



This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

Juvenile Justice Reform: Balancing Rehabilitation and Punishment

Prince Rajput^a

^aBihar Institute of Law, Patna, India

Received 02 May 2025; Accepted 03 June 2025; Published 06 June 2025

Indian juvenile justice has come a long way, especially with the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015. It brought about change from an entirely reformatory system to a more punitive one, where juveniles between 16 and 18 years can be tried as adults for serious offences. This paper critically considers the implications of such a transformation, examining how it harmonises or clashes with constitutional requirements, international child rights norms, and the general goals of juvenile justice. The research delves into the ethical and legal aspects of balancing punishment and rehabilitation, employing statutory analysis, landmark court decisions, and international conventions like the United Nations Convention on the Rights of the Child (UNCRC). Besides legal analysis, the research goes into the socio-psychological and environmental circumstances leading to juvenile delinquency. It appraises the quality of existing rehabilitation mechanisms and problems in reintegrating youthful offenders into society. The essay takes the stance that although accountability must be enforced, punitive measures ought not to overpower the core goal of reform and reintegration. It ends with concrete policy recommendations designed to further empower the rehabilitative system so that the juvenile justice system is both child-oriented and in conformity with human rights norms.

Keywords: *juvenile justice, rehabilitation, punishment, juvenile justice act 2015, restorative justice, child rights.*

INTRODUCTION

Juvenile justice has always been a dynamic and changing field of law, guided by the requirement to balance societal interests against the rights and development of children. In contrast to the adult criminal justice system, juvenile justice is based on the principles of reformation and reintegration and not retribution. The defining tension at the heart of this sphere of law is the equilibrium between rehabilitation, providing opportunities for reform and productive living for young offenders, and punishment, tackling the seriousness of crimes and maintaining public safety. The following paper discusses how legal systems, especially in India, attempt to balance this sensitive equilibrium.

The evolution of juvenile justice, from colonial punitive models to contemporary child-focused frameworks, mirrors a worldwide shift in the understanding of childhood and culpability. India's legislative response, particularly through the Juvenile Justice (Care and Protection of Children) Act, 2015, represents a complicated interplay of international obligations, domestic pressure, and societal attitudes. But issues of implementation, the role of the juvenile courts, and the rising tendency to deal with some juveniles as adults in the commission of heinous crimes persist.¹ By way of a critical examination of laws, case laws, and international conventions, this research paper analyses whether the existing legal provisions live up to the rehabilitative values they profess to. It also looks at the socio-legal issues involved in balancing the objectives of justice to the victim with the developmental requirements and rights of young offenders.

HISTORICAL EVOLUTION OF JUVENILE JUSTICE IN INDIA

Colonial Foundation: Early Indian laws of juvenile justice, including the Apprentices Act (1850) and the Reformatory Schools Act (1876), focused on rehabilitation and vocational training rather than punishment, and were characteristic of a welfare-based system.² The Children Act (1920, Bombay) further progressed reform by introducing separate juvenile courts, with minors being dealt with independently from adults. These innovative steps represented a departure from punishment-oriented methods to child-focused rehabilitation, setting the stage for contemporary juvenile justice systems.³ By putting education and reform

¹ Juvenile Justice (Care and Protection of Children) Act 2015

² The Apprentices Act 1850

³ The Children Act 1920

ahead of punishment, such laws acknowledged the special needs of youthful offenders and fostered a more humane and corrective legal regime for children who came into conflict with the law.

Post-Independence Changes: India's juvenile justice system has been dramatically reformed by two major legislations. The Juvenile Justice Act, 1986, was a landmark in turning the tide by bringing together haphazard laws and following international norms such as the UN Beijing Rules.⁴⁵ The Act gave top priority to rehabilitation over punishment, bringing in child-friendly measures aimed at education, vocational training, and social reintegration to rehabilitate juvenile offenders instead of punishing them.⁶ The later Juvenile Justice Act, 2000 reinforced this infrastructure by adapting precepts of the UN Convention on the Rights of the Child.⁷ It instituted an important difference between children in conflict with the law, who needed rehabilitative processes, and children in need of care and protection, who needed care provisions. This classification guaranteed targeted interventions, aligning India's juvenile justice system with international child rights standards while prioritising rehabilitation and protection over retributive justice.⁸ Collectively, these laws changed India's approach from punitive to a rights-based, reformatory system.⁹

Modern Accountability Reforms: The horrific 2012 Delhi gang rape by a juvenile sparked nationwide demands for stricter juvenile laws.¹⁰ The Juvenile Justice Act, 2015, in turn, instituted groundbreaking changes permitting 16–18-year-olds accused of heinous crimes (rape or murder) to be tried in the adult court.¹¹ But this avenue was accompanied by essential safeguards; each case needs to be subjected to rigorous examination by the Juvenile Justice Board (JJB) before deciding on trial in the adult court to assess the child's mental fitness and circumstances.

In upholding India's traditional reformatory approach to most juveniles, the amendment balanced victim and offender rights in exceptional cases. The law reflected shifting social

⁴ United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985

⁵ Juvenile Justice Act 1986

⁶ *Ibid*

⁷ Juvenile Justice (Care and Protection of Children) Act 2000

⁸ *Sheela Barse v Union of India* (1986) 3 SCC 596

⁹ Juvenile Justice (Care and Protection of Children) Act 2000

¹⁰ *Mukesh & Anr v State (NCT of Delhi)* (2017) 6 SCC 1

¹¹ Juvenile Justice (Care and Protection of Children) Act 2015

expectations of accountability for serious crimes and maintained constitutional safeguards for children.¹² Ultimately, the amendments reflected India's effort to balance child rights ethics with calls for justice in extreme cases. This middle-ground strategy highlights the continuing controversy over juvenile justice reform – a controversy that continues to develop in reaction to legal and social pressures.

KEY LEGISLATIVE PROVISIONS (2015 ACT)

Offence Category: In India, judicial treatment of juveniles aged 16-18 years who are charged with serious crimes is a balanced strategy under the Juvenile Justice (Care and Protection of Children) Act, 2015.¹³ For heinous crimes like murder or rape, the Juvenile Justice Board (JJB) conducts an initial evaluation to determine whether the child can be tried as an adult based on his or her mental and physical capability. This is an effort to balance the reformatory system with justice, with the requirement of accountability in exceptional cases. Minor crimes like minor thefts are addressed through counselling and community service, with a focus on rehabilitation. Serious crimes involving 3-7 years of jail term are addressed through a special JJB procedure. The separation of these categories is an effort by India to balance justice to both the gravity of crimes as well as the age of development of young offenders, although issues exist over the over-criminalisation of children.

INSTITUTIONAL MECHANISMS

Juvenile Justice Board (JJB): Juvenile Justice Board (JJB) is a quasi-judicial bench of a magistrate and two social workers (at least one woman) that examines juveniles aged between 16 and 18 years charged with heinous crimes and serious offences to decide whether to try them as adults according to mental and physical maturity. JJB guarantees a child-friendly inquiry, striking a balance between legal responsibility and rehabilitation. In cases of lesser crimes, it can suggest counselling, community service, or correctional homes. Its core task is to determine whether juvenile offenders need reformatory measures or, in exceptional cases, trial by an adult – always in the best interest of the minor, but with an eye on ensuring justice.

¹² *Ibid*

¹³ Juvenile Justice (Care and Protection of Children) Act 2015

Child Welfare Committees (CWCs): Child Welfare Committee (CWC) is a five-member committee that safeguards and rehabilitates vulnerable children, such as orphans, abused children, or trafficked children who need care, not criminals. It provides legal guardianship, shelter, education, and healthcare, and attempts reunions with families or adoption. Unlike the JJB, which deals with juvenile offenders, the CWC deals with welfare, taking a non-punitive approach to safeguard children's rights. The CWC collaborates with NGOs and government departments to develop long-term rehabilitation plans, so that each child receives care and protection under the Juvenile Justice Act 2015.¹⁴

Rehabilitation Measures: India has strengthened its child protection system with two reforms. The Central Adoption Resource Authority (CARA) has streamlined adoption procedures by following an open online process that reduces bureaucratic delays and expands foster care opportunities to provide family-based short-term care to vulnerable children, particularly orphans and special needs children.¹⁵ Besides these welfare measures, harsh penalties have been introduced for child exploitation, including a Rs. 1 lakh penalty and five years' jail for child trafficking, with even harsher punishment for aggravated offences such as sexual exploitation. These two-pronged approaches -streamlining legal adoption/foster care and criminalising abuse aim to provide safer alternatives to vulnerable children while deterring exploitation. The reforms demonstrate India's resolve to balance progressive child welfare measures with stern action against violations while providing protection to children's rights and ensuring accountability on the part of violators.¹⁶ The system particularly targets rehabilitating children through family-based care rather than institutionalisation, wherever possible.

OPERATIONAL CHALLENGES

Implementation Gaps -

JJB's Implementation Inadequacies in Infrastructure: One of the biggest lacunae in the working of the Juvenile Justice Board (JJB) is the drastic lack of specialised facilities.¹⁷ India today has only around 30 functional observation homes across the country, leaving most

¹⁴ Juvenile Justice (Care and Protection of Children) Act 2015, s 4

¹⁵ Ministry of Women and Child Development, *Annual Report 2022–23* (2023)

¹⁶ *Kailash Satyarthi v Union of India* (2017) SCC OnLine SC 1422

¹⁷ Vidhi Centre for Legal Policy, *A Decade of POCSO* (2022)

states without adequate infrastructure to accommodate juvenile criminals. Most of the existing facilities are congested and lack basic facilities, undermining the rehabilitation process. This lack of infrastructure compels the authorities to incarcerate children in unsuitable places, mingling them with adult criminals or housing them in temporary shelters. The lack of special homes in most of the districts adversely impacts rural regions, where alternatives such as probation or community-based rehabilitation are underdeveloped due to a lack of resources. In the absence of suitable facilities, the JJB's reformatory agenda goes unrealised.

Human Resource Problems in JJB's Business: The JJB system is plagued by acute staff shortages, particularly of trained social workers. Most of the boards are short-staffed of the required two social workers and make do with overburdened magistrates instead. This leads to procedural delays and superficial assessment of the mental competence of juveniles. Untrained staff are sometimes deficient in adolescent psychology, resulting in biased reports that can inappropriately recommend adult trials. Absence of standardised training programs and high social worker turnover also weaken the system. Inefficient inter-departmental coordination between child welfare committees, police, and JJBs also contributes to the problem. Plugging these human resource gaps requires immediate recruitment drives, specialised training programs, and better remuneration to recruit and retain trained staff.

Socio-Economic Factors: The harsh socioeconomic history of juvenile delinquents mirrors systemic disparities that drive youth crime.¹⁸ Over 56% come from families with incomes of less than ₹25,000 per year (NCRB 2021)¹⁹, mirroring how poverty compels children to survival offences such as theft or peddling drugs. The crisis is compounded by educational exclusion - 6,122 juveniles arrested in 2011 were completely illiterate, mirroring how school dropouts are pushed into delinquency.²⁰ These trends mirror how delinquency is more a function of deprivation than criminality. While JJBs focus on legalities, they barely address these causes, since most lack poverty reduction programs or effective education and rehabilitation in observation homes. Most detained children return to the same deprived

¹⁸ Malvika Tyagi, 'Analysis of Juvenile Crime: Effects of State Apparatus' (2016) 51(51) Economic and Political Weekly <<https://www.epw.in/journal/2016/51/commentary/analysis-juvenile-crime.html>> accessed 30 April 2025

¹⁹ National Crime Records Bureau, *Crime in India 2021* (2021)

²⁰ *Ibid*

setting upon discharge, resulting in a revolving door syndrome.²¹ Effective reform entails bridging this gap through preventive interventions (conditional cash transfers for education, community mentoring) with judicial proceedings. Without dealing with structural poverty and access to education, the juvenile justice system will be punishing children for conditions beyond their control, rather than breaking cycles of disadvantage.²²

Data Deficiencies: One of India's most important flaws in its juvenile justice system is the failure of the National Crime Records Bureau (NCRB) to track rates of recidivism and success in rehabilitation among ex-offenders.²³ While NCRB reports provide annual crime data, they omit crucial details regarding whether juveniles recidivate upon discharge or reintegrate into society effectively. By excluding this data, evidence-based policymaking is prevented, as governments cannot ascertain which rehabilitation programs succeed or why children recidivate into crime. Without tracking long-term outcomes such as employment or education upon release, the system cannot be held accountable for reformist aspirations. The application of recidivism measures and anonymised juvenile surveillance would enable targeted interventions to close offending cycles effectively.

BALANCING RETRIBUTION AND REHABILITATION

Rehabilitation Focus: The paper emphasises the rehabilitation thrust of Juvenile Justice Boards (JJBs), prioritising community-based intervention and educational processes over detention of juveniles committing minor or serious crimes.²⁴ The Juvenile Justice Act, 2015, also facilitates the same by encouraging counselling, vocational training, and skill development to reform. JJBs concentrate on care plans individually, addressing the underlying causes such as family instability or illiteracy, rather than punishment. Reintegration is possible only by addressing socioeconomic inequalities through early intervention, such as education support, vocational training, and mental health care. Fortifying family and community relationships also assists rehabilitation, lowering

²¹ National Institute of Public Cooperation and Child Development, *Education and Juvenile Crime: A Statistical Analysis* (2018)

²² *Raj Singh v State of Haryana* (2017) SCC OnLine P&H 5170

²³ Commonwealth Human Rights Initiative, *Recidivism Among Juvenile Offenders: Data Gaps in India* (2020)

²⁴ Anjali Saran, 'A Critical Analysis Of The Juvenile Justice System In India: A Victim's Perspective And Case Study Of State Of Bihar' (2023) 3(1) Indian Journal of Integrated Research in Law <<https://ijirl.com/wp-content/uploads/2023/01/A-CRITICAL-ANALYSIS-OF-THE-JUVENILE-JUSTICE-SYSTEM-IN-INDIA-A-VICTIMS-PERSPECTIVE-AND-CASE-STUDY-OF-STATE-OF-BIHAR.pdf>> accessed 30 April 2025

recidivism. With the emphasis on holistic development and equal opportunity, JJBs conform to international best practices, enabling juveniles to be rehabilitated and reintegrated into society as productive citizens.

Responsibility for Heinous Crimes: The Juvenile Justice (Care and Protection of Children) Act, 2015, was a historic change in India's policy on juvenile crime as it brought provisions to prosecute individuals between the ages of 16 and 18 as adults for heinous offences (punishable by seven or more years of imprisonment). The amendment was prompted by public outcry over several high-profile crimes where children were involved in gruesome crimes, thereby showing increasing demands for tougher accountability.²⁵

But this provision has been criticised for the potential to subvert the Act's very rehabilitative ethos. Legal professionals and child rights activists say that the enforcement of the law is left almost entirely in the hands of Juvenile Justice Boards (JJBs), which may not have the specialised training to make balanced judgments about a juvenile's emotional and mental maturity.²⁶ Without psychological assessment and socio-legal know-how, there is a possibility of arbitrary judgments that could impact marginalised children disproportionately.

Though the rationale for the provision is to equilibrate justice and deterrence, critics warn against a punitive orientation. Most juveniles in trouble with the law have histories of poverty, abuse, or neglect, conditions that merit rehabilitation over retribution. A balanced, evidence-driven system, complemented with improved-trained JJBs and better protections, could guarantee accountability without undermining the ideals of restorative justice.

International v Domestic Pressure: India's juvenile justice system has been influenced both by international commitments like the United Nations Convention on the Rights of the Child (UNCRC) and domestic calls for increased responsibility in reaction to serious crimes. While domestic opinion has sometimes encouraged more punitive solutions, numerous international examples present an alternative, rehabilitative vision. For example, Norway's juvenile justice system is famous for its restorative approach, with young offenders seldom being jailed and instead being treated with one-to-one care and community interventions,

²⁵ *Ibid*

²⁶ *Subramanian Swamy v Raju* (2014) 8 SCC 390

with correspondingly low rates of recidivism. Canada's Youth Criminal Justice Act 2003 has a similar rehabilitative bent. It limits the application of custody in favour of interventions such as community service and counselling, specifically formulated to meet the developmental needs of young people. These global models show that it is possible to reconcile societal expectations of accountability with a robust commitment to rehabilitation and reintegration of juvenile offenders. India's evolving legal system still grapples with these conflicting pressures, trying to find a model that balances both child rights and public security.

RECOMMENDATIONS FOR REFORM

Institution Strengthening: Increased funding for social worker training, Juvenile Justice Boards (JJBs), and special homes is necessary to strengthen juvenile justice institutions.²⁷ Proper finances will improve JJBs' ability to deal with cases more effectively, conditions in special homes, and educate and train juveniles in terms of quality education and vocational skills. Moreover, investment in specific training for social workers will promote improved rehabilitation and reintegration support. In addition to financing, requiring standardised data collection is essential to assess rehabilitation performance effectively.

The use of consistent metrics, e.g., recidivism rates, educational achievement, and post-release employment, will allow for evidence-based policy reform.²⁸ Periodic review of this data will reveal gaps, maximise resource allocation, and increase accountability. Clear reporting mechanisms will keep institutions centred on effective rehabilitation. Collectively, these actions will build a stronger juvenile justice system, lowering recidivism rates and promoting positive outcomes for young people in trouble with the law. An adequately funded, data-driven system provides fairness, efficiency, and long-term benefits to society.

Procedural Safeguards: Juvenile justice procedural safeguards must be child-centred to provide fair and rehabilitative results.²⁹ First, trials must be held in a child-sensitive manner with assured legal assistance and psychological counselling to prevent harm and facilitate worthwhile participation.³⁰

²⁷ Juvenile Justice Act 2016

²⁸ Ministry of Women and Child Development, *Annual Report 2021-22* (2022)

²⁹ *Maharashtra v Devraj Bhikaji Bhosale* (2019) SCC OnLine Bom 2403

³⁰ Committee On The Rights Of The Child, *General Comment No. 10* (2007)

Non-threatening court procedures must be followed by courts, as trained counsellors help address emotional and behavioural requirements. Second, juvenile trials in adult courts must be a rare step, reserved only for extreme circumstances after proper assessment by Juvenile Justice Boards (JJBs).³¹

The JJB needs to properly test the mental capacity, situation, and capacity for rehabilitation of the child before transferring them, ensuring that trials of adults become an exception rather than a norm. These guarantees underpin the juvenile justice framework's emphasis on reform over punitive procedures, guarding the rights of children while protecting the interests of society. An equilibrated rights-oriented method provides young criminals with effective prospects of reintegration and rehabilitation.

Preventive Measures: Successful prevention strategies in juvenile justice need to target root causes while focusing on healing and accountability. Increasing community outreach programs for poverty, illiteracy, and family dysfunction can greatly decrease delinquency risks.³² Strategies, such as after-school programs, vocational training and parenting classes, provide at-risk youth with prospects and stability to avoid criminal paths.

Just as important is instituting restorative justice models that reunite offenders, victims and communities for mediated reconciliation. These methods emphasise restoration of harm via dialogue, restitution and mutual recognition over punishment, supporting offender rehabilitation as well as victim healing. Integrating socioeconomic interventions with conflict-resolution approaches will help the justice system shift away from reactive punishment towards proactive prevention.³³

These interventions not only discourage repeat offences but also solidify social bonds within a community, enabling safe spaces in which young people can flourish. This two-pronged emphasis on prevention and restoration is in keeping with contemporary juvenile justice values that favour rehabilitation over punishment, ultimately creating a more equitable and

³¹ Juvenile Justice Act 2015, s 18

³² Ministry of Social Justice and Empowerment, *Integrated Child Protection Scheme (ICPS)* (2014)

³³ Yvon Dandurand and Curt Taylor Griffiths, *Handbook on Restorative Justice Programmes* (United Nations Office on Drugs and Crime 2006)

humane society in which young offenders are afforded genuine opportunities to change and make a positive contribution.³⁴

CONCLUSION

India's juvenile justice system now has to tread a fine line—asserting legal responsibility where required while protecting the rights and prospects of children in trouble with the law. The Juvenile Justice (Care and Protection of Children) Act, 2015, is a developing response to calls for justice in serious situations from the public, but any transition towards a punitive model should not shadow the child-centric and reformatory ethos enshrined in constitutional commitments and international commitments under instruments such as the UNCRC.

As India evolves as a modern constitutional democracy, legal policy must put at the forefront a juvenile justice architecture that is rehabilitative in its ethos, procedurally fair, and operationally effective. This means bolstering the institutional ability of Juvenile Justice Boards and Child Welfare Committees, investing in trained staff, increasing observation and special homes, and building strong safeguards to make psychological evaluations and individualised care plans the rule, rather than the exception.

In addition, sustained reforms need to target systemic socioeconomic drivers through concerted inter-sectoral policies that include restorative justice frameworks as well as community prevention mechanisms. An offender who is a child is usually a result of structural deprivation; policy should therefore address both the offence and the circumstances that led to it.

In reaffirming a balanced approach, India can advocate a progressive legal model—one that upholds the dignity of the child, maintains public safety, and embodies values of a just, humane, and forward-looking society. Legal policy now needs to evolve to institutionalise this balance so that our juvenile justice system is a global standard for rights-based, developmentally oriented intervention.

³⁴ Resolution on the Standard Minimum Rules for the Administration of Juvenile Justice 1985