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CHILD RIGHTS AND JUVENILE JUSTICE: A CRITICAL STUDY OF LEGAL SAFEGUARDS

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Abstract

The protection of children's rights has emerged as a central concern in modern legal systems, reflecting the recognition that children are vulnerable members of society requiring special care and protection. The juvenile justice system is a critical mechanism through which the State ensures that children, particularly those in conflict with law or in need of care and protection, are treated with dignity and provided opportunities for reform and reintegration.

In India, the Juvenile Justice (Care and Protection of Children) Act, 2015 represents the cornerstone of child protection law. It reflects a shift from punitive approaches to a reformatory and rehabilitative model. However, despite a comprehensive legal framework aligned with international standards such as the United Nations Convention on the Rights of the Child (UNCRC), significant challenges persist in implementation.

This research paper adopts a socio legal approach to critically examine the legal safeguards available under the juvenile justice system in India. It evaluates the effectiveness of statutory provisions, judicial interventions, and institutional mechanisms. The study identifies key gaps, including infrastructural deficiencies, lack of trained personnel, procedural delays, and social stigma. It concludes by proposing reforms aimed at strengthening the juvenile justice system and ensuring effective protection of child rights.

Keywords: *Child Rights, Juvenile Justice, Legal Safeguards, Rehabilitation, Children in Conflict with Law, Child Protection*

1: Introduction

Children constitute one of the most vulnerable sections of society. Their physical, emotional, and psychological immaturity necessitates special legal protection. The concept of child rights has evolved significantly over time, transforming from a welfare-based approach to a rights-based framework that recognizes children as independent holders of rights.

The juvenile justice system plays a crucial role in safeguarding these rights. It addresses issues relating to children who come into conflict with the law as well as those who require care and protection due to neglect, abuse, or exploitation. Unlike the adult criminal justice system, juvenile justice is founded on the principles of reform, rehabilitation, and reintegration.

In India, the juvenile justice system has undergone substantial transformation, culminating in the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015. This legislation seeks to provide a comprehensive framework for the care, protection, development, treatment, and social reintegration of children.

However, the effectiveness of these legal safeguards remains a subject of critical inquiry. This paper seeks to analyze whether the existing legal framework adequately protects child rights and addresses the socio legal realities faced by children.

2. Concept and Evolution of Child Rights

Child rights refer to the fundamental human rights specifically designed to ensure the survival, development, protection, and participation of individuals below the age of eighteen years. These rights recognize children as independent rights holders rather than mere dependents of parents or guardians. The modern concept of child rights is based on key principles such as the best interests of the child, nondiscrimination, right to life and development, and the right to participation in matters affecting them.

Historically, the idea of child rights was largely absent. In early societies, children were often treated as property of their families and subjected to labor and exploitation. The Industrial Revolution exposed the harsh realities faced by children, leading to the emergence of protective laws in the 19th century. Initially, the approach was welfare oriented, focusing on care and protection rather than rights.

A significant shift occurred in the 20th century with the development of international instruments. The Geneva Declaration of 1924 and the United Nations Declaration of 1959 laid the foundation for recognizing children's needs. However, the most important milestone was the adoption of the United Nations Convention on the Rights of the Child (1989), which established a comprehensive and legally binding framework for child rights.

In India, the evolution of child rights is reflected in constitutional provisions and legislations such as the Juvenile Justice (Care and Protection of Children) Act, 2015. Today, child rights represent a rights-based approach, emphasizing dignity, protection, and holistic development of every child.

Categories of Child Rights

- Survival Rights: Right to life, health, and nutrition
- Development Rights: Education, play, cultural activities
- Protection Rights: Protection from abuse, exploitation, and neglect
- Participation Rights: Freedom of expression and association

Core Principles of Child Rights

- **Best Interests of the Child**
- Every decision concerning a child must prioritize their wellbeing.

- **Non-Discrimination**
- All children are entitled to rights without discrimination of any kind.
- **Right to Survival and Development**
- Children have the right to life, health, education, and development.
- **Participation Rights**
- Children have the right to express their views and be heard.

3. Evolution of Juvenile Justice in India

The juvenile justice system in India has undergone a gradual and significant evolution, reflecting changing societal attitudes towards children and crime. Initially, the approach was largely punitive, but over time it has shifted towards a reformatory and rehabilitative model that emphasizes the best interests of the child.

The earliest legislative measure was the Apprentice Act, 1850, which aimed at rehabilitating children found guilty of petty offences by placing them in vocational training. This Act marked the beginning of a separate approach for dealing with juvenile offenders, although it was limited in scope and primarily focused on economic rehabilitation.

Subsequently, the Reformatory Schools Act, 1897 provided for the establishment of reformatory schools where young offenders could be detained and reformed instead of being sent to prisons. This law recognized the need to separate juveniles from adult offenders and introduced the idea of correction through education and discipline.

After independence, a more structured legal framework emerged with the Juvenile Justice Act, 1986, which was India's first comprehensive legislation on juvenile justice. It aimed to provide uniformity across the country and incorporated the principle of care, protection, treatment, development,

and rehabilitation of neglected and delinquent juveniles.

The Juvenile Justice (Care and Protection of Children) Act, 2000 marked a significant advancement by aligning Indian law with international standards, particularly the United Nations Convention on the Rights of the Child (UNCRC). It introduced child friendly procedures, emphasized rehabilitation, and categorized children into those "in conflict with law" and those "in need of care and protection."

The most recent development is the Juvenile Justice (Care and Protection of Children) Act, 2015, which replaced the 2000 Act. This legislation introduced stricter provisions in response to rising concerns about juvenile involvement in serious crimes. Notably, it allows children aged 16–18 years accused of heinous offences to be tried as adults after assessment by the Juvenile Justice Board. While this provision aims to ensure accountability, it has sparked debate regarding its compatibility with the reformatory philosophy of juvenile justice.

Overall, the evolution of juvenile justice laws in India reflects a transition from punishment to reform, though contemporary developments indicate a balancing act between child rights and societal concerns about crime.

4. Constitutional Provisions for Child Rights

The Indian Constitution provides a comprehensive and robust framework for the protection, welfare, and development of children. It incorporates both Fundamental Rights and Directive Principles of State Policy (DPSPs) to ensure that children are safeguarded against exploitation and are provided opportunities for holistic growth.

Article 14, which guarantees equality before the law and equal protection of laws, ensures that children are treated fairly and without discrimination. This provision lays the foundation for all child related

legislations and policies by mandating equal treatment in legal and social spheres.

Article 15(3) empowers the State to make special provisions for women and children. This is a crucial enabling provision that justifies affirmative action and child centric laws such as welfare schemes, protective legislation, and social security measures. It recognizes that children require additional protection due to their vulnerability.

Article 21, which guarantees the right to life and personal liberty, has been expansively interpreted by the judiciary to include the right to live with dignity, proper nutrition, shelter, health, and education. This article forms the backbone of child rights jurisprudence in India.

Further strengthening this framework, Article 21A makes education a fundamental right for children between the ages of 6 and 14 years. It mandates the State to provide free and compulsory education, thereby ensuring the intellectual and social development of children.

Article 24 explicitly prohibits the employment of children below the age of 14 years in factories, mines, and other hazardous occupations. This provision aims to protect children from exploitation and hazardous working conditions.

In addition to Fundamental Rights, the Directive Principles of State Policy play a vital role. Article 39(e) directs the State to ensure that children are not abused or forced by economic necessity into occupations unsuited to their age. Article 39(f) emphasizes that children should be given opportunities to develop in a healthy manner and be protected against exploitation and moral and material abandonment.

Article 45 further mandates the State to provide early childhood care and education for children below the age of six years, recognizing the importance of early development.

Collectively, these constitutional provisions create a strong legal and moral foundation for child protection in India. They not only safeguard children's rights but also impose a duty on the State to ensure their overall development, dignity, and wellbeing.

5. Legal Framework: Juvenile Justice Act, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 is the principal legislation governing the juvenile justice system in India. It was enacted to replace the 2000 Act with the objective of strengthening child protection mechanisms and aligning domestic law with international standards, particularly the United Nations Convention on the Rights of the Child (UNCRC). The Act adopts a child centric approach, focusing on rehabilitation, reintegration, and the best interests of the child.

The Act classifies children into two categories: "children in conflict with law" and "children in need of care and protection." It establishes specialized institutions such as Juvenile Justice Boards (JJBs) to deal with children in conflict with law and Child Welfare Committees (CWCs) to address cases involving vulnerable children. It also provides for Observation Homes, Special Homes, and Shelter Homes to ensure proper care and rehabilitation.

A key feature of the 2015 Act is the provision allowing children aged 16–18 years accused of heinous offences to be tried as adults after a preliminary assessment by the Juvenile Justice Board. This assessment considers the child's mental and physical capacity, ability to understand consequences, and circumstances of the offence. While this provision aims to address rising juvenile involvement in serious crimes, it has been widely debated for potentially undermining the reformative philosophy of juvenile justice.

The Act also introduces stringent provisions for adoption, making the process more transparent and efficient through the Central Adoption Resource

Authority (CARA). It further criminalizes offences against children, including cruelty, exploitation, and trafficking, thereby strengthening protective measures.

The Juvenile Justice (Amendment) Act, 2021 introduced important changes to improve implementation. It empowered District Magistrates, including Additional District Magistrates, to monitor the functioning of Child Welfare Committees and Juvenile Justice Boards, thereby enhancing accountability. The amendment also reclassified certain offences from serious to non-cognizable to ensure a more balanced approach and reduce unnecessary criminalization.

Overall, the Juvenile Justice Act, 2015, along with its 2021 amendment, provides a comprehensive legal framework for the protection and rehabilitation of children. However, its success depends largely on effective implementation, proper infrastructure, and sensitization of stakeholders.

6. International Legal Framework

United Nations Convention on the Rights of the Child (1989)

The UNCRC is the most comprehensive international treaty on child rights. It establishes four guiding principles:

- Best interests of the child
- Nondiscrimination
- Right to survival and development
- Respect for the views of the child

India ratified the UNCRC in 1992, thereby committing to align its domestic laws with these principles.

Other International Instruments

- Beijing Rules (1985)
- Riyadh Guidelines (1990)

- Havana Rules (1990)

7. Judicial Contribution

The judiciary in India has played a pivotal role in strengthening the juvenile justice system and safeguarding child rights through progressive interpretation of laws and constitutional provisions. Judicial interventions have not only clarified legal ambiguities but have also ensured that the principles of dignity, care, and rehabilitation remain central to the treatment of children within the justice system.

In *Sheela Barse v. Union of India* (1986), the Supreme Court emphasized the necessity of humane treatment for children in custody. The case brought attention to the deplorable conditions faced by juveniles in jails and police lockups. The Court issued important directions, including the separation of juveniles from adult offenders, the establishment of observation homes, and the provision of legal assistance. This judgment marked a significant step in recognizing that children require a child friendly justice system rather than punitive detention.

In *Pratap Singh v. State of Jharkhand* (2005), the Supreme Court addressed the crucial issue of age determination in juvenile cases. The Court clarified that the relevant date for determining whether an accused is a juvenile is the date of commission of the offence, not the date of trial or conviction. This judgment ensured that children are not deprived of the benefits of juvenile justice due to procedural delays. It reinforced the principle that legal safeguards must be applied consistently to protect the rights of minors.

Another landmark case, *Sampurna Behura v. Union of India* (2018), highlighted systemic deficiencies in the implementation of juvenile justice laws. The Supreme Court took suo motu cognizance of the gaps in infrastructure, lack of proper functioning of Juvenile Justice Boards and Child Welfare Committees, and the absence of adequate child care institutions. The Court

issued comprehensive guidelines to ensure effective implementation of the Juvenile Justice Act, emphasizing accountability, monitoring, and proper training of officials.

These judicial pronouncements demonstrate the proactive role of the judiciary in bridging the gap between law and practice. By interpreting laws in light of constitutional values and international obligations, the courts have consistently reinforced the rights of children. The judiciary has ensured that the juvenile justice system remains aligned with its reformative and rehabilitative objectives, thereby promoting a more humane and rights-based approach.

In conclusion, judicial contributions have been instrumental in shaping a child-centric legal framework in India. They continue to serve as a safeguard against violations of child rights and play a crucial role in advancing the cause of juvenile justice.

8. Critical Analysis of Legal Safeguards

The legal safeguards under India's juvenile justice system reflect a progressive and child-centric approach; however, their effectiveness depends on both the strength of the framework and the quality of implementation. A critical analysis reveals a mix of notable strengths and persistent challenges.

Strengths

One of the most significant strengths is the existence of a comprehensive legal framework. The Juvenile Justice (Care and Protection of Children) Act, 2015 provides detailed provisions for the care, protection, treatment, and rehabilitation of children. It clearly distinguishes between children in conflict with law and those in need of care and protection, ensuring targeted interventions.

Another key strength is the alignment with international standards, particularly the United Nations Convention on the Rights of the Child (UNCRC). The

Act incorporates principles such as the best interests of the child, dignity, nondiscrimination, and the right to development. This ensures that India's juvenile justice system is consistent with global norms.

Further, the law emphasizes a rehabilitative and reformative approach rather than a punitive one. Provisions for counseling, education, vocational training, and social reintegration highlight the objective of transforming children into responsible members of society rather than punishing them.

Weaknesses

Despite strong legal provisions, poor implementation remains a major concern. Many states struggle with inadequate enforcement of laws due to weak administrative mechanisms and lack of coordination among agencies.

The lack of infrastructure is another serious issue. Observation homes, special homes, and shelter homes are often overcrowded and lack basic facilities. This undermines the very purpose of providing a safe and supportive environment for children.

Additionally, there is inadequate training of personnel, including police officers, judicial officers, and staff of child care institutions. A lack of sensitivity and understanding of child psychology often leads to improper handling of cases, defeating the objective of a child-friendly justice system.

Controversial Provisions

A highly debated aspect of the 2015 Act is the provision allowing children aged 16–18 years accused of heinous offences to be tried as adults after preliminary assessment. Critics argue that this provision undermines the reformative philosophy of juvenile justice by introducing a punitive element. It raises concerns about whether adolescents, who are still in a developmental stage, should be subjected to the same legal consequences as adults.

9. Socio Legal Challenges

The effectiveness of the juvenile justice system in India is significantly influenced by various sociolegal challenges that contribute to juvenile delinquency and hinder the rehabilitation of children. These challenges highlight the intersection between social conditions and legal mechanisms.

Poverty

Poverty is one of the primary factors driving children towards crime. Economic deprivation often forces children to engage in activities such as theft, begging, and other unlawful acts for survival. In many cases, children from marginalized backgrounds lack access to basic necessities, education, and social support, making them more vulnerable to exploitation and criminal behavior. Thus, poverty not only contributes to delinquency but also limits opportunities for reform.

Family Breakdown

A stable family environment plays a crucial role in a child's development. However, issues such as domestic violence, parental neglect, divorce, and substance abuse within families can increase a child's vulnerability. Children from broken or dysfunctional families often lack emotional support and guidance, which may push them towards deviant behavior. The absence of proper parental care significantly impacts their psychological wellbeing.

Lack of Education

Education is a key factor in preventing juvenile delinquency. Children who are deprived of education or drop out of school are more likely to engage in criminal activities. Illiteracy and lack of awareness reduce their chances of understanding legal consequences and accessing lawful means of livelihood. Schools also serve as spaces for socialization, and their absence contributes to antisocial tendencies.

Social Stigma

Social stigma attached to children in conflict with law poses a major barrier to their reintegration into society. Even after rehabilitation, these children are often labeled as "criminals," leading to discrimination and exclusion. This stigma discourages them from pursuing education or employment opportunities and may result in recidivism.

10. Role of Police and NGOs

The effective functioning of the juvenile justice system largely depends on the coordinated efforts of law enforcement agencies and civil society organizations. Both the police and Non-Governmental Organizations (NGOs) play a crucial role in protecting child rights and ensuring rehabilitation.

Police

The police are often the first point of contact for children in conflict with law or those in need of care and protection. It is essential that they adopt a child friendly and sensitive approach while dealing with such cases. The Juvenile Justice Act mandates the establishment of Special Juvenile Police Units (SJPU), which are trained to handle children with care, avoiding intimidation or harsh treatment. Police officers must ensure that children are not subjected to custodial violence, are not detained in regular lockups, and are promptly produced before the appropriate authorities such as the Juvenile Justice Board or Child Welfare Committee.

NGOs

Non-Governmental Organizations play a vital role in bridging gaps in the system. They contribute significantly to rehabilitation, counseling, education, and awareness programs. NGOs often provide shelter, vocational training, and psychological support to children, helping them reintegrate into society. They

also assist in spreading awareness about child rights and act as watchdogs to ensure accountability.

Together, the police and NGOs form an essential support system for safeguarding children and promoting a humane juvenile justice process.

11. Challenges in Implementation

Despite a well-structured legal framework, the implementation of the juvenile justice system in India faces several significant challenges that hinder its effectiveness.

One major issue is the problem of overcrowded homes. Observation homes, special homes, and shelter homes are often overburdened, leading to inadequate living conditions, lack of proper care, and limited access to education and counseling. This defeats the purpose of rehabilitation and may negatively impact children's mental and physical wellbeing.

Another critical challenge is the delay in disposal of cases. Prolonged legal procedures and backlog of cases prevent timely justice, which is essential in matters involving children. Delays can lead to prolonged institutionalization, affecting the child's development and chances of reintegration.

Weak monitoring mechanisms further aggravate the situation. Many child care institutions lack regular inspections and oversight, resulting in noncompliance with prescribed standards and guidelines.

Additionally, there is a lack of accountability among authorities responsible for implementing juvenile justice laws. Inefficiency, negligence, and absence of strict enforcement measures often lead to violations of child rights.

12. Suggestions and Recommendations

- Strengthen infrastructure
- Train personnel

- Promote awareness
- Reform controversial provisions
- Encourage community participation

13. Conclusion

The juvenile justice system in India represents a progressive and child centric legal framework that emphasizes the protection of child rights through reformative and rehabilitative approaches rather than punitive measures. It is designed to ensure that children in conflict with law, as well as those in need of care and protection, are treated with dignity and provided opportunities for growth and reintegration into society.

However, despite the presence of comprehensive laws and policies, a significant gap persists between legal provisions and their actual implementation. Issues such as inadequate infrastructure, lack of trained personnel, procedural delays, and weak monitoring mechanisms continue to undermine the effectiveness of the system. As a result, many children are unable to fully benefit from the safeguards intended for their protection.

To bridge this gap, there is a pressing need for effective implementation of laws, strengthening of institutional mechanisms, and capacity building of stakeholders, including police, judiciary, and child welfare authorities. Additionally, societal support plays a crucial role in the successful rehabilitation and reintegration of children. Removing stigma and promoting awareness about child rights are essential steps in this direction.

In conclusion, while the legal framework of juvenile justice in India is robust and forward looking, its success ultimately depends on coordinated efforts by the State, institutions, and society to ensure that every child receives the care, protection, and opportunities necessary for a dignified life.

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