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CHILD IN CONFLICT WITH LAW AND THE ROLE OF JUVENILE JUSTICE BOARD

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ABSTRACT

The Government of India enacted the Juvenile Justice Act in 1986. In 1989 the General Assembly of the United Nations adopted the Convention on the Rights of a Child. India ratified the UNCRC in 1992. The convention outlines the right of the child to reintegration into society without judicial proceedings where avoidable. Hence the Government, to fulfill the standards of the way, felt a need to re-write the law. Thus in 2000, the old law was replaced by the Juvenile Justice (Care and Protection of Children) Act, 2015.

In this Act, a child or juvenile is defined as a person who has not completed his/her 18th year of age. It outlines two target groups: Children in need of care and protection and Juveniles in conflict with the law. This act protects not only the rights of children but a persons rights when he/she was a child. Meaning that if a crime or an incident took place while the person was a child, and then during the proceeding, the juvenile ceased to be of age, the case would continue as if the juvenile has not turned eighteen yet. Child in conflict with law means 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. Children in Conflict with Law, a term encompassing individuals below the age of 18 who have come into contact with the justice system due to alleged involvement in criminal activities, fall under the purview of the Juvenile Justice (Care and Protection of Children) Act 2015 in India. This legislation governs the treatment and rehabilitation of such children prioritizing a child-friendly and comprehensive approach.



KEYWORDS: Juvenile Justice Act in 1986, right of the child to reintegration.

INTRODUCTION:

The need for enacting the Juvenile Justice (Care and Protection of Children) Act, 2015, arose from both societal pressure and gaps in the existing legal framework. The earlier Juvenile Justice Act, 2000, although aligned with international conventions like the UNCRC, was perceived as inadequate in addressing instances where juveniles were involved in heinous crimes such as murder and rape. Public outrage reached its peak after the 2012 Nirbhaya gang rape case, where one of the primary accused was just short of 18 years and was thus tried as a juvenile, receiving a maximum sentence of three years in a reform home. This created widespread discontent, leading to calls for stricter legal accountability for older juveniles involved in serious crimes.

The Justice Verma Committee, constituted in the aftermath of the Nirbhaya case, highlighted deficiencies in the juvenile justice system and the need for reforms, though it did not support reducing the age of criminal responsibility. However, legislative and public sentiment leaned towards introducing flexibility in dealing with older juveniles involved in heinous offences. The 2015 Act emerged as a legislative compromise attempting to preserve the rehabilitative essence of juvenile law

while addressing serious public concerns. The core objective is to establish a comprehensive framework for the protection, care, treatment, development, and rehabilitation of children in conflict with law as well as those in need of care and protection.

One of the primary goals is to ensure that children are treated differently from adults in the criminal justice system, based on the recognition of their evolving capacities. The Act seeks to implement child-friendly procedures at every stage—from inquiry to rehabilitation—ensuring that the dignity and rights of the child are upheld, as mandated under Articles 14, 15, and 21 of the Constitution of India and the UNCRC. The Act also aims to strengthen institutional mechanisms such as the Juvenile Justice Board (JJB), Child Welfare Committee (CWC), and various child care institutions to ensure timely effective, and coordinated responses to children needs. These institutions are central to the execution of the Act's rehabilitative and protective mandate. The classification of offenses into petty, serious, and heinous is intended to rationalize the response of the juvenile justice system, ensuring that the severity of the intervention corresponds to the gravity of the offense. This also reflects the Act's dual objective of rehabilitation and accountability. In sum, the objectives of the 2015 Act are grounded in a holistic understanding of child rights and child development. It endeavors to create a justice system that not only holds juveniles accountable when necessary but does so in a manner that prioritizes their reintegration and long-term well-being.

National Crime Records Bureau (NCRB) data shows that juvenile crimes in India increased by (11.2%), with (34,878) cases registered in recent reporting. Older adolescents (16–18 years) accounted for (77.7%) of all apprehended juveniles. Delhi recorded the highest crime rate among metropolitan cities.

Statistics

- Total Cases: (34,878) cases against juveniles registered (up from (31,365) cases).
- Juveniles Apprehended: (42,633) individuals.
- Crime Rate: Increased to (7.9) per lakh children.
- Age Group Breakdown: (77.7%) of apprehended youth belonged to the 16–18 years age bracket, highlighting that older adolescents are the most vulnerable to engaging in unlawful acts.

Metropolitan & State Variations

Top Metro Cities: Delhi topped the list with (2,306) reported juvenile cases (a crime rate of 42 per one lakh minors). Delhi was followed by Chennai ((466) cases) and Bengaluru ((386) cases).

State Updates: Some heavily populated states, such as Uttar Pradesh, recorded a (25%) drop in juvenile crime cases.

Lowest Crime Rates: States like Nagaland and Ladakh recorded zero cases, while Jharkhand recorded a rate of (0.9) per lakh.

Uttar Pradesh recorded a sharp decline in juvenile crime cases in 2024 even as the national total rose to its highest level in three years, according to data on crimes committed by juveniles compiled under the Crime in India report recently released by the National Crime Records Bureau (NCRB) earlier this week. The report stated that the state registered 1,175 juvenile crime cases in 2024, down from 1,575 in 2023 and 1,505 in 2022—a fall of 25.4% in a single year and a three-year low.

Uttar Pradesh's rate of juvenile crime stood at 1.4 per lakh of child population in 2024. At the national level, the total number of juvenile crime cases rose from 31,365 in 2023 to 34,878 in 2024—an increase of 3,513 cases, or 11.2%. The all-India figure for 2022 was 30,555. The national juvenile crime rate stood at 7.9 per lakh of child population in 2024. Uttar Pradesh has the largest child population of any state in the country at 853.3 lakh, as per the 2011 Census figures cited in the data.

The report further stated that Bihar recorded the most dramatic increase among all states. The state's juvenile crime cases rose from 1,818 in 2023 to 5,037 in 2024—an increase of 3,219 cases, or 177%, in a single year. Bihar had recorded 1,052 cases in 2022. Its juvenile crime rate in 2024 stood at 10.6 per lakh. Bihar's single-year increase of 3,219 cases accounted for the bulk of the national rise of 3,513 cases between 2023 and 2024.

Among other major states, Maharashtra recorded 3,779 juvenile crime cases in 2024, down from 4,406 in 2022, at a rate of 10.5 per lakh. Madhya Pradesh registered 3,474 cases at a rate of 12.1 per lakh. Rajasthan recorded 2,827 cases at 10.0 per lakh. Tamil Nadu logged 2,946 cases at 14.3 per lakh.

Chhattisgarh recorded the highest juvenile crime rate among all states at 22.4 per lakh, with 2,180 cases in 2024. Haryana registered 1,550 cases at a rate of 17.0 per lakh. Telangana recorded 1,569 cases at 13.8 per lakh. Jharkhand recorded the lowest rate among states with reported cases at 0.9 per lakh, with 122 cases in 2024. Manipur registered only 3 cases. Nagaland recorded zero cases.

Among Union Territories, Delhi recorded 2,306 juvenile crime cases in 2024 at a rate of 41.6 per lakh—the highest rate of any State or UT in the dataset. Delhi accounted for 82% of all juvenile crime cases registered across Union Territories. Chandigarh recorded the second highest UT rate at 27.2 per lakh with 88 cases. The total for all Union Territories stood at 2,797 cases in 2024, down from 2,955 in 2022. Ladakh and Lakshadweep recorded zero juvenile crime cases in 2024. States collectively accounted for 32,081 of the 34,878 total juvenile crime cases recorded across the country in 2024. The total for states in 2022 was 27,600 and 28,452 in 2023. The data covers crimes registered under the Indian Penal Code, Bharatiya Nyaya Sanhita and Special and Local Laws. Child population figures used for calculating crime rates are based on the 2011 Census. Crime rate is calculated as incidence per lakh of child population.

To deal with the children in conflict with law the Juvenile Justice Board is entrusted with the important role of adjudicating matters concerning children in conflict with the law. The Board operates with a child-centric ethos, ensuring that its proceedings are conducted in a manner sensitive to the needs and rights of the child involved.

Juvenile Justice Board:

Sec. 4 of the Juvenile Justice Act, 2015 there shall be a Juvenile Justice Board which shall be constituted by the State Government in every district. A Board shall consist of Judicial Magistrate First Class with at least three years experience and two social workers selected of whom at least one shall be a woman. The social worker must have been actively involved in health, education, or welfare activities pertaining to children for at least seven years or a practicing professional with a degree in child psychology, psychiatry, sociology or law. A person cannot be a member of the Board if

- a) he has any past record of violation of human rights;
- b) he has been convicted of an offence involving moral turpitude ;
- c) he has been removed or dismissed from service of the Central government or the state government;
- d) he has ever indulged in child abuse or employment of child labour or any other violation of human rights or immoral act.

The State Government shall ensure that induction training and sensitisation of all members including Principal Magistrate of the Board on care, protection, rehabilitation legal provisions and justice for children should be provided within a period of sixty days from the date of appointment. The appointment of any member of the Board, except the Principal Magistrate, may be terminated after holding an inquiry by the State Government, if he (i) has been found guilty of misuse of power vested under this Act: or (ii) fails to attend the proceedings of the Board consecutively for three months without any valid reason or (iii) fails to attend (minimum) three-fourths of the sittings in a year or (iv) becomes ineligible during his term as a member. If an inquiry has already started for a child under this Act, and during the inquiry the child turns eighteen, the Board can still continue with the inquiry. If someone is caught for committing an offence that took place when they were under eighteen, but they are now over eighteen at the time of being apprehended, they will still be treated as a child during the inquiry. If the Juvenile Justice Board does not grant them bail, they must be kept in a designated place of safety while the inquiry is being conducted.

Now Section 7 discusses the procedure related to the functioning of the Juvenile Justice Board. The Board is required to meet as per the prescribed schedule and follow specific rules for conducting its meetings. It must ensure that all proceedings are child-friendly, and the environment should not feel like a regular courtroom or be intimidating to the child. If the full Board is not in session, a child in

conflict with the law can still be presented before an individual member. The Board can continue its work even if a member is absent during any part of the proceedings, and any decision made will still be valid. However, at least two members, including the Principal Magistrate, must be present for the final decision or for passing an order under Section 18(3). If the members of the Board have difference of opinions during any stage of the case, the majority view will be followed. In case there is no clear majority, the opinion of the Principal Magistrate will be considered final.

Now very important portion is the functions and responsibilities of the Board which shall include (a) ensuring the informed participation of the child and the parent or guardian, in every step of the process (b) ensuring that the child rights are protected throughout the process of apprehending the child, inquiry, aftercare and rehabilitation, (c) ensuring availability of legal aid for the child through the legal services institutions (d) wherever necessary the Board shall provide an interpreter or translator, having such qualifications, experience, and on payment of such fees as may be prescribed, to the child if he fails to understand the language used in the proceedings, (e) directing the Probation Officer, or in case a Probation Officer is not available to the Child Welfare Officer or a social worker, to undertake a social investigation into the case and submit a social investigation report within a period of fifteen days from the date of first production before the Board to ascertain the circumstances in which the alleged offence was committed (f) adjudicate and dispose of cases of children in conflict with law in accordance with the process of inquiry specified in section 14: (g) transferring to the Committee matters concerning the child alleged to be in conflict with law, stated to be in need of care and protection at any stage, thereby recognising that a child in conflict with law can also be a child in need of care simultaneously and there is a need for the Committee and the Board to be both involved, (h) disposing of the matter and passing a final order that includes an individual care plan for the child's rehabilitation, including follow up by the Probation Officer or the District Child Protection Unit or a member of a non-governmental organisation, as may be required, (i) conducting inquiry for declaring persons regarding care of children in conflict with law (1) conducting at least one inspection visit every month of residential facilities for children in conflict with law and recommend action for improvement in quality of services to the District Child Protection Unit and the State Government, (k) order the police for registration of first information report for offences committed against any child in conflict with law, under this Act or any other law for the time being in force, on a complaint made in this regard (1) order the police for registration of first information report for offences committed against any child in need of care and protection under this Act or any other law for the time being in force, on a written complaint by a Committee in this regard, (m) conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of child to an observation home or place of safety.

If an accused person claims before any court other than the Board that they were a child at the time of committing the offence, or if the court itself believes this might be the case, the court must conduct an inquiry. If the court concludes that the person was indeed a child at the time of the offence, it must transfer the case to the Juvenile Justice Board for appropriate action. Any sentence already passed by that court will then be considered void. Additionally, if the person needs to be kept in protective custody while the court is determining their age, they should be placed in a designated place of safety during that period.

Judicial Approach:

In **Salil Bali v. Union of India**, wherein the Supreme Court upheld the constitutional validity of the Juvenile Justice (Care and Protection of Children) Act, 2000, despite public outrage over certain heinous crimes committed by minors. In **ABC v. State (NCT of Delhi)**, which although not directly under the 2015 Act influenced child protection jurisprudence. The Supreme Court recognized the right of an unwed mother to be the sole guardian of her child without disclosing the identity of the father. The judgment upheld the child's right to dignity and the mother's autonomy. In **Dr. Subramanian Swamy v. Raju**, the Supreme Court reinforced the principles of juvenile justice by holding that the classification of offenders based solely on age did not violate Article 14 of the Constitution. In **Court on its Own Motion v. Department of Women and Child Development, GNCTD**, the Delhi High Court took suo

motu cognizance of the deplorable conditions in child care institutions and directed the government to ensure compliance with the provisions of the JJ Act, 2015. More emphasis was given on Individual Care Plans, regular inspections of institutions, and proper staffing as per the norms under the Model Rules, 2016. In **Satbir Singh & Others v. State of Haryana** where the Supreme Court emphasized the importance of a child-friendly judicial process as mandated under the Juvenile Justice Act, 2015. The Court reiterated that children in conflict with law must not be treated as adult criminals and that authorities must ensure psychological assessments, rehabilitation planning, and the protection of rights under Section 3 of the Act, which enumerates the general principles, including the principle of dignity, participation, and best interest. In **Ravi Kumar v. State of Punjab** and **Jarnail Singh v. State of Haryana**, the Supreme Court examined the scope of age determination under juvenile justice laws. These cases laid down the method for age verification, directing reliance on school certificates, birth records, and ossification tests only as a last resort. In another case of **Sheela Barse v. Union of India** the Court taking into consideration the conditions of children in custodial institutions, ordered that children should not be kept in jails and should have access to legal aid and education. In **Lalit v. State of U.P.** (2020) the Court ruled that juvenility is to be determined on the date of commission of the offense and not on the date of apprehension or during the trial. In **Raj Singh v. State of Haryana**, 2022, the judgment emphasized that Children Courts must assess not just the nature of the offense but also whether adult trial procedures would be in the best interest of the child, thereby reinforcing a case-by-case approach. In **State of Tamil Nadu v. K. Balu**, the Court held that keeping in view of the increasing vulnerability of children in need of care and protection, the state authorities, police, CWCs, and JJ Boards must co-ordinate together for effective implementation of the laws.

There are certain challenges and weaknesses also in implementing juvenile laws are :lack of clarity and uniformity in the process of preliminary assessment of child's mental and physical capacity, lack of adequate observation homes, special homes, places of safety, procedural delays and complex judicial process, lack of skilled people and awareness, poor infrastructure, bureaucratic inefficiencies, overcrowding of juvenile homes, lack of funds, letharginess of public authorities. There is also another point of concern related to the stigmatization of children in conflict with law, especially those children tried as adults. In most cases their punitive treatment and stigma of doing an offence increases the chances of recidivism. Scholars like Barry Goldson have warned that this may lead to social exclusion and criminal identity formation of the youths. Thus, children in conflict with the law constitute a highly sensitive group that necessitates a distinct and compassionate approach within the justice system. Recognizing that they are still in the process of psychological and emotional development, it is imperative to treat them not as criminals but as individuals in need of care, guidance, and support. The Juvenile Justice Board (JJB) plays a central role in actualizing this vision by serving as a specialized body that deals with such cases through a child-friendly and rehabilitative lens. The JJB not only adjudicates offences committed by children under the Juvenile Justice Care and Protection of Children Act but also ensures that proceedings are conducted in an environment that upholds the dignity and rights of the child. The focus of the JJB is not on retribution but on reforming the child through appropriate interventions, including counselling, psychological support, educational and vocational training, and community-based rehabilitation programs. To enhance the impact of the Juvenile Justice system, there is a pressing need to strengthen infrastructure, increase awareness among communities, prioritization of intensive psychological assessments and long-term rehabilitative interventions, training law enforcement and judicial officers in child rights, and ensure proper follow-up and monitoring mechanisms. There is a need for the integration of mental health services. Civil society organizations, educators, families, and government institutions must work together to create a support system that nurtures rather than punishes.

References:

- Shilpa Mittal v. State (NCT of Delhi). (2020) 2 SCC 787
- Salil Bali v. Union of India, (2013) 7 SCC 705
- ABC v. State (NCT of Delhi) (2015) 10 SCC 1

- Dr. Subramanian Swamy v. Raju (2014)8SCC390
- Court on its Own Motion v. Department of Women and Child Development, GNCTD ,2018SCC online Del 12394
- Satbir Singh & Others v. State of Haryana(2021)6SCC1
- Ravi Kumar v. State of Punjab (2005)9SCC315
- Sheela Barse v. Union of India AIR,1986SC1773
- Lalit v State of UP (2020) SCC Online SC53
- Raj Singh v State of Haryana. 2022 SCC Online SC 1784
- State of Tamil Nadu v. Balu. (2017) 2 SCC 281
- Trojannovicz,RC. Juvenile Delinquency: Concept and Control ,Prentice Hall,New Jersey,1973
- Paranjpe,N.V. Criminology, Penology and Victimology ,Central Law Publications,2020
- Bajpai,Asha. Child Rights in India :Law, Policy and Practice Oxford University Press,2018
- UN Committee on the Rights of the Child, General Comment No. 10 (2007)
- Global Study on Children Deprived of Liberty, UN, 2019
- Tripathi,S.N.Juvenile Justice in India: An Analytical Study .New Century Publications,2017
- Ministry of Women and Child Development, Government of India
- Ved Kumari, The Juvenile Justice System in india From Welfare to Rights. Oxford University Press,2017
- <https://www.hindustantimes.com/cities/lucknow-news/ncrb-data-juvenile-crime-cases-in-uttar-pradesh-drop-25-in-2024-101778355681159.html>(last visited on May 2026)
- University Press, 2010 17. Paranjape, NV Criminology, Penology and Victimology. Central Law Publications, 2020
- Tripathi, SN. Juvenile justice in India in Analytical Shah New Century Publications, 2017
- Sharma, K.P. Commentary on the Juvenile Justice (Care and Protection of Children) Act. 2015
- National Crime Records Bureau (NCRB) Reports (2015-2023)
- United Nations Convention on the Rights of the Child (UNCRC), 1989
- Justice Verma Committee Report, 2013
- Bharti Ali. HAQ: Centre for Child Rights, New Delhi
- Nandita Babu, Child and Adolescent Psychology, Sage Publications, 2009
- Law Commission of India Report No. 262 (2015)
- Committee on the Rights of the Child, Day of General Discussion on Childrens Rights in Juvenile Justice, 2007
- UNICEF India Reports on Child Protection, 2020-2023
- UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), 1990
- Kumari, Ved. The Juvenile Justice System in India From Welfare to Rights: Oxford Universal Law Publishing, 2016
- Bajpai. Asha Child Rights in India Law, Policy, and Practice. Oxford University Press 2018
- Kumar, Mahesh Law Relating to Juvenile Justice in India Allahabad Law Agency, 2018
- Kumari, Ved. The Juvenile Justice System in India :From Welfare to Rights .Oxford University Press,2010
- <https://www.newindianexpress.com/states/delhi/2026/May/07/over-2000-juvenile-offences-record-1-per-cent-hike-from-2023> (last visited May 2026)
- <https://www.hindustantimes.com/cities/delhi-news/petty-thefts-to-serious-offences-ncrb-data-flags-delhi-s-high-juvenile-crime-rate-101778082784>(last visited May 2026)