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Criminal Accountability of Juveniles in Heinous Crimes: Revisiting the Juvenile Justice Act

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*The growing participation of juveniles in heinous crimes like rape, murder, and aggravated assault has emerged as a pressing concern in contemporary Indian society. This article examines the issue of criminal accountability for juveniles involved in serious offences, focusing on the need to revisit and reassess the provisions outlined in the Juvenile Justice Act. While the Juvenile Justice System was originally designed with a focus on reformation and the welfare of children, aiming to rehabilitate rather than punish young offenders, the growing number of crimes that are committed by juveniles has sparked discussions on whether the present legal framework effectively reflects the seriousness of these offences. Despite the earlier amendments, high-profile cases such as *State of Maharashtra v Vijay Mohan Jadhav & Ors* (2021)¹ and *Saurabh Jalinder Nangre v Maharashtra* (2018)², as well as public outrage, suggest a gap between the legislative intent and the practical implementation. The NCRB data³ reveal that 75% of juveniles apprehended between 2017 and 2022 were aged 16-18 years, and landmark judgements⁴, the Supreme Court underscored that Juvenile justice must be guided by the offender's developmental and psychological maturity, along with rehabilitative principles. Highlights the urgent need for a more balanced approach that ensures justice for victims while considering the psychological and developmental maturity of the juvenile offender. This article advocates for a comprehensive system that includes scientific assessment of a juvenile's state of mind and robust rehabilitative mechanisms. It also emphasises the role of family, education, and community in preventing juvenile delinquency. While the*

¹ *State of Maharashtra v Vijay Mohan Jadhav @ Nanu & Ors* Confirmation Case No 02/2014

² *Saurabh Jalinder Nangre & Ors v State of Maharashtra* AIR 2018 Bom 1418

³ *Crime in India* NCRB (vol I, 2023)

⁴ *Hari Ram v State of Rajasthan* (2009) 13 SCC 211

goal must remain the reformation of young offenders, the justice system must evolve to hold them appropriately accountable in cases of heinous crimes, ensuring both societal protection and genuine opportunities for rehabilitation.

Keywords: *juvenile, heinous crimes, juvenile delinquency, criminal accountability, reformative justice.*

INTRODUCTION

Juvenile crime in India has consistently been a topic of significant legal examination, public discourse, and policy change. Children are regarded as the future of the nation, and they occupy a special and important position in the collective mindset of society. Every government focuses primarily on the development, education, and training of young minds to make them productive citizens of the country. However, at times, these young minds are easily influenced or manipulated, and as a result, they often end up committing grave offences.

Several factors contribute to such deviations, including social factors, family issues, and mental health issues. Punishing criminals is a key aspect of the criminal justice system, ensuring that every individual who commits a crime is held accountable. This rule also applies to children and teenagers who commit offences. However, there is a special system in place for dealing with them. The judicial system faces the challenging task of striking a balance between safeguarding the rights of juvenile offenders and ensuring that justice is delivered in a way that serves the broader interests of society. These minors, referred to as juveniles, are governed by the Juvenile Justice (Care and Protection) Act, 2015.⁵

However, the significant rise in juvenile offences in recent years has become a major cause of concern. India, with over a billion people, has the largest population of children in the world, nearly one-third of its citizens being under the age of 18. Among them, approximately 440 million are children, and around 44 million are considered vulnerable. As per the report of the National Crime Records Bureau, the rate of crimes committed by juveniles in conflict with the law has been on a downward trend since 2013. However, it rose significantly from 33,433 to 35,849 in 2016, from 31,591 to 32,235 in 2019, and from 29,768 to 31,170 in 2021.⁶

⁵ Juvenile Justice (Care and Protection of Children) Act 2015

⁶ Suresh Deepala, 'Data: NCRB Data Indicates that Crimes Committed by Juveniles Down 30% Between 2013 & 2022' (Factly, 28 May 2024) <<https://factly.in/data-ncrb-data-indicates-that-crimes-committed-by-juveniles-down-30-between-2013-2022/>> accessed 01 August 2025

These reports raise concerns about the strictness and effectiveness of our existing laws. This article delves into the issue of holding juveniles criminally responsible for heinous offences and questions whether existing laws are adequate to curb the growing trend of juvenile delinquency in India.

METHODOLOGY

This article adopts a doctrinal research approach, concentrating on a detailed examination of legal statutes and court rulings concerning juvenile justice in India. The primary legal instruments examined include the Juvenile Justice Acts of various years, including their recent amendments, to trace the evolution of legal responses to heinous crimes committed by juveniles. Key constitutional provisions, such as Article 15(3), Article 39(e), and Article 39(f), along with relevant sections of the Indian Penal Code, are also included to understand the mandate for child protection and welfare.

The research also involves landmark Supreme Court judgments, which shaped the jurisprudence on juvenile accountability. To support the legal analysis, secondary sources such as crime statistics from the National Crime Records Bureau (NCRB) have been used. The methodology is qualitative and does not involve any empirical data collection, such as interviews or surveys.

The objective is to evaluate the balance between reformation and punishment in the treatment of juveniles accused of heinous crimes and to determine whether the current legislative framework aligns with the demands of justice in such cases. By analysing the juvenile justice acts, the article aims to provide an unbiased perspective on the accountability of juveniles while ensuring that their rights as children are not overlooked in the face of public outrage.

LITERATURE REVIEW

The creation of juvenile justice laws has largely been shaped by principles centred on reformation and rehabilitation, a dominant theme in both academic and political discussions. The Juvenile Justice Act of 1986⁷ and its later amendments marked a significant shift in legislative thinking. At the advent of the 21st century, a need was felt to update the existing

⁷ Juvenile Justice Act 1986

laws, keeping in mind the standards prescribed by the UN Convention on the Rights of the Child, 1989.⁸ The UN Standard Minimum Rules for Administration of Juvenile Justice, 1985,⁹ And the UN Rules for Protection of Juveniles Deprived of their Liberty, 1990.¹⁰ This led to the enactment of the Juvenile Justice (Care and Protection) Act, 2000,¹¹ along with the Juvenile Justice (Care and Protection) Model Rules of 2000, which were later replaced by the rules of 2007.

In India, there are numerous laws relating to the protection of children. The Constitution of India includes several provisions dedicated to child protection. Article 15(3)¹² allows the state to make special provisions for children, while Article 39 (e) & (f)¹³ aim to ensure their healthy growth and safeguard them from exploitation. Article 24(3)¹⁴ prevents children below 18 years of age from working in hazardous occupations. Article 45(4)¹⁵ guarantees children the right to free and compulsory education, and Article 47(5)¹⁶ discourages the use of alcohol and intoxicating substances, except for medical purposes. Moreover, the Indian Penal Code, 1860, also addresses sexual offences against children under Sections 354, 375, and 509¹⁷; prohibits the trafficking of minors for prostitution under Sections 366, 366A, 366B, and 372;¹⁸ criminalises the buying of minors for prostitution under Section 373;¹⁹ and penalises non-consensual sexual assault on male children under Section 377.²⁰

The Juvenile Justice (Care and Protection) Act 2000²¹ defines 'Juvenile' as a person who has not completed 18 years of age. According to the act, the maximum punishment to be given to a juvenile offender was three years at a special home, no matter how severe the offence is. They were not subject to imprisonment in a regular jail or the death penalty and could be released on probation of good conduct and placed under the care of parents or another

⁸ United Nations Convention on Rights of a Child (UNCRC) 1989

⁹ United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985

¹⁰ United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990

¹¹ Juvenile Justice (Care and Protection of Children) Act 2000

¹² Constitution of India 1950, art 15(3)

¹³ Constitution of India 1950, arts 39(e) & (f)

¹⁴ Constitution of India 1950, art 24(3)

¹⁵ Constitution of India 1950, art 45(4)

¹⁶ Constitution of India 1950, art 47(5)

¹⁷ Indian Penal Code 1860, ss 354, 375, 509

¹⁸ Indian Penal Code 1860s, s 366, 366A, 366B, 372

¹⁹ Indian Penal Code 1860, s 373

²⁰ Sonia Saini, 'The Juvenile Justice (Care and Protection) Act, 2000- An Analysis and Critique' (*S S Global Law Firm*) <<http://ssglawfirm.in/the-juvenile-justice-care-and-protection-act-2000-an-analysis-and-critique/>> accessed 01 August 2025

²¹ Juvenile Justice (Care and Protection of Children) Act 2000

suitable person. The act mainly focused on reforming the child so that they can do something good for society. However, the 2012 Delhi gangrape case (*Mukesh & Anr v State for NCT of Delhi & Ors*)²² sparked national outrage when one of the perpetrators, a juvenile, one of the grave offenders in the crime, was sentenced to three years' imprisonment in a reform home under the then-existing 2000 act, while his peers were given the death penalty for being major offenders.

Despite public anger, the Delhi High Court upheld the constitutional validity of the act and chose not to extend the juvenile's sentence. This decision triggered widespread protests, with people criticising the failure of existing laws to deliver justice. In response to this outrage and to correct the supposed gaps in the existing act, the government introduced the Juvenile Justice (Care and Protection of Children) Bill, 2014. The Bill was passed by the Parliament on 22nd December, 2015, and came into force on 15th January, 2016 as the Juvenile Justice (Care and Protection of Children) Act, 2015.²³

Under the Juvenile Justice Act, 2015, offences committed by juveniles are divided into three types:

1. Petty offences are defined in Section 2(45)²⁴ of the act, and they have a minimum punishment of not more than three years under the existing criminal laws.
2. Serious offences, defined in Section 2(54)²⁵ of the act, which states that offences for which the sentence of imprisonment is between 3 years and 7 years under the existing criminal laws, a minimum punishment of 7 years is imposed under the existing criminal laws.

The Juvenile Justice (Care and Protection of Children) Amendment Bill was passed on March 15, 2021, by the Lok Sabha, by decision of both parties, and was presented by the Minister of Women and Child Development, Ms Smriti Zubin Irani. Later on, the Rajya Sabha on July 28, 2021, also passed the bill. The amendment reinforces the protection of children under the law. This act was passed with the view to eliminating the troubles with the past juvenile justice acts. This act aimed to reinforce the provisions related to child protection and the

²² *Mukesh & Anr v State for NCT of Delhi & Ors* (2017) 6 SCC 1

²³ Juvenile Justice (Care and Protection of Children) Act 2015

²⁴ Juvenile Justice (Care and Protection of Children) Act 2015, s 2(45)

²⁵ Juvenile Justice (Care and Protection of Children) Act 2015, s 2(54)

adoption process, empowering District Magistrates and Additional District Magistrates to issue adoption orders and oversee the implementation of the Juvenile Justice Act at the district level, to improve the functioning of the child welfare committee, etc.

The 2019 report by the National Crime Records Bureau highlighted that the Child Care Institutions were not performing as expected and that the rate of juvenile crimes showed a noticeable increase compared to the previous years. In 2020, the National Commission for Protection of Child Rights (NCPCR) conducted a review of the functioning of CCIs and found that 90% of them were run by NGOs, although many of them were not yet registered as required under the 2015 amendment. To address these shortcomings, the Juvenile Justice Amendment Bill, 2021, was introduced.

REASONS FOR THE RISE IN JUVENILE CRIMES

Over the past few decades, there has been a noticeable and consistent increase in crimes committed by juveniles. These acts range from theft, assault, and rape to murder and other serious offences. Various underlying factors contribute to the rising trend of juvenile delinquency.

Family Issue: A child's first and most influential environment is the family. If a child is exposed to constant conflict, neglect, or abuse within their home, it can negatively impact their mental, emotional, and psychological development. Such an environment serves as a breeding ground for criminal behaviour.

Poverty: Economic hardship and the inability to access basic needs like food, clothing, and shelter can push children towards unlawful means of survival. Poverty often acts as a powerful reason for juveniles to engage in criminal activities.

Substance Abuse: exposure to drugs and alcohol at a young age can lead to addiction, impair judgment, and increase the likelihood of engaging in unlawful activities. Such children often need psychological support, counselling, and rehabilitation.

Peer Pressure: One of the most common yet underestimated causes of juvenile delinquency is peer influence. Young individuals are often pressured by their friends or social circles to prove themselves or fit in, leading to engagement in risky or illegal activities.

Other contributing factors include child labour, trauma, lack of education, etc. Together, these elements highlight the need for early intervention, strong family and community support, and a comprehensive reformatory approach.

SOME HEINOUS CRIMES COMMITTED BY JUVENILES

Pune Porsche Case (2024): In a widely publicised case from Pune, a minor 17-year-old boy, who was under the influence of alcohol, was driving a Porsche car and accidentally hit two people, resulting in the death of both of them in May 2024. The case raised serious concerns, including reckless and drunk driving and attempts to tamper with the evidence. The Bombay High Court allowed him to be set free from the home where he was kept under observation, emphasising that under the Juvenile Justice Act, the minor must be treated distinctly from adult offenders. Initially, the Juvenile Justice Board granted him bail within 15 hours of the incident, and he was instructed to write a 300-word essay on road accident impacts, which led to widespread public outrage.²⁶

Nirbhaya Case (December 16, 2012): This case triggered nationwide outrage when a minor was found to be involved in the heinous gang rape and murder of a woman who was also a trainee doctor in Delhi. The juvenile was sentenced to only three years in a reform facility due to his age, prompting widespread calls for revising the juvenile age threshold in cases of serious crimes.²⁷

Narayan Chetanram Choudhary v State of Maharashtra (2023): In this case, the appellant sought to claim juvenility at the time of committing the offences under Sections 302, 342, 397, and 449 read with 120B IPC.²⁸ He argued that he was a minor when the crime occurred and thus ineligible for the death penalty. The Supreme Court took into account the fact that he had already served over 28 years in prison and faced considerable challenges in proving his age. A school certificate submitted as evidence indicated that he was 12 years old during the offence. The Court accepted the certificate and held that under the Juvenile Justice (Care and Protection of Children) Act, 2015,²⁹ A person who was a minor at the time of the offence

²⁶ *Arunkumar Devnath Singh v State of Maharashtra* SLP (Crl) No 15128/2024

²⁷ *Mukesh & Anr v State for NCT of Delhi & Ors.* (2017) 6 SCC 1

²⁸ Indian Penal Code 1860, ss 302, 342, 397, 449 r/w 120B

²⁹ Juvenile Justice (Care and Protection of Children) Act 2015

cannot be sentenced to death. Hence, the previously imposed death penalty was deemed unlawful and struck down.³⁰

STATISTICS

The data on juvenile crimes over the last few decades is quite alarming. According to the National Crime Records Bureau (NCRB), a total of 27,936 minors were charged in 2012 in India for serious offences, including murder, rape, and rioting. NCRB also reported that nearly two-thirds (66.6%) of those presented before the Juvenile Justice Boards in 2012 were aged between 16 and 18 years. Additional data reveal that 30.9% of offenders were between 12 and 16 years old. A small proportion, about 2.5%, was found between 7 and 12 years old. Furthermore, there was a significant rise of 143% in reported cases of minor rapes between 2002 and 2012. During the same period, murder cases rose by 87%, and incidents of the kidnapping of women and girls by minors surged by 500%. According to data from the National Crime Records Bureau (NCRB), there has been a steady rise in juvenile delinquency across the country. An analysis of the NCRB reports reveals that in 2022 alone, minors were involved in 30,555 criminal cases nationwide. Delhi ranked sixth, with over 2340 such cases, compared to 2643 reported cases in 2020. Between 2013 and 2022, a total of 3,40,168 crimes were recorded as having been committed by juveniles across India. During this time, 13 states reported more than 10,000 cases each, while 25 states and union territories recorded fewer than 10,000 cases individually. Among the North-eastern states, Meghalaya, Andhra Pradesh, Mizoram, Manipur, and Nagaland each registered fewer than 1000 juvenile cases, with Assam being the exception, recording 3397 cases.

Notably, Madhya Pradesh and Maharashtra, located in Central and Western India, reported 59,372 and 55,852 cases, respectively. Tamil Nadu followed with 24,301 cases. These figures place Madhya Pradesh, Maharashtra, and Tamil Nadu among the top five states with the highest number of juvenile crimes, highlighting regional disparities in juvenile delinquency across the country.³¹

³⁰ *Narayan Chetanram Chaudhary v State of Maharashtra* (2023) SCC OnLine SC 340

³¹ Aarti Ashok Sharma, 'Juvenile Crime on The Rise in India: Causes, Trends & Solutions' (*Record of Law*, 22 November 2024) <<https://recordoflaw.in/juvenile-crime-on-the-rise-in-india-causes-trends-solutions/>> accessed 01 August 2025

METHODS AND SUGGESTIONS

To effectively eliminate juvenile delinquency, a collective effort from all sections of society is crucial. It is important to instil a sense of moral responsibility in young minds by educating them about the difference between right and wrong. The role of family, teachers, and the surrounding environment is fundamental, as these factors significantly shape a child's behaviour.

One of the primary preventive measures is ensuring access to quality education and vocational training. Such initiatives can empower young individuals by providing them with the skills necessary to escape the cycles of poverty and criminal behaviour. Equally important is educating parents on how their conduct and interactions influence their children's emotional and behavioural development. Promoting strong parent-child relationships through workshops on parenting techniques, open communication, and emotional bonding is essential. Active community involvement can also make a major difference – mentorship programs and community service initiatives offer constructive alternatives for at-risk youth and help foster a sense of belonging and purpose. Implementing cognitive behavioural therapy for vulnerable children and adolescents can play a vital role. It helps them recognise and reframe negative thought patterns and behaviour, reducing the likelihood of future offences. Moreover, organising recreational and cultural programs gives children opportunities to engage positively with their peers and adults, fostering social and emotional growth. Sports, arts, and group activities promote teamwork and self-confidence, steering them away from delinquent influences.

The juvenile justice system must prioritise rehabilitation over retribution. Strengthening the framework to include clear guidelines and proportionate consequences for offences committed by juveniles, while focusing on reformatory measures, is necessary. Additionally, collaboration between schools, mental health professionals, and social workers can ensure early identification and intervention for at-risk youth, creating a stronger safety net to prevent juvenile crime.

In a significant ruling highlighting the growing concerns of juvenile involvement in grave offences, a special juvenile court in Bijnor, Uttar Pradesh, sentenced a youth, who was 17 years old at the time of the offence, to life imprisonment along with a fine of Rs 50,000 for

murdering a 12-year-old boy, Vasu, in 2016. The crime was executed by 4 people (3 major and 1 minor). They had kidnapped the boy while he was on his way home from school. Although they had demanded a ransom of Rs 10 lakh, they still killed the boy and disposed of his body. All three adult co-accused were sentenced on February 27, 2024. However, the trial of the minor was conducted separately, and the juvenile court held that the minor was equally accountable, considering the heinous nature of the crime, and imposed the maximum sentence under the law.³² Such judgments are required where justice is served, keeping in mind the nature of the crime and the mental stability of the minor during the offence.

CONCLUSION

The rising involvement of juveniles in heinous crimes poses a significant challenge to the current legal and rehabilitative frameworks in India. While the Juvenile Justice Acts are rooted in the philosophy of reformation and child welfare, recent cases have highlighted the need to reassess how the law balances rehabilitation with public safety and justice for victims. Revisiting the Juvenile Justice Act does not imply a departure from child-centric justice but rather a necessary evolution to address the gravity of certain offences committed by minors who may possess sufficient maturity to understand their actions.

A nuanced approach that incorporates scientific methods for age and mental assessment, ensures proportional accountability, and strengthens rehabilitative mechanisms is essential. Ultimately, the goal must be to create a juvenile justice system that is both compassionate and just- one that protects society, delivers justice to victims, and gives juvenile offenders a real chance at reintegration and reform.

³² Harveer Dabas, "Minor' gets life in jail for murder of boy in '16' *The Times of India* (17 January 2025) <<https://timesofindia.indiatimes.com/city/meerut/minor-gets-life-in-jail-for-murder-of-boy-in-16/articleshow/117337121.cms> > accessed 01 August 2025