

Juvenile Justice in India at the Crossroads of Child Right's Public Safety and Constitutionalism

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ABSTRACT

Background: India's juvenile justice system stands at a critical juncture where the constitutional rights of children must be balanced with growing concerns regarding public safety. This paper critically examines whether the Juvenile Justice (Care and Protection of Children) Act, 2015 effectively harmonizes child rights, rehabilitation, accountability, and constitutional values in addressing contemporary challenges such as serious juvenile offending, cyber delinquency, mental health issues, and institutional deficiencies. Adopting a doctrinal and analytical approach, the study analyses constitutional provisions, statutory frameworks, judicial decisions, international standards, and comparative practices to evaluate the effectiveness of the existing legal regime. The paper argues that a balanced constitutional approach integrating rehabilitation, restorative justice, institutional strengthening, and evidence-based policy reforms is essential for protecting children's rights while ensuring public safety.

Keywords: Juvenile Justice, Child Rights, Constitutionalism, Public Safety, Rehabilitation, Restorative Justice, Juvenile Justice Act 2015, Children in Conflict with Law, Human Rights, Comparative Law.

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INTRODUCTION

Juvenile justice has evolved from a welfare-oriented approach to a rights-based legal framework that recognizes children in conflict with law as individuals requiring care, protection, rehabilitation, and social reintegration rather than punitive treatment. International developments, particularly the United Nations Convention on the Rights of the Child (UNCRC), the Beijing Rules, the Riyadh Guidelines, and other child rights instruments, have significantly influenced national legal systems by emphasizing the best interests of the child, restorative justice, rehabilitation, and deprivation of liberty only as a measure of last resort. In India, these principles have shaped the evolution of juvenile justice legislation, culminating in the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015, which seeks to balance child protection with accountability while ensuring conformity with constitutional values and international obligations.¹

In recent years, however, the increasing involvement of adolescents, particularly those aged sixteen to eighteen years, in serious offences has generated

intense constitutional, legal, and policy debates concerning the adequacy of the existing juvenile justice framework. According to the National Crime Records Bureau, more than 31,000 children in conflict with law were apprehended during 2022, with the majority belonging to the 16-18 years age group, raising concerns regarding the appropriate

balance between rehabilitation, constitutional liberty, victim rights, and public safety. Against this backdrop, the present paper critically examines whether the Juvenile Justice (Care and Protection of Children) Act, 2015 successfully reconciles child rights with public safety within the broader framework of constitutionalism by analysing its legislative evolution, constitutional principles, judicial interpretation, international standards, and comparative practices. Adopting a doctrinal and analytical methodology based on primary and secondary legal sources, the study argues that an effective juvenile justice system must integrate constitutional values, restorative justice, institutional efficiency, and evidence-based rehabilitation to protect children's rights while ensuring justice, public confidence, and societal security.²

¹ U.N. Convention on the Rights of the Child arts. 3, 37 & 40, Nov. 20, 1989, 1577 U.N.T.S. 3.

² NAT'L CRIME RECS. BUREAU, *CRIME IN INDIA 2022*, ch. 4 (2023).

2. Evolution of Juvenile Justice in India

The evolution of juvenile justice in India reflects a gradual transition from a punitive approach to a child-centric and rights-based legal framework. During the colonial period, children accused of offences were largely subjected to the ordinary criminal justice system with little distinction from adult offenders. The Apprentices Act, 1850 marked the first legislative attempt to provide vocational training and rehabilitation to neglected children, followed by the Reformatory Schools Act, 1876, which introduced the concept of reformatory institutions in place of imprisonment for youthful offenders. Subsequently, provincial legislations such as the Madras Children Act, 1920, the Bengal Children Act, 1922, and the Bombay Children Act, 1924 established juvenile courts and certified schools, laying the foundation for a separate juvenile justice system based on correction and welfare rather than punishment.³

Following independence, the Constitution of India provided the normative foundation for juvenile justice by recognizing children as a vulnerable group entitled to special protection and opportunities for holistic development. Articles 14, 15(3), 21, and 21A, together with the Directive Principles under Articles 39(e), 39(f), 45, and 47, collectively require the State to protect children from exploitation, promote their education and development, and ensure that they grow in an environment of dignity and freedom. The Supreme Court has consistently interpreted these constitutional provisions in harmony with international child rights standards, emphasizing that the objective of juvenile justice is rehabilitation and social reintegration rather than retribution. Consequently, India's juvenile justice framework is founded upon constitutional values of equality, dignity, fair procedure, and the best interests of the child.⁴

The legislative framework has evolved in response to both constitutional mandates and international obligations. The Juvenile Justice Act, 1986 established the first uniform national law governing juveniles in conflict with law and children in need of care and protection. Following India's ratification of the United Nations Convention on the Rights of the Child (UNCRC), the Juvenile Justice (Care and

Protection of Children) Act, 2000 introduced a rights-based approach by recognizing every person below eighteen years as a child and strengthening provisions relating to rehabilitation, restoration, adoption, foster care, and child-friendly procedures. The Juvenile Justice (Care and Protection of Children) Act, 2015 further reformed the legal framework by incorporating principles of rehabilitation while introducing the controversial preliminary assessment mechanism under Sections 15, 18, and 19 for children aged sixteen to eighteen years accused of heinous offences. Although intended to balance child rights with public safety, these provisions continue to generate constitutional debate regarding equality, due process, proportionality, and the reformative philosophy of juvenile justice.⁵

3. Constitutionalism and Juvenile Justice

Constitutionalism constitutes the cornerstone of democratic governance and requires that all governmental power be exercised within the framework of the Constitution, ensuring accountability, judicial review, and protection of fundamental rights. It extends beyond the existence of a written Constitution by embodying the principles of constitutional morality, rule of law, equality, liberty, and human dignity. In the context of juvenile justice, constitutionalism requires that children in conflict with law are treated as constitutional rights holders rather than merely offenders, thereby ensuring that every stage of the justice process conforms to constitutional values of fairness, rehabilitation, and protection. The legitimacy of the Juvenile Justice (Care and Protection of Children) Act, 2015 therefore rests upon its ability to balance child rights, public safety, and constitutional governance while preventing arbitrary exercise of State power.⁶

The principles of the rule of law, due process, and natural justice form the procedural foundation of constitutional juvenile justice. The rule of law requires that all authorities act strictly in accordance with law, preventing arbitrariness and ensuring equality before the law. Although the Constitution does not expressly use the expression "due process," the Supreme Court has interpreted Article 21 to require that every procedure affecting life or personal liberty must be just, fair, and reasonable.

³ Apprentices Act, 1850, Act No. XIX of 1850 (India); Reformatory Schools Act, 1876, Act No. V of 1876 (India).

⁴ INDIA CONST. arts. 14, 15(3), 21, 21A, 39(e), 39(f), 45 & 47; *Sheela Barse v. Union of India*, (1986) 3 SCC 596; *Hari Ram v. State of Rajasthan*, (2009) 13 SCC 211.

⁵ Juvenile Justice Act, No. 53 of 1986, India Code; Juvenile Justice (Care and Protection of Children)

Act, No. 56 of 2000, India Code; Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, page 3, 15, 18 & 19; *Dr. Subramanian Swamy v. Raju*, (2014) 8 SCC 390.

⁶ INDIA CONST. pmb.; *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225; *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

Consequently, children in conflict with law are entitled to child-friendly investigation, legal representation, psychological assessment where appropriate, impartial hearings before Juvenile Justice Boards, confidentiality, and reasoned decision-making. These safeguards ensure that deprivation of liberty occurs only through procedures that satisfy constitutional standards of fairness while preserving the reformative philosophy of juvenile justice.⁷

The constitutional framework further recognizes the best interests of the child, human dignity, right to life, and personal liberty as indispensable components of juvenile justice. Recognized under the United Nations Convention on the Rights of the Child (UNCRC) and incorporated in Section 3 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the best interests principle requires every authority to prioritize rehabilitation, education, counselling, restoration, and social reintegration over punitive measures. Similarly, Article 21 guarantees every child the right to live with dignity and personal liberty, requiring the State to provide educational opportunities, healthcare, psychological support, and protection from abuse or stigmatization. The Act reinforces these constitutional values by protecting the identity of children, discouraging unnecessary detention, and promoting community-based rehabilitation so that every child is afforded an opportunity for meaningful reform and reintegration into society.⁸

Access to justice represents another essential constitutional guarantee within the juvenile justice system. Beyond the availability of legal representation, it requires child-friendly institutions, legal aid, counselling services, speedy disposal of cases, and effective rehabilitation mechanisms that enable children to participate meaningfully in legal proceedings. The establishment of Juvenile Justice Boards, Child Welfare Committees, Special Juvenile Police Units, and District Child Protection Units reflects the legislative commitment to ensuring accessible, responsive, and specialized justice for children. Fair procedure and institutional safeguards not only protect the constitutional rights of children but also strengthen public confidence in the administration of juvenile justice by ensuring that accountability is achieved through humane and legally sound processes.⁹

The Constitution ultimately recognizes children not merely as beneficiaries of State welfare but as independent holders of enforceable constitutional rights. Fundamental Rights guaranteed under Articles 14, 15(3), 21, and 21A, together with the Directive Principles contained in Article 39(f), impose a constitutional obligation upon the State to secure equality, dignity, education, protection, and opportunities for healthy development. Accordingly, children in conflict with law cannot be deprived of constitutional protections solely because they are accused of criminal offences. The juvenile justice system must therefore harmonize accountability with rehabilitation through a child-centred and rights-based approach that respects constitutional morality, promotes social reintegration, and remains consistent with India's international human rights obligations.¹⁰

4. Child Rights under International Law

The international framework governing juvenile justice is primarily founded upon the United Nations Convention on the Rights of the Child (UNCRC), 1989, which recognizes every person below eighteen years of age as a child and establishes a comprehensive rights-based approach to juvenile justice. Ratified by India in 1992, the Convention requires that the best interests of the child remain the primary consideration in all decisions affecting children, that deprivation of liberty be used only as a measure of last resort and for the shortest appropriate period, and that juvenile justice systems emphasize rehabilitation, reintegration, dignity, legal assistance, and fair trial guarantees rather than punishment. These principles are reinforced by other international instruments, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985), which advocate diversion, proportionality, confidentiality, individualized treatment, and community-based rehabilitation, the Riyadh Guidelines (1990), which emphasize prevention of juvenile delinquency through family support, education, and social welfare, and the Havana Rules (1990), which prescribe minimum standards for the humane treatment of juveniles deprived of liberty, including education, healthcare, vocational training, family contact, and preparation for social reintegration.¹¹

⁷ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248; *Indira Nehru Gandhi v. Raj Narain*, 1975 Supp SCC 1.

⁸ INDIA CONST. art. 21; Juvenile Justice (Care and Protection of Children) Act, 2015, pages 3 & 74; *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608.

⁹ Legal Services Authorities Act, 1987; Juvenile Justice (Care and Protection of Children) Act, 2015.

¹⁰ INDIA CONST. arts. 14, 15(3), 21, 21A & 39(f); *Hari Ram v. State of Rajasthan*, (2009) 13 SCC 211.

¹¹ U.N. Convention on the Rights of the Child arts. 3, 37 & 40, Nov. 20, 1989, 1577 U.N.T.S. 3; United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing

The contemporary interpretation of these international standards has been further strengthened through the Committee on the Rights of the Child's General Comment No. 24 (2019), which provides authoritative guidance on implementing child rights within juvenile justice systems. It recommends maintaining eighteen years as the upper age limit of juvenile jurisdiction, discourages the transfer of children to adult criminal courts, and emphasizes diversion, restorative justice, individualized assessment, legal representation, confidentiality, procedural safeguards, and meaningful participation of children throughout legal proceedings. The General Comment also recognizes the significance of developmental maturity, mental health, family circumstances, and social environment in determining appropriate responses to juvenile offending, thereby reaffirming that accountability must remain compatible with rehabilitation and child development rather than punitive objectives.¹²

The Juvenile Justice (Care and Protection of Children) Act, 2015 substantially incorporates these international principles by recognizing rehabilitation, restoration, confidentiality, legal aid, institutional care as a measure of last resort, adoption, foster care, and the best interests of the child as guiding principles. Nevertheless, the provisions permitting the preliminary assessment and possible transfer of children aged sixteen to eighteen years accused of heinous offences for trial before the Children's Court represent a significant departure from the approach advocated by the UNCRC and General Comment No. 24, both of which discourage treating children as adults within the criminal justice system. As a State Party to the UNCRC and other international human rights instruments, India is constitutionally and internationally obligated to harmonize its juvenile justice framework with globally accepted standards by strengthening child-friendly procedures, rehabilitation mechanisms, legal aid, institutional capacity, and community-based reintegration while ensuring that public safety is pursued consistently with constitutional guarantees and children's rights.

5. Public Safety versus Child Rights

The increasing involvement of adolescents in serious offences has intensified the debate regarding the appropriate balance between child rights and

public safety within India's juvenile justice system. Although children account for only a small proportion of the total crime in the country, the National Crime Records Bureau (NCRB) consistently reports that the majority of children in conflict with law belong to the 16-18 years age group. Offences committed by juveniles range from theft and assault to sexual offences and other heinous crimes, reflecting the influence of multiple criminogenic factors such as rapid urbanization, family disintegration, substance abuse, school dropout, unemployment, peer pressure, cyber exposure, and excessive use of social media. These developments demonstrate that juvenile delinquency cannot be viewed solely as a criminal justice issue but must be understood as a multidimensional social phenomenon requiring coordinated legal, educational, psychological, and community-based interventions.

Public perception of juvenile justice underwent a significant transformation following the 2012 Delhi gang rape (Nirbhaya) case, in which one of the accused was below eighteen years of age. The incident generated unprecedented public outrage and extensive media scrutiny, leading to widespread demands for stricter punishment for older juveniles involved in heinous offences. Continuous media coverage often portrayed juvenile offenders as dangerous criminals, creating pressure for legislative reform and influencing public opinion regarding the adequacy of the existing legal framework. Responding to these concerns, Parliament enacted the Juvenile Justice (Care and Protection of Children) Act, 2015, introducing the preliminary assessment mechanism under Section 15, whereby the Juvenile Justice Board may evaluate the mental and physical capacity, psychological maturity, and ability of children aged sixteen to eighteen years accused of heinous offences to understand the consequences of their actions before determining whether the matter should be transferred to the Children's Court. While these provisions seek to strengthen public confidence and ensure accountability for serious crimes, they have simultaneously generated constitutional debates concerning equality, proportionality, rehabilitation, and conformity with international child rights standards.¹³

Rules), G.A. Res. 40/33 (1985); United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), G.A. Res. 45/112 (1990); United Nations Rules for the Protection of Juveniles Deprived of their Liberty (The Havana Rules), G.A. Res. 45/113 (1990).

¹² Comm. on the Rights of the Child, *General Comment No. 24 (2019) on Children's Rights in the*

Child Justice System, U.N. Doc. CRC/C/GC/24 (Sept. 18, 2019).

¹³ Justice J.S. Verma Committee Report (2013); Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, §§ 15, 18 & 19; *Shilpa Mittal v. State (NCT of Delhi)*, (2020) 2 SCC 787.

The concept of preliminary assessment remains one of the most contested aspects of the 2015 Act because it requires an evaluation of a child's cognitive and psychological maturity rather than merely determining criminal guilt. Developmental psychology establishes that adolescents differ significantly from adults in impulse control, emotional regulation, risk perception, and susceptibility to peer influence, making accurate assessment of maturity particularly complex. Critics argue that a single legal assessment cannot reliably determine psychological development and that transferring children to the regular criminal justice system undermines the reformative philosophy of juvenile justice. Conversely, proponents contend that individualized assessment allows exceptionally grave cases to receive appropriate judicial scrutiny without automatically treating all older juveniles as adult offenders. Consequently, the constitutional challenge lies in ensuring that such assessments are scientifically informed, procedurally fair, and consistent with the principles of dignity, equality, and due process while safeguarding the child's opportunity for rehabilitation.

Ultimately, a constitutionally balanced juvenile justice system must reconcile the rights of children with the legitimate interests of victims and society. Victims of serious offences are entitled to justice, meaningful participation in legal proceedings, and confidence that the justice system responds effectively to violent crime, while the State bears a constitutional obligation to protect public safety and maintain social order. At the same time, international child rights standards and constitutional principles consistently recognize rehabilitation, education, counselling, skill development, restorative justice, and social reintegration as the primary objectives of juvenile justice because children possess a greater capacity for behavioural reform than adults. Therefore, the constitutional solution does not lie in choosing punishment over rehabilitation or vice versa but in adopting a proportionate and evidence-based approach that combines individualized assessment, scientific psychological evaluation, institutional strengthening, victim-sensitive procedures, and community-based rehabilitation to achieve justice while preserving the dignity, liberty, and future of every child.

6. Critical Constitutional Analysis of the Juvenile Justice Act, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 represents a significant shift in India's juvenile justice jurisprudence by attempting to reconcile the constitutional commitment to child rehabilitation with growing concerns regarding public safety. The most debated provision is Section 15, which authorizes the Juvenile Justice Board to conduct a preliminary assessment of children aged sixteen to eighteen years accused of committing heinous offences to determine their mental and physical capacity to commit the offence, their ability to understand its consequences, and the circumstances in which it was committed. While the provision seeks to ensure individualized justice, its constitutional validity has been questioned because psychological maturity cannot always be accurately determined through a limited legal assessment, and the absence of uniform scientific standards may result in inconsistent or arbitrary decisions. Similarly, Sections 18 and 19, which permit the transfer of such children to the Children's Court following a preliminary assessment, reflect the doctrine of proportionality by distinguishing exceptionally serious offences from ordinary juvenile delinquency. However, these provisions must be interpreted narrowly so that transfer remains an exceptional measure based upon objective evaluation of the child's maturity, possibility of reform, and societal interests rather than the gravity of the offence alone.¹⁴

At the same time, the Act preserves the reformative philosophy of juvenile justice through important constitutional safeguards. Section 21 prohibits the imposition of the death penalty or life imprisonment without the possibility of release upon any child in conflict with law, thereby affirming that rehabilitation and social reintegration remain the primary objectives of juvenile justice irrespective of the seriousness of the offence. Likewise, Section 74, which prohibits disclosure of the identity of children involved in proceedings under the Act, protects their privacy, dignity, and future prospects by preventing lifelong stigmatization and facilitating successful reintegration into society. These provisions reflect the constitutional guarantees of dignity and personal liberty under Article 21 and are consistent with international child rights standards requiring humane treatment, confidentiality, and protection against irreversible social consequences arising from conduct committed during adolescence.¹⁵

The constitutional validity of the Juvenile Justice Act, 2015 ultimately depends upon its conformity

¹⁴ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, pages 15, 18 & 19; *Shilpa Mittal v. State (NCT of Delhi)*, (2020) 2 SCC 787.

¹⁵ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, pages 21 & 74; U.N. Convention

on the Rights of the Child art. 37; *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

with Articles 14 and 21 of the Constitution, which guarantee equality before the law, personal liberty, and fair, just, and reasonable procedure. The legislative classification of children aged sixteen to eighteen years accused of heinous offences must satisfy the constitutional test of reasonable classification, while every preliminary assessment and transfer decision must adhere to the principles of natural justice through impartial adjudication, legal representation, psychological evaluation where necessary, opportunity to be heard, and reasoned decision-making. Simultaneously, the best interests of the child, embodied in Section 3 of the Act and recognized under the United Nations Convention on the Rights of the Child, require that judicial authorities prioritize rehabilitation, education, psychological well-being, and social reintegration while balancing victim rights and public safety. Consequently, the constitutional interpretation of the Act should favour a child-centred and rights-based approach that harmonizes accountability with rehabilitation, ensuring that the objectives of justice are achieved without compromising the dignity, liberty, and developmental rights of children.¹⁶

7. Landmark Supreme Court Decisions

The Supreme Court has played a decisive role in shaping the constitutional and jurisprudential framework of juvenile justice in India by consistently emphasizing that children in conflict with law require a justice system distinct from that applicable to adults. In *Sheela Barse v. Union of India*, the Court recognized the constitutional obligation of the State to establish separate institutions, child-friendly procedures, legal assistance, and humane treatment for children while ensuring that they are protected from the adverse effects of adult prisons. Subsequently, in *Pratap Singh v. State of Jharkhand*, the Court clarified that the determination of juvenility must be based on the age of the accused on the date of the commission of the offence, thereby safeguarding children from losing statutory protection because of delays in criminal proceedings. This rights-oriented approach was further strengthened in *Hari Ram v. State of Rajasthan*, where the Court held that the beneficial provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 apply retrospectively to all pending cases involving persons below eighteen years of age on the date of the offence, reaffirming that juvenile justice legislation must receive a liberal interpretation

consistent with constitutional values and India's international obligations.¹⁷

The constitutional debate surrounding the treatment of older juveniles reached its peak in *Dr. Subramanian Swamy v. Raju*, arising from the national discourse following the 2012 Delhi gang rape case. The Supreme Court upheld the constitutional validity of treating all persons below eighteen years as juveniles under the then existing legal framework, observing that age-based classification was supported by scientific research on adolescent development and constituted a reasonable legislative policy. Although recognizing growing public concern regarding serious juvenile crime, the Court reiterated that rehabilitation and reformation remain the primary objectives of juvenile justice and that any policy change should be undertaken by the legislature rather than the judiciary. Following the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Court in *Shilpa Mittal v. State (NCT of Delhi)* interpreted the expression "heinous offences" and held that offences punishable with more than seven years' imprisonment but without a prescribed minimum sentence could not automatically be treated as heinous offences for the purpose of preliminary assessment under Section 15. The judgment reinforced the principles of legality, fairness, and strict statutory interpretation while preventing an unwarranted expansion of provisions permitting children to be considered for trial as adults.¹⁸

Collectively, these decisions demonstrate the Supreme Court's consistent endeavour to harmonize constitutional guarantees of equality, liberty, dignity, due process, and the best interests of the child with legitimate concerns relating to public safety and accountability. Recent judicial developments have emphasized that the provisions relating to preliminary assessment and transfer of children to the Children's Court must be applied cautiously and only after strict compliance with statutory safeguards, scientific psychological evaluation, and individualized assessment. The judiciary has repeatedly cautioned that psychological maturity cannot be presumed solely from the gravity of the alleged offence and that procedural fairness remains indispensable for protecting children's constitutional rights. Nevertheless, inconsistencies in implementation, inadequate institutional infrastructure, and the

¹⁶ INDIA CONST. arts. 14 & 21; Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 3; *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248; U.N. Convention on the Rights of the Child art. 3.

¹⁷ *Sheela Barse v. Union of India*, (1986) 3 SCC 596; *Pratap Singh v. State of Jharkhand*, (2005) 3 SCC

551; *Hari Ram v. State of Rajasthan*, (2009) 13 SCC 211.

¹⁸ *Dr. Subramanian Swamy v. Raju*, (2014) 8 SCC 390; *Shilpa Mittal v. State (NCT of Delhi)*, (2020) 2 SCC 787.

absence of uniform standards for psychological assessment continue to pose significant challenges, underscoring the need for stronger legislative guidance and more effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015.

8. Comparative Constitutional Perspective

The United Kingdom emphasizes rehabilitation through Youth Courts, diversion programmes, and multidisciplinary Youth Offending Teams (YOTs) that provide individualized supervision and community-based rehabilitation. New Zealand adopts a restorative justice model through Family Group Conferences (FGCs), involving children, families, victims, and community representatives in resolving juvenile offences and promoting accountability and reintegration.

Norway follows a welfare-oriented approach that treats detention as a last resort, focusing on education, psychological counselling, and open institutions. Germany similarly adopts an educational model, emphasizing diversion, mediation, counselling, and community service while reserving imprisonment for exceptional cases. These jurisdictions share common principles of rehabilitation, diversion, proportionality, and protection of children's rights. In contrast, India's Juvenile Justice (Care and Protection of Children) Act, 2015 combines rehabilitation with the possibility of transferring children aged sixteen to eighteen years accused of heinous offences to the Children's Court following a preliminary assessment, reflecting a greater emphasis on balancing child rights with public safety.

Overall, comparative constitutional practices demonstrate that individualized rehabilitation, family participation, and community involvement are more effective in reducing recidivism than predominantly punitive approaches, offering valuable lessons for strengthening India's juvenile justice system.

9. Emerging Challenges

The rapidly changing technological landscape has fundamentally transformed the nature of juvenile offending, creating new challenges for constitutional juvenile justice. The widespread use of artificial intelligence (AI), digital technologies, and the internet has exposed children to cyber fraud, identity theft, hacking, online financial crimes, and unauthorized access to digital systems, often without a full understanding of the legal consequences of their actions. The emergence of the dark web has further complicated law enforcement by providing anonymous platforms for accessing illegal content,

cybercrime tools, narcotics, and extremist material. Simultaneously, digital platforms have become fertile grounds for online radicalization, cyberbullying, misinformation, and recruitment into extremist networks, while excessive gaming addiction and unregulated social media use have contributed to behavioural problems, emotional instability, social isolation, and impulsive decision-making among adolescents. These developments demonstrate that juvenile delinquency has increasingly shifted from physical communities to virtual environments, requiring stronger cyber laws, digital literacy, parental supervision, specialized cyber investigation, and preventive educational programmes alongside conventional rehabilitation strategies.¹⁹

Technological advancement has also transformed criminal investigation and evidence collection involving children in conflict with law. Increasing reliance on digital evidence, electronic surveillance, facial recognition systems, artificial intelligence, GPS tracking, CCTV footage, and algorithm-based predictive policing presents significant constitutional concerns relating to privacy, dignity, transparency, accountability, and due process. While these technologies enhance investigative efficiency, they also create the risk of algorithmic bias, excessive surveillance, and profiling of children based on socio-economic or behavioural characteristics. At the same time, rising incidences of mental health disorders, trauma, depression, anxiety, behavioural disorders, and substance abuse have emerged as important contributors to juvenile offending and recidivism. These challenges highlight the necessity of integrating psychological assessment, psychiatric care, de-addiction programmes, family counselling, and evidence-based rehabilitation into the juvenile justice framework while ensuring that technological innovation remains consistent with the constitutional guarantees of privacy and personal liberty under Article 21.²⁰

Beyond technological concerns, contemporary juvenile justice is increasingly influenced by broader socio-economic and environmental challenges such as climate change, internal migration, displacement, urban poverty, homelessness, educational disruption, and widening social inequalities. These structural conditions frequently expose children to exploitation, trafficking, child labour, organized crime, and delinquent behaviour, demonstrating that juvenile offending cannot be understood solely through the lens of criminal law.

¹⁹ Information Technology Act, 2000; Budapest Convention on Cybercrime, 2001.

²⁰ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

The evolving nature of juvenile crime therefore requires a multidisciplinary and constitutionally informed response integrating law, psychology, criminology, technology, education, social welfare, and sustainable development. Strengthening institutional capacity, protecting children's privacy, expanding mental health services, promoting digital literacy, enhancing community participation, and adopting evidence-based rehabilitation strategies will be essential to ensure that India's juvenile justice system remains responsive to emerging twenty-first-century challenges while preserving its constitutional commitment to child rights, rehabilitation, and public safety.

10. Towards Constitutional Juvenile Justice

The future of juvenile justice in India lies in developing a constitutional framework that treats children as rights holders while ensuring accountability for unlawful conduct. A child-centred justice system must prioritize the best interests of the child, restorative justice, and individualized rehabilitation over punitive responses. This requires strengthening community corrections, expanding diversion programmes, promoting victim-offender mediation, and ensuring that deprivation of liberty remains a measure of last resort. Rehabilitation should be evidence-based, supported by psychological assessment, educational opportunities, vocational training, and family counselling, thereby enabling children to successfully reintegrate into society without compromising public safety.

Constitutional juvenile justice must also respond to emerging technological and social challenges by integrating multidisciplinary expertise into decision-making. Specialized mental health courts or child psychology units attached to Juvenile Justice Boards can facilitate scientifically informed decisions concerning rehabilitation and risk assessment. Artificial intelligence may assist authorities in identifying rehabilitation needs and assessing recidivism risks; however, its use must remain transparent, accountable, and subject to judicial oversight to prevent algorithmic bias and protect children's privacy. Greater emphasis should also be placed on aftercare services, family reintegration, skill development, digital literacy, and community participation to ensure that rehabilitation extends beyond institutional care and effectively reduces reoffending.

11. Findings

The study reveals that the constitutional philosophy of juvenile justice in India continues to prioritize rehabilitation, dignity, and reintegration as the primary objectives of dealing with children in conflict with law. Nevertheless, increasing incidents of serious juvenile offending and growing public

concern have significantly influenced legislative policy, resulting in the introduction of the preliminary assessment mechanism under the Juvenile Justice (Care and Protection of Children) Act, 2015. While this framework attempts to balance child rights with public safety, the transfer of children aged sixteen to eighteen years for trial before the Children's Court raises important constitutional questions relating to equality, due process, proportionality, and the best interests of the child.

The study further finds that deficiencies in institutional infrastructure, shortage of trained psychologists, inadequate rehabilitation facilities, limited aftercare services, and inconsistent implementation continue to undermine the effectiveness of the juvenile justice system. Comparative analysis demonstrates that jurisdictions such as the United Kingdom, New Zealand, Norway, and Germany have achieved greater success through restorative justice, multidisciplinary intervention, diversion, and community-based rehabilitation. Consequently, a balanced constitutional model integrating accountability, rehabilitation, and institutional strengthening offers the most effective approach for reducing juvenile recidivism while safeguarding children's constitutional rights.

12. Recommendations

The study recommends comprehensive reforms to strengthen the constitutional framework of juvenile justice in India. Legislative reforms should establish clearer statutory guidelines for preliminary assessment under Section 15, standardize psychological evaluation procedures, and reinforce the principles of proportionality and procedural fairness. Judicial reforms should include continuous training for Juvenile Justice Board members and the appointment of specialized judges possessing expertise in child psychology and juvenile jurisprudence. Administrative reforms should enhance institutional infrastructure, improve aftercare services, expand vocational training, and establish multidisciplinary rehabilitation centres staffed by psychologists, counsellors, social workers, and child welfare professionals. Police authorities should receive specialized training in child-friendly investigation techniques and restorative practices while minimizing unnecessary criminalization of children.

The Government should promote community participation through restorative justice programmes, victim-offender mediation, family counselling, and community corrections. Simultaneously, technological reforms should regulate the responsible use of artificial intelligence, digital evidence, and electronic surveillance through

robust safeguards protecting children's privacy and constitutional rights. Finally, a comprehensive National Juvenile Rehabilitation Policy supported by periodic institutional review, empirical research, and evidence-based policymaking should be developed to ensure that juvenile justice remains responsive to emerging social and technological challenges.

13. Conclusion

India's juvenile justice system presently stands at a constitutional crossroads where the protection of child rights, the demands of public safety, and the principles of constitutional governance must be harmonized rather than viewed as competing objectives. The study demonstrates that while the Juvenile Justice (Care and Protection of Children) Act, 2015 has strengthened accountability for serious juvenile offending, its long-term constitutional legitimacy depends upon faithful adherence to the principles of equality, due process, proportionality, dignity, and the best interests of the child. Comparative constitutional experience further establishes that restorative justice, multidisciplinary rehabilitation, community participation, and evidence-based interventions are more effective in reducing recidivism than predominantly punitive approaches. Accordingly, India's juvenile justice system should continue to evolve towards a balanced constitutional model that integrates accountability with rehabilitation, strengthens institutional capacity, protects children's liberty and dignity, and promotes meaningful social reintegration. Such an approach will not only fulfil India's constitutional and international obligations but also contribute to the development of a humane, child-centred, and socially responsive juvenile justice system capable of addressing the complex challenges of the twenty-first century.
