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**Juveniles In Conflict With Law: Should They Be Tried As Adults In Heinous Crimes?**

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***Abstract***

*This paper critically examines the evolution of the Juvenile Justice (Care and Protection of Children) Act, 2015 and its departure from the reformatory approach traditionally central to India's juvenile justice system. Triggered by the Nirbhaya gang rape case, the 2015 amendments allow juveniles aged 16–18 to be tried as adults for heinous offences, raising concerns about their compatibility with the United Nations Convention on the Rights of the Child (UNCRC) and constitutional principles. By analysing statutory provisions, judicial decisions, and socio-legal challenges, this study evaluates whether the current framework strikes a balance between deterrence, accountability, and the rehabilitative objectives of juvenile justice.*

**Key Words:** Juvenile Justice, Juvenile Justice Act 2015, Nirbhaya Case, UNCRC, Child Rights

## INTRODUCTION

Children need special protection for their growth and development because they are one of the most vulnerable groups in society. Through clauses like Article 15(3), which permits the State to provide special provisions for children, and Article 21A, which ensures free and compulsory education, the Indian Constitution acknowledges this obligation.<sup>1</sup> A constitutional view of childhood as a stage that needs to be protected and fostered is reflected in Articles 39(e) and 39(f)<sup>2</sup> of the Directive Principles of State Policy, which place additional emphasis on shielding children from exploitation and neglect. In keeping with this goal, a reformatory philosophy initially influenced India's juvenile justice system. Rehabilitation was given top priority in the Juvenile Justice Act of 1986 and the Juvenile Justice (Care and Protection of Children) Act of 2000<sup>3</sup>.

Following India's ratification of the UN Convention on the Rights of the Child (UNCRC), 2000<sup>4</sup> Act prohibited anyone under the age of 18 from being tried as an adult for any offence. Instead of punishing juveniles like adults, the goal was to reintegrate. However, following the 2012 Delhi gang rape (Nirbhaya case), this strategy was seriously questioned. One of the defendants was a minor, aged 17, who could only be held in a special home for three years under the law in effect at the time. National indignation and demands for reform resulted from the punishment's alleged insufficiency.

The result was the Juvenile Justice (Care and Protection of Children) Act, 2015, which established the possibility of trying minors between the ages of 16 and 18 as adults for serious crimes—those carrying a sentence of seven years or more. Before transferring the case to a Children's Court, the Juvenile Justice Board (JJB) was tasked with performing an initial evaluation of the juvenile's mental capacity, comprehension of the consequences, and the circumstances surrounding the offence. There has been a lot of discussion about this change. Critics contend that it jeopardises the juvenile justice system's rehabilitative foundation and exposes young offenders to abuse and criminalisation in adult prisons, while supporters contend that it guarantees accountability and acts as a deterrent. Additionally, psychological research indicates that teenagers are not as mature as adults, which raises questions about treating them fairly.<sup>5</sup>

The key question, therefore, is whether India's current framework balances justice for victims with the reformatory spirit central to juvenile justice.

<sup>1</sup> INDIA CONST. art. 15(3), 21A.

<sup>2</sup> INDIA CONST. art. 39(e)–(f).

<sup>3</sup> Juvenile Justice Act, No. 53 of 1986, INDIA CODE; Juvenile Justice (Care and Protection of Children) Act, No. 56 of 2000, INDIA.

<sup>4</sup> Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

<sup>5</sup> Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, INDIA .

## METHODOLOGY

Using a doctrinal approach, this study examines current legislation, court rulings, and scholarly publications. This method enables a thorough examination of the statutory framework and its implementation, as the question of whether minors should be tried as adults is essentially one of legal interpretation and policy. The Juvenile Justice (Care and Protection of Children) Act, 2015, previous laws like the Juvenile Justice Act, 2000, sections of the Indian Penal Code, and pertinent constitutional provisions are among the main sources consulted. Important Supreme Court and High Court rulings, including **Pratap Singh v. State of Jharkhand (2005)**<sup>6</sup> and **Mukesh v. State (NCT of Delhi) (2017)**<sup>7</sup>, have been studied to learn how judges have construed the conflicting demands of deterrence and rehabilitation.

In order to give the discussion a socio-legal context, the study also makes use of secondary sources, such as Law Commission reports, scholarly publications, and crime statistics from the National Crime Records Bureau (NCRB). These resources help determine whether the 2015 Act's goals are actually being met. In light of the global nature of juvenile justice, the study also makes reference to comparative practices in the US and the UK, as well as documents like the Beijing Rules and the United Nations Convention on the Rights of the Child (UNCRC).<sup>8</sup>

### 1. Legal Framework in India

As societal concerns have evolved, India's juvenile justice system has experienced substantial change. Children in conflict with the law are currently governed by the Juvenile Justice (Care and Protection of Children) Act, 2015. The creation of the category of "heinous offences," which are crimes punishable by seven years or more in prison under the Indian Penal Code or other laws, is one of its most contentious provisions.

Juveniles between the ages of 16 and 18 who are accused of such horrible crimes may be tried as adults under the 2015 Act. The previous Juvenile Justice Act of 2000, which forbade adult trials for any offence, is a significant change from this. The Juvenile Justice Board (JJB) is a key player in deciding whether a minor should face adult charges under the 2015 framework. The child's mental and physical ability to commit the crime, their comprehension of its repercussions, and the circumstances surrounding the act must all be evaluated initially by the Board. The case is only moved to the Children's Court for an adult trial if the Board is convinced that the minor exhibited adequate maturity.

<sup>6</sup> Pratap Singh v. State of Jharkhand, (2005) 3 SCC 551.

<sup>7</sup> Mukesh v. State (NCT of Delhi), (2017) 6 SCC 1.

<sup>8</sup> LAW COMM'N OF INDIA, REPORT NO. 264, THE CRIMINAL LAW (AMENDMENT) BILL, 2013.

The backdrop to this shift was the public outrage following the 2012 Delhi gang rape (Nirbhaya case). One of the accused was 17 years old and, under the 2000 Act, could not be tried as an adult. His release after three years in a special home caused widespread anger, leading to demands for stricter laws. Parliament responded with the 2015 Act, seeking to balance victim justice with child welfare.

While the intention was to address public concerns, the law has been criticised for undermining the traditional reformatory philosophy of juvenile justice. Questions also arise about the reliability of preliminary assessments, as gauging a juvenile's maturity is highly subjective. Thus, the legal framework reflects both the pressures of public sentiment and the enduring tension between punishment and reform.

## 2. Arguments in Favour of Trying Juveniles as Adults

Supporters of the 2015 reform argue that it brings accountability in line with the seriousness of the offence. NCRB data suggests that while juveniles constitute a small proportion of overall offenders, there is a noticeable rise in their involvement in violent crimes such as rape, murder, and robbery. The principle of proportionality is central to this argument. If a juvenile is capable of committing a heinous act with adult-like intent, then the law should respond with punishment proportionate to the offence. Otherwise, victims and society may perceive the system as unjust.<sup>9</sup>

Another strong argument is deterrence. The relatively lighter punishments under the 2000 Act were seen as inadequate to prevent serious crimes. The Nirbhaya case amplified fears that lenient laws could embolden offenders aged 16–18 years. The possibility of being tried as an adult, supporters claim, sends a clear warning that age cannot shield those who commit heinous acts.<sup>10</sup>

Judicial observations also lend weight to this view. In **Mukesh v. State (NCT of Delhi) (2017)**<sup>11</sup>, the Supreme Court highlighted the need for severe punishment in cases of brutal crimes, though the juvenile accused in that case was dealt with under the earlier law. For many, the 2015 Act represents a necessary corrective, ensuring that justice is not only reformatory but also responsive to the demands of public safety.

<sup>9</sup> NAT'L CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, GOV'T OF INDIA, CRIME IN INDIA 2021: STATISTICS (2022), <https://ncrb.gov.in>.

<sup>10</sup> Ved Kumari, *The Juvenile Justice System in India: From Welfare to Rights* (Oxford Univ. Press 2017)

<sup>11</sup> *Mukesh v. State (NCT of Delhi)*, (2017) 6 SCC 1.

### 3. Arguments Against Trying Juveniles as Adults

Critics counter that it goes against the fundamental principles of juvenile justice to try minors as adults. Such laws are based on the idea of rehabilitation rather than retaliation. India's international obligations under the 1992 ratification of the UN Convention on the Rights of the Child (UNCRC) also demonstrate this strategy.

Scientific research strengthens this argument. Studies on adolescent brain development show that individuals in the 16–18 age group often lack the neurological maturity for long-term planning, impulse control, and risk evaluation. Punishing them as adults, critics say, ignores this reality and imposes responsibilities disproportionate to their mental capacity. A further concern is the risk of abuse and radicalisation in adult prisons. Juveniles tried as adults are often sent to environments that are violent and criminogenic. Instead of reform, such exposure may lead to further criminalisation. This undermines the broader societal goal of rehabilitation and reintegration.<sup>12</sup>

There is also the issue of international compliance. The UNCRC and the Beijing Rules<sup>13</sup> emphasise that children under 18 should not be treated as adults. By allowing for exceptions in heinous cases, India risks falling short of its obligations. Judicial precedent has leaned toward protection. In *Pratap Singh v. State of Jharkhand* (2005), the Supreme Court underscored the importance of shielding juveniles from punitive frameworks, emphasising their right to reform. Critics argue that the 2015 Act, by enabling adult trials, is a step backwards that prioritises punishment over rehabilitation.

### 4. Judicial and Academic Opinions

The judiciary has attempted to balance public expectations with legal safeguards. Courts have upheld the constitutionality of the 2015 provisions but stressed the importance of rigorous preliminary assessments by JJBs before transferring cases. This reflects a cautious approach: acknowledging the need for deterrence while preventing arbitrary application.

Academics and child rights activists remain divided. Some hail the reform as necessary to address extreme cases and restore public confidence in the delivery of justice. Others argue it was a reactionary move, influenced more by public outrage than by data or research. Many scholars emphasise that rehabilitation offers long-term societal benefits, whereas punitive approaches may deepen cycles of

<sup>12</sup> Anindita Banerjee, *Juvenile Justice in India: A Shift from Reformatory to Punitive Approach*, 10(2) J. INDIAN L. & SOC'Y 45 (2019)

<sup>13</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), G.A. Res. 40/33, U.N. Doc. A/RES/40/33 (Nov. 29, 1985).

crime. The debate thus continues in both legal and academic circles, highlighting the tension between deterrence and reform as the defining challenge of juvenile justice in India.<sup>14</sup>

### 5. Comparative & International Perspective

Other countries provide useful points of comparison. In the United States, several states allow juveniles to be transferred to adult courts, particularly in cases of serious crimes. However, this practice has been criticised for producing harsher outcomes and higher recidivism rates, raising doubts about its deterrent value.

In contrast, the United Kingdom follows a model that balances accountability with rehabilitation. Juveniles are tried in special youth courts, and though serious crimes may attract strict sentences, the overall emphasis is on ensuring that young offenders are not unnecessarily exposed to adult prisons.

At the global level, the UNCRC (1989) and the Beijing Rules emphasise rehabilitation, reintegration, and the principle that detention should be a measure of last resort. These instruments make it clear that children under 18 should not be equated with adults in criminal law. India's 2015 law positions it between these models. While it does not adopt the broad transfer system of the U.S., it departs from the strictly rehabilitative approach of international standards. The question remains whether this balance adequately protects children's rights or compromises them in the name of deterrence.<sup>15</sup>

### 6. Socio-Legal Challenges

The debate cannot ignore the social realities that contribute to juvenile delinquency. Many juveniles in conflict with the law come from backgrounds of poverty, broken families, lack of education, or substance abuse. Their crimes often reflect systemic deprivation as much as individual choice. Even when laws aim for rehabilitation, implementation remains weak. Juvenile Justice Boards face shortages of trained staff, and many observation homes lack proper infrastructure, counselling, or vocational programs. These shortcomings hinder the effectiveness of reformative measures.

Reintegration poses another challenge. Juveniles who serve time often face stigma and rejection from society, making them vulnerable to reoffending. Without community support and adequate rehabilitation schemes, punitive laws alone cannot reduce juvenile crime. Thus, the socio-legal challenges reveal that

<sup>14</sup> R. Sharma, *Juvenile Delinquency and the Law in India: A Socio-Legal Study*, 11(1) INT'L J. LEGAL RES. 112 (2021).

<sup>15</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), G.A. Res. 40/33, U.N. Doc. A/RES/40/33 (Nov. 29, 1985).

focusing solely on punishment without addressing the root causes of poverty, neglect, and lack of opportunities will not resolve the problem of juvenile delinquency.

## CONCLUSION

In Indian criminal jurisprudence, the issue of whether minors should face adult trials for serious crimes is still up for debate. In response to public outrage following the Nirbhaya case, the Juvenile Justice (Care and Protection of Children) Act, 2015, introduced provisions allowing juveniles between the ages of sixteen and eighteen to stand trial as adults for serious crimes. Arguments of proportionality, accountability, and deterrence were used to support this reform, but it has also sparked worries about how the juvenile justice system's rehabilitative core may be compromised.

The analysis shows that the issue is not merely legal but also psychological and social. Scientific evidence on adolescent brain development demonstrates that juveniles lack the maturity and impulse control of adults. At the same time, social realities such as poverty, neglect, and substance abuse create conditions that push many children into conflict with the law. Treating such offenders as adults risks overlooking these vulnerabilities, while exposing them to environments that may foster further criminalisation.

Comparative perspectives from the United States and the United Kingdom, along with international standards under the UNCRC, indicate that the global trend leans towards rehabilitation rather than retribution. India's current framework, therefore, stands at a crossroads: it acknowledges the need for public safety but risks departing from international commitments and constitutional values.

Moving forward, the focus should be on strengthening Juvenile Justice Boards, ensuring rigorous preliminary assessments, and improving rehabilitation infrastructure, such as observation homes and counselling services. Society's interest in justice for victims must be balanced with the long-term objective of reforming juveniles into responsible citizens. In essence, true justice lies not only in punishing the offender but also in transforming lives and addressing the root causes of crime. India must strive to uphold this balance if its juvenile justice system is to remain both effective and humane.

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