offenders but also make society safer and more equitable.

In order to ensure that no child is left behind because of past mistakes but is instead given the tools to lead a better future, India can lead the world in juvenile justice reform by emulating successful international practices, fortifying institutional frameworks, and encouraging cooperation between the government, civil society, and private organizations.

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