



JUVENILE JUSTICE ACT - POLITY PRELIMS AND GS II MAINS

Q. Describe the development of the juvenile justice system in India and critically analyze the systematic inadequacies with respect to the Juvenile Justice Act, 2015. (15 marks, 250 words)

News: *Crime, punishment, and child*

What's in the news?

- The Pune car crash case has once again brought systemic inadequacies in relation to the treatment of juveniles in India's criminal justice system to the fore.

Key takeaways:

- While it is a crime that deserves punishment, it is also crucial to turn our attention to the inadequacies of the juvenile justice system.
- Bail policies, orders for stay in an observation home, procedures for trying minors as adults, liability of parents for actions of their children, are issues being discussed all around.

Stats on Children Conflict with Laws:

- A recent nationwide study published by iProbono has revealed that between 2016 to 2021, at least 9,681 children in conflict with the law were transferred from prisons to child-care institutions.

Juvenile Justice (Care and Protection of Children) Act, 2015:

- The Indian government introduced the Juvenile Justice Act to address issues in the existing juvenile justice framework.
- The Juvenile Justice (Care and Protection of Children) Act, 2015, **allows for children between 16-18 years of age who are accused of heinous crimes to be tried as adults under the Indian Penal Code.**

Key Features of the Juvenile Justice Act, 2015:

1. Classification of Offenses:

- **Petty Offenses** - Minor crimes with lighter sentences.
- **Serious Offenses** - Crimes with a maximum punishment of up to seven years.
- **Heinous Offenses** - Crimes with a minimum punishment of seven years.

2. Juvenile Justice Board (JJB):

- **Assessment Role** - The JJB conducts preliminary assessments for juveniles aged 16 to 18 involved in heinous crimes to determine if they should be tried as adults.
- **Expert Involvement** - Includes psychologists and child experts to aid in assessments.

3. Children's Court:

- **Transfer of Cases** - Cases involving juveniles tried as adults are transferred to the Children's Court.
- **Trial Procedures** - Ensures appropriate procedures are followed for juveniles tried as adults.



4. Focus on Rehabilitation:

- **Reformative Measures** - Emphasis on rehabilitation through counseling, education, and skill development.
- **Observation and Special Homes** - Facilities for housing and rehabilitating juveniles.

5. Legal Aid:

- **Counsel Provision** - Legal aid counsel is provided to juveniles through the District Legal Services Authority.
- **Support During Assessment** - Counsel presence is mandatory during the preliminary assessment by the JJB.

6. Data and Reporting:

- **Social Investigation Report (SIR)** - Prepared by probation officers or social workers, detailing the juvenile's background.
- **Social Background Report (SBR)** - Includes information gathered from interactions with the juvenile and their family.

7. Provisions for Heinous Crimes:

- Amendments post the 2012 Delhi gang-rape case to handle juvenile offenders involved in serious crimes more effectively.
- **Trial as Adults** - Juveniles aged 16 to 18 committing heinous offenses may be tried as adults.
- **Protection Mechanism** - Ensures that juveniles are not placed in adult jails during the trial process.

Significance of the Juvenile Justice Act, 2015:

1. Rehabilitative Approach:

- Emphasizes the rehabilitation and reformation of juvenile offenders rather than mere punitive measures.

2. Skill Development:

- Provides opportunities for education and skill development to aid in the reintegration of juveniles into society.

3. Differentiated Treatment:

- Distinguishes between different age groups, ensuring that younger children receive protection and care, while older juveniles involved in serious crimes can be assessed for trial as adults.

4. 16-18 Age Group Assessment:

- Allows for the possibility of trying juveniles aged 16-18 as adults for heinous offenses, ensuring accountability for serious crimes.



5. Comprehensive Assessment by Juvenile Justice Board (JJB):

- **Preliminary conducts Assessments** - Detailed JJB preliminary assessments to determine if juveniles should be tried as adults, considering mental and physical capacity, understanding of consequences, and circumstances of the offense.
- **Expert Involvement** - Involves psychologists and child experts in the assessment process to ensure a fair and thorough evaluation.

6. Legal Aid Provision:

- Ensures that juveniles have access to legal aid counsel through the District Legal Services Authority, safeguarding their rights during assessments and trials.

7. Specialized Facilities:

- Establishes observation and special homes for the care and rehabilitation of juveniles, keeping them separate from adult offenders.

8. Child-Centric Approach:

- Ensures that the welfare and rights of children are at the forefront, balancing the need for justice with the principles of child protection and development.

9. Balancing Act:

- The provision to try older juveniles as adults serves as a deterrent while still maintaining a focus on rehabilitation for less severe offenses.

10. Legislative Clarity:

- Provides clear guidelines and a structured approach to deal with juvenile offenders, addressing both legal and social dimensions of juvenile justice.

Concerns of Juvenile Justice Act, 2015:

1. Harsh Sentencing Risks:

- Allows juveniles aged 16-18 to be tried as adults for heinous crimes, potentially leading to severe punishments that may overlook their rehabilitative needs.
- Inconsistent application due to discretionary powers of the Juvenile Justice Board (JJB).

2. Subjective Preliminary Assessments:

- Assessments of mental and physical capacity by the JJB can be subjective and inconsistent.
- Resource and expertise limitations may hinder accurate assessments.

3. Rehabilitation Challenges:

- Trying juveniles as adults may hinder rehabilitation and increase recidivism.
- Stigmatization can impede reintegration into society post-incarceration.



4. Psychological Impact:

- Adult trial processes can be traumatic for juveniles, affecting their mental health.
- Exposure to adult criminals may lead to negative influences and behaviors.

5. Lack of Uniformity and Clarity:

- Variable interpretations and applications of the Act across jurisdictions.
- Legal ambiguities in defining and categorizing offenses.

6. Insufficient Preventive Measures:

- Focuses more on post-crime treatment rather than robust prevention strategies.
- Lacks emphasis on community-based programs to prevent juvenile delinquency.

7. Overburdened System:

- Resource constraints and case overloads lead to delays and compromised care.
- Inadequate infrastructure and rehabilitation programs in juvenile facilities.

8. Conflict with International Standards:

- Some provisions may violate international child rights standards, such as the UNCRC.
- Criticism from child rights activists and international bodies.

9. Social and Ethical Concerns:

- Moral dilemma between ensuring public safety and providing second chances to juveniles.
- Public pressure for harsher punishments in high-profile cases may influence the objective application of the Act.

Way Forward:

- To improve the Juvenile Justice Act, 2015, prioritize rehabilitation and ensure uniform application.
- Provide specialized training and resources for assessments, enhance community prevention programs, and invest in separate facilities for juveniles.
- Align the Act with international standards, enhance legal aid, and support systems.
- Conduct public awareness and sensitization campaigns.
- Strengthen data collection and research on juvenile delinquency.
- Continuous review and updates will ensure a balanced approach, focusing on both accountability and rehabilitation.