

A SOCIO-LEGAL STUDY OF JUVENILE IN CONFLICT WITH LAW WITH REFERENCE TO THE JUVENILE JUSTICE ACT, 2015

Kartikeya Vikram Singh^{1*}, Dr. Shaiwalini Singh²

¹Research Scholar, Amity Law School, Amity University, Lucknow, Uttar Pradesh.

²Assistant Professor, Amity Law School, Amity University, Lucknow, Uttar Pradesh.

Article Received: 27 March 2026, Article Revised: 17 April 2026, Published on: 07 May 2026

*Corresponding Author: Kartikeya Vikram Singh

Research Scholar, Amity Law School, Amity University, Lucknow, Uttar Pradesh.

DOI: <https://doi-org/101555/ijarp.2979>

ABSTRACT

India's juvenile justice landscape has undergone a transformative shift with the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015. This Act, replacing the 2000 version, introduced a paradigm shift by incorporating provisions for trying children between 16 and 18 years as adults for heinous offences, along with a rehabilitation-focused framework.¹ This research paper undertakes a comprehensive socio-legal analysis of the JJ Act, 2015, focusing on its definitional framework, the procedural mechanisms, judicial interpretation, and the critical challenges plaguing its implementation.

The study delves into the causes of juvenile delinquency, examining socio-economic factors, family environment, peer pressure, and systemic failures. It scrutinizes the Act's core mechanisms, including the Juvenile Justice Board, Child Welfare Committees, and the special provisions for heinous crimes. Furthermore, the paper analyzes the Act's alignment with international principles, particularly the United Nations Convention on the Rights of the Child (UNCRC), and offers a comparative perspective with juvenile justice systems in the United Kingdom and the United States.

The research highlights persistent gaps, including a massive case backlog of over 55% before Juvenile Justice Boards, inadequate infrastructure, understaffing, and inconsistent judicial interpretation.² Utilizing recent case laws, NCRB data, and social science methodologies, this study advocates for a holistic, trauma-informed, and community-based approach to rehabilitation. It concludes with concrete recommendations for strengthening the implementation framework, enhancing rehabilitative services, and addressing the socio-

economic root causes to ensure that the goal of the JJ Act—reformation and reintegration—is fully realized.

1. INTRODUCTION

1.1 Background and Context

The concept of juvenile justice stems from the recognition that children are not miniature adults. They possess distinct physiological and psychological characteristics, a developing moral compass, and a greater capacity for reformation. Consequently, any legal framework dealing with children in conflict with the law must prioritize their well-being and future integration into society over retributive punishment. This principle is at the heart of the juvenile justice system in India.

In India, the legal framework for juveniles has evolved through three primary legislations: the Juvenile Justice Act, 1986; the Juvenile Justice (Care and Protection of Children) Act, 2000; and the current Juvenile Justice (Care and Protection of Children) Act, 2015 (“JJ Act, 2015”).¹ The 2000 Act was a significant step, defining a juvenile or child as a person who had not completed 18 years of age.² However, public outrage following the gruesome 2012 Nirbhaya gang rape case, where one of the offenders was a juvenile, led to widespread demands for harsher treatment of juveniles involved in heinous crimes.³

1.2 The JJ Act, 2015: A Paradigm Shift

In response to this public sentiment, the JJ Act, 2015 was enacted. This Act retained the definition of a child as someone below the age of 18 but introduced a controversial provision: it allowed for children between the ages of 16 and 18, who are accused of committing a “heinous offence,” to be tried as adults.⁴ This marked a departure from the purely reformatory approach of the previous law.

1.3 Statement of the Research Problem

Despite the enactment of the JJ Act, 2015, the system faces severe implementation challenges. High-profile cases of heinous crimes by minors have raised questions about the

¹ See *Historical Development of Juvenile Justice System: A Comparative Study of USA, UK and India*, IJLMH.

² The Juvenile Justice (Care and Protection of Children) Act, 2000, § 2(k).

³ *Questions Around Trying a Juvenile as an Adult*, iProbono India (Sep. 22, 2021).

⁴ JJ Act, 2015, § 2(33) (defining “heinous offences” as those for which the minimum punishment under the Indian Penal Code or any other law is imprisonment for seven years or more).

adequacy and effectiveness of the existing legal framework. The core problem lies in the persistent gap between the law's reformative objectives and the ground realities. Massive case backlogs, inadequate infrastructure for rehabilitation, a shortage of trained professionals, and systemic apathy towards children in conflict with the law (CCL) undermine the Act's potential.⁷ This research seeks to critically examine these socio-legal gaps.

1.4 Research Objectives

The primary objectives of this socio-legal study are:

1. To analyze the definitional and procedural framework of the JJ Act, 2015 for children in conflict with law.
2. To identify the socio-economic, psychological, and systemic factors contributing to juvenile delinquency.
3. To examine the role of judicial interpretation in shaping the rights and procedures for children in conflict with law.
4. To assess the critical implementation challenges and loopholes in the current system.
5. To propose comprehensive recommendations for legal and policy reforms, including a possible social justice framework.

1.5 Research Methodology

This study adopts a **doctrinal and socio-legal research methodology**. It involves an in-depth analysis of primary legal sources: the Juvenile Justice (Care and Protection of Children) Act, 2015, its associated Rules, and relevant judgments from the Supreme Court and High Courts.

The doctrinal analysis is supplemented by secondary sources, including academic journal articles, NCRB reports, parliamentary debates, data from PRS India, and news reports, to provide a holistic understanding of the law in its social context.

2. SOCIO-LEGAL FRAMEWORK OF JUVENILE DELINQUENCY

2.1 Defining a 'Child in Conflict with Law'

Section 2(13) of the JJ Act, 2015 defines a "child in conflict with law" as "a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence."⁵ This definition is in line with the UN Convention on the Rights of the Child (UNCRC), which India ratified in 1992, and which

⁵ JJ Act, 2015, § 2(13).

mandates a uniform age of 18 for childhood.⁹ The age of the child is determined as of the date of the offence, not the date of apprehension or trial, ensuring legal certainty.

2.2 Theoretical Perspectives on Juvenile Delinquency

Understanding the root causes of delinquency is essential for any socio-legal study. Multiple criminological theories offer insights:

- **Social Disorganization Theory:** Attributes crime to the breakdown of social institutions (family, school, community) and the absence of social control in disadvantaged neighborhoods.
- **Strain Theory:** Posits that delinquency arises when individuals, particularly from lower socio-economic strata, experience a gap between their culturally defined goals (e.g., financial success) and the legitimate means to achieve them.
- **Differential Association Theory:** Suggests that criminal behavior is learned through interaction with others, primarily within intimate personal groups like peers or family.¹²
- **Labeling Theory:** Argues that formal processing and labeling a child as a “delinquent” can lead to a self-fulfilling prophecy, increasing recidivism and pushing the child further into a criminal identity.⁶

2.3 Socio-Economic Determinants of Delinquency in India

NCRB data and sociological studies in India confirm that a vast majority of children in conflict with law come from vulnerable backgrounds. A study by NLSIU (2022-2025) found that most CCLs hail from socially and economically disadvantaged families, with a significant proportion from single-parent households, those with a history of substance abuse, or with no formal education.

2.4 The UN Convention on the Rights of the Child (UNCRC) and International Standards

India’s juvenile justice framework is significantly influenced by its obligations under the UNCRC. The JJ Act, 2015 explicitly incorporates key principles of the UNCRC, including the “best interest of the child” (Art. 3), the right to be heard (Art. 12), and the right to a dignified and fair treatment. However, critics argue that the provision for trying 16-18 year-olds as adults violates Article 37(b) of the UNCRC, which prohibits the imposition of capital

⁶ Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance* (1963).

punishment or life imprisonment without the possibility of release for offences committed by persons below 18 years.⁷

3. THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015: A CORE ANALYSIS

3.1 Categorization of Offences

A cornerstone of the JJ Act, 2015 is its classification of offences into three categories based on the severity of punishment prescribed under the Indian Penal Code:

1. **Petty Offences:** Offences for which the maximum punishment is imprisonment of up to three years. **Serious Offences:** Offences for which the punishment is imprisonment between three to seven years.
2. **Heinous Offences:** Offences for which the minimum punishment is imprisonment of seven years or more.

3.2 Juvenile Justice Board (JJB): Composition and Powers

The Act mandates the establishment of a Juvenile Justice Board in every district. Each JJB consists of a Metropolitan Magistrate or Judicial Magistrate First Class and two social workers, with at least one being a woman.⁸ This multi-disciplinary composition ensures legal expertise alongside social welfare perspectives.

3.3 Procedure for Children in Conflict with Law

The Act prescribes a distinct, child-friendly procedure:

- **Apprehension and Production:** Upon apprehension, the child must be produced before the JJB within 24 hours (excluding travel time). Notably, The Himachal Pradesh Juvenile Justice (Care and Protection of Children) Rules, 2026, introduced a major reform by stipulating that no FIR shall be registered against a child unless a heinous offence is alleged or the offence involves adult co-accused.⁹
- **Bail:** Section 12 of the Act provides a presumption in favor of bail. It states that a child in conflict with law shall be released on bail with or without surety unless there are reasonable grounds to believe that release would bring the child into association with known criminals or expose them to moral, physical, or psychological danger.²⁴ The

⁷ Lowering the age of juvenility for crimes is a step back, The Hindu (Jan. 21, 2026).

⁸ JJ Act, 2015, § 4(2).

⁹ Himachal notifies Juvenile Justice Rules: 'No FIR against juveniles unless offence heinous', The Indian Express (May 5, 2026).

Gujarat High Court has recently held that the gravity of an offence or the age of a juvenile cannot be grounds to deny bail under Section 12.

- **Inquiry by the Board:** The JJB conducts an inquiry to determine whether the child has committed the offence. The Act mandates that the inquiry for petty or serious offences should be completed within four months (extendable by two months) and for heinous offences within the same timeline but with a preliminary assessment.

3.4 Preliminary Assessment: The Most Controversial Provision

The most debated provision in the JJ Act, 2015 is **Section 15**—the Preliminary Assessment. If a child between 16 and 18 years is accused of a heinous offence, the JJB is required to conduct a preliminary assessment to determine whether the child should be tried as an adult. This assessment considers the child’s mental and physical capacity to commit the offence, their ability to understand the consequences, and the circumstances in which the offence was allegedly committed. If the Board concludes that the child should be tried as an adult, it transfers the case to a Children’s Court.

3.5 Orders under Section 18

If the JJB finds the child in conflict with law, it can pass several dispositional orders under **Section 18** of the Act, the most significant of which include:

- Releasing the child after advice or admonition.
- Directing the child to participate in group counselling.
- Ordering the child to perform community service.
- Releasing the child on probation of good conduct and placing them under the care of a fit person or fit facility.
- Sending the child to a special home for a period of not more than three years.¹⁰

3.6 Powers of the Children’s Court

When the case of a 16-18 year old accused of a heinous offence is transferred to a Children’s Court, that court has the power to try the child as an adult. However, even if the child is convicted, the Children’s Court cannot sentence them to death or life imprisonment without the possibility of release. The maximum sentence that can be imposed is life imprisonment, and even then, the child is entitled to be released after serving a period of three years, subject to a review by the State Government.

¹⁰ JJ Act, 2015, § 18(1).

3.7 Child Welfare Committees (CWCs)

While the JJ Act focuses primarily on CCLs, it also establishes Child Welfare Committees (CWCs) as the authority for children in need of care and protection. One of the CWC's key roles is to handle cases where children have suffered moral, physical, or psychological danger, and to facilitate their rehabilitation.

3.8 Rehabilitation and Social Reintegration

The ultimate goal of the JJ Act is the rehabilitation and social reintegration of the child. The Act provides for various services, including education, vocational training, skill development, health care, and mental health support. These services are to be provided through institutional care (observation homes, special homes, place of safety) and non-institutional care (foster care, adoption, sponsorship).

4. JUDICIAL INTERPRETATION AND LANDMARK JUDGMENTS

The judiciary has played a crucial role in shaping the rights of children in conflict with law through its interpretations.

4.1 Juvenility Claim at Any Stage

The Supreme Court has unequivocally held that the plea of juvenility can be raised at any stage of the proceedings, even after the final disposal of the case. In *Hansraj v. State of Uttar Pradesh* (2025), the Court affirmed that the Juvenile Justice Act, 2000 applies retrospectively, ensuring children are not denied protection due to procedural technicalities. Similarly, in its 2025 judgment overturning a life sentence, the Supreme Court stressed that juvenile claims can be raised at any stage under Section 9(2) of the JJ Act, 2015.¹¹

4.2 Bail Provisions: Rule vs. Exception

The judiciary has consistently interpreted Section 12 to mean that bail is the rule and denial is an exception. In *Rakesh Rai v. State of Bihar* (2025), the Patna High Court reaffirmed the mandatory nature of bail under Section 12, holding it applies to all juveniles without discrimination. In a significant ruling in December 2025, the Supreme Court reiterated that bail should be granted to juveniles unless there are specific concerns about potential harm or negative influences.¹²

¹¹ *Death Penalty for Juvenile Offenders*, Supreme Court Observer (May 28, 2025).

¹² *Bail is the rule and denial an exception for juveniles*, Law Finder (Dec. 15, 2025).

4.3 Prohibition on Trying Children as Adults for Petty/Serious Offences

In *Dr. Subramanian Swamy and Ors. v. Raju*, the Supreme Court dismissed a challenge to the JJ Act, upholding that all persons under 18 years of age are to be treated as juveniles subject to the Act, and cannot be tried as adults for petty or serious offences.

4.4 Right Against Incarceration with Adults

The Supreme Court has been categorical that juveniles cannot be kept in adult prisons. In April 2026, the Court awarded ₹5 lakh compensation to a man who, as a juvenile, was illegally lodged in a regular jail for two years. The Court termed this a “systemic failure” and a violation of Article 21 (Right to Life) of the Constitution, emphasizing that the JJ Act is not just a procedural law but is linked to constitutional rights. The Court further stated that the continued incarceration of a legally declared juvenile in an adult prison reflected a “lack of coordination, sensitivity and awareness” among authorities.

4.5 Failure to Consider Juvenility

In July 2025, the Supreme Court upheld the conviction of an accused for raping a minor in 1988 but set aside his jail term after finding him to be a juvenile at the time of the crime. The Court reiterated that the claim of juvenility can be raised before any court and has to be recognized at any stage of the proceedings, even after the disposal of the case.

4.6 Court’s Criticism of Rehabilitation Failures

In 2024, a Delhi court severely criticized the juvenile justice system for failing to rehabilitate a child in conflict with law, stating, “This demonstrates the failure of the juvenile justice system and non-adherence to the legal provisions of the JJ Act, 2015, and JJ Model Rules 2016 in the case of this child.”

5. CRITICAL CHALLENGES AND LOOPHOLES IN IMPLEMENTATION

Despite a robust legal and judicial framework, the implementation of the JJ Act, 2015 is fraught with challenges.

5.1 Pervasive Case Backlog and Systemic Gaps

The most glaring challenge is the massive pendency of cases. The India Justice Report (IJR) published in November 2025 revealed that **more than 50,000 children in conflict with law remain stuck in a slow-moving justice system, with over half (55%) of the cases pending before the country’s 362 Juvenile Justice Boards**. The report also noted that 30% of these

Boards lack a legal services clinic, leaving countless children without essential legal aid.⁴⁶ The study warns that the system's foundations remain riddled with gaps, from missing judges and poorly inspected homes to fractured data systems and deep state-level disparities.¹³

5.2 Inadequate Rehabilitation and Reintegration Services

The Act's central focus on rehabilitation is often neglected due to a lack of resources. Special homes and observation homes are frequently overcrowded, understaffed, and lack proper vocational training or mental health services. The BBC reported in 2026 that India's juvenile justice system is "letting them down," with the strength of the system depending heavily on the health of its JJBs, which often lack the capacity to properly implement the law's ideals.¹⁴

5.3 Ambiguities in the Preliminary Assessment

Section 15's preliminary assessment has faced criticism for its subjective criteria and potential for misuse. The assessment of a juvenile's "mental and physical capacity" and "ability to understand the consequences" is highly subjective, leading to inconsistent outcomes across different Boards. There are concerns that socio-economic background or the social status of the victim may influence the Board's decision.

5.4 Data Opaqueness and Lack of Transparency

The juvenile justice system in India suffers from a severe lack of data transparency. The IJR study revealed that it took 250 Right to Information (RTI) applications to gather data from across the country, making evidence-based policymaking difficult.¹⁵ The absence of reliable, autonomous, and up-to-date data on CCLs hampers the ability to assess trends, identify gaps, and evaluate the effectiveness of reforms.

5.5 Shortage of Trained Professionals and Infrastructure

A significant shortage of trained social workers, counsellors, and child psychologists exists across the country. Further, many states lack a sufficient number of observation homes,

¹³ India Justice Report, *supra* note 2; *50,000 kids still await justice as juvenile boards battle 55% case backlog: Report*, National Herald (Nov. 20, 2025).

¹⁴ *India youth offenders: Juvenile justice system letting them down, say experts*, BBC News (Jan. 14, 2026).

¹⁵ *Uncared for: Editorial on India's juvenile justice system a decade on*, The Telegraph (Nov. 26, 2025).

special homes, and safe homes for older children. The IJR study noted that 14 states and Jammu and Kashmir lack safe homes for older children.¹⁶

5.6 Stigma, Rejection, and the School-to-Prison Pipeline

Children who come into conflict with the law are often expelled from schools, stigmatized by their communities, and rejected by their families. This social exclusion can push them deeper into criminal activities, creating a self-fulfilling cycle.¹⁷ The labeling of a child as a “juvenile offender” can permanently damage their life chances, negating the Act’s goal of social reintegration.

5.7 Age Determination Disputes

Disputes over the age of a child remain a common procedural hurdle. While medical examinations are used as a tool for age determination, they have a margin of error of about two years on either side, leading to prolonged litigation over the crucial question of juvenility.¹⁸

6. CONCLUSION AND RECOMMENDATIONS

6.1 Conclusion

The Juvenile Justice (Care and Protection of Children) Act, 2015, represents a significant, albeit contentious, step forward in India’s approach to children in conflict with law. Its framework, which balances rehabilitation and accountability, is progressive. However, a decade after its enactment, the Act’s implementation remains its Achilles’ heel. The vision of a child-friendly, speedy, and restorative justice system is far from being a reality on the ground.

Massive case backlogs, inadequate rehabilitation infrastructure, a shortage of trained professionals, and procedural delays continue to undermine the very principles the Act seeks to uphold. The labeling of children, the subjective nature of the preliminary assessment, and the social stigma they face create a system that too often fails to break the cycle of delinquency.

¹⁶ *50,000 Children Still Await Justice As Juvenile Boards Battle 55% Case Backlog: Report*, ETV Bharat (Nov. 20, 2025).

¹⁷ *The Effect of Labelling Children Under the Juvenile Justice Act, 2015*, NLIU Law Review (Jan. 2025).

¹⁸ *Juvenile Justice in India: Determination, Procedure and Remedies for a Child in Conflict with Law*, Citation Laws (Jun. 11, 2025).

The judiciary has provided a strong safety net, consistently upholding the principle that bail is the rule, that juvenility can be claimed at any stage, and that children cannot be incarcerated with adults. However, judicial pronouncements alone cannot solve the deep-rooted systemic deficiencies.

6.2 Recommendations for a Reformed Framework

Based on the socio-legal analysis, the following recommendations are proposed to strengthen India's juvenile justice system:

1. Address Systemic Inefficiencies and Reduce Backlogs:

- Establish fast-track Juvenile Justice Boards in districts with high pendency.
- Mandate and enforce the use of **case management software** and digital record-keeping for all JJBs.
- Implement government-funded legal aid clinics attached to every JJB, as the current 30% lack is unacceptable.
- Regularly train JJB members, police, and judicial officers on child psychology and trauma-informed practices.

2. Strengthen Rehabilitation and Reintegration:

- Increase budgetary allocations for **special homes, observation homes, and place of safety** to improve infrastructure and staffing.
- Develop national standards for aftercare programs and community-based interventions.
- Integrate skill-based vocational training and mental health support as mandatory components of every rehabilitation plan.
- Implement court-monitored committees at the district level to oversee the quality and progress of rehabilitation.

3. Enhance Data Transparency and Research:

- Establish an **independent, autonomous data portal** managed by the National Institute of Public Cooperation and Child Development (NIPCCD) to publish real-time, anonymized data on CCL cases, outcomes, and home conditions.
- Mandate all states to publish annual compliance reports on infrastructure, staffing, and case disposal.

4. Preventive Measures: Tackling Root Causes:

- Invest significantly in **community-based family counselling programs** to strengthen family structures and prevent delinquency.

- Build linkages between schools, police, and child rights organizations to identify at-risk children and provide early intervention.
- Strengthen the implementation of child protection schemes like the **Integrated Child Protection Scheme (ICPS)** at the grassroots level.

5. Legal and Procedural Reforms:

- Amend Section 15 to provide clearer, objective criteria for the preliminary assessment, potentially by substituting the open-ended subjective test with a mandatory, independent psychological evaluation by a government-empaneled child psychologist.
- Sensitize and train lawyers and judges to ensure that the “best interest of the child” principle is not just a theoretical doctrine but is applied in every decision.
- Strictly enforce the prohibition on handcuffing and placing children in regular jails, as repeatedly emphasized by the Supreme Court.

The goal of India’s juvenile justice system must be to prevent delinquency, divert minor first-time offenders away from the formal system, and rehabilitate those who have committed serious crimes. The focus must shift from punishment to **reformation, social reintegration, and prevention.**

BIBLIOGRAPHY

Primary Sources (Legislations and Rules)

1. The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act No. 2 of 2016).
2. The Juvenile Justice (Care and Protection of Children) Act, 2000 (Act No. 56 of 2000).
3. The Juvenile Justice (Care and Protection of Children) Model Rules, 2016.
4. United Nations Convention on the Rights of the Child (UNCRC), 1989.

Secondary Sources (Books and Journals)

5. Becker, Howard S. *Outsiders: Studies in the Sociology of Deviance*. Free Press, 1963.
6. Sutherland, Edwin H. *Principles of Criminology*. 1939.
7. Jaybhaye, Atul. *Revisiting Juvenile Justice in India: A Study on Juvenile Justice (Care and Protection of Children) Act, 2015*. Routledge, 2025.
8. Acharya, N. K. *Juvenile Justice Law in India*. 2018.

Government Reports and Working Papers

9. National Crime Records Bureau (NCRB). “Crime in India” Reports (Annual).

10. Ministry of Women and Child Development. "Report of the Committee on Amendments to the Juvenile Justice Act" (2014).
11. India Justice Report (IJR). *50,000 children still await justice as juvenile boards battle 55% case backlog: Report, 2025.*

Case Law

12. *Dr. Subramanian Swamy & Ors. v. Raju*, (2014).
13. *Hansraj v. State of Uttar Pradesh*, Sup. Ct. (2025).
14. *Rakesh Rai v. State of Bihar*, (2025).
15. *Seriousness Of Offence Or Age No Bar For Juvenile's Bail Under Section 12 JJ Act: Gujarat High Court Grants Bail To 14-Year-Old*, (2026).
16. *Can Juveniles Be Kept in Jail After Being Declared Minor? Supreme Court Says No, Calls It Article 21 Violation*, (2026).