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Juvenile Justice: A New Dawn for Young People's Rights An In-Depth Look at History, Development, and Reforms

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Name of Author:

Ms. Kiran Bagana¹ and Dr. Shyam Singh²

Affiliation:

¹Research Scholar, Faculty of Law, Oriental University, Indore (M.P.)

²Research Supervisor, Faculty of Law

Corresponding Author:

Ms. Kiran Bagana

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Abstract: This presents an analytical study of the historical development, ideological basis, legal reforms, and gradual rise of juvenile rights. In prehistoric and ancient civilisations, juveniles were seen as objects of familial and patriarchal control, with punishment aimed more at retribution than reform. In Babylonian, Roman, and English legal systems, the roles of the state and father towards children evolved through principles like 'patria potestas' and 'parens patriae'. Reform movements from the 19th century viewed juvenile delinquency as a result of social conditions, leading to the establishment of juvenile courts and reform institutions. Modern juvenile justice theories in the USA and England have influenced global perspectives. In India, the juvenile justice system developed from the colonial era to post-Independence with constitutional efforts, international obligations, and UN conventions. The Juvenile Justice (Care and Protection) Act of 2000, followed by the 2015 Act, prioritised reform and protection alongside public safety in serious offences. The study concludes that the aim of the juvenile justice system should be reform and rehabilitation, protecting the child's best interests. As Tagore said, investing in children is investing in the nation's future.

Keywords: Juvenile justice, juvenile rights, corrective justice, rehabilitation, United Nations convening, Juvenile Justice Act 2015, child protection, legal reform.

INTRODUCTION

Juvenile justice represents a crucial intersection between law, childhood, and social responsibility, grounded in the belief that children and adolescents, because of their age and stage of development, deserve treatment distinct from adults within the legal system. Historically, young offenders were subjected to the same punitive mechanisms as adults, with little regard for their emotional, psychological, or social immaturity. Over time, however, evolving understandings of child development, human rights, and social welfare prompted a fundamental shift in how societies perceive and respond to juvenile delinquency. This shift marks the emergence of

juvenile justice as a separate and specialized field aimed not merely at punishment, but at rehabilitation, reintegration, and the protection of young people's rights.

The development of juvenile justice systems across the world has been shaped by changing social values, international human rights standards, and growing recognition of the long-term consequences of criminalizing youth. Modern juvenile justice frameworks emphasize the best interests of the child, procedural safeguards, and proportional responses to wrongdoing. They acknowledge that factors such as poverty, lack of education, family instability, and

social exclusion often contribute significantly to juvenile offending, and therefore require responses that address underlying causes rather than relying solely on deterrence.

In recent decades, reforms in juvenile justice have focused on balancing accountability with compassion. Diversion programs, child-friendly courts, restorative justice practices, and community-based interventions have gained prominence as alternatives to incarceration. These reforms signal a “new dawn” for young people’s rights, reinforcing the idea that the justice system should serve as a mechanism for guidance and support rather than stigmatization. By tracing the historical evolution, developmental milestones, and contemporary reforms of juvenile justice, this study seeks to highlight how legal systems can better protect young people while fostering their growth into responsible and productive members of society.

Objectives of the Study:

- To analyze the historical development of the juvenile justice system.
- To study social and legal attitudes toward juveniles from ancient to modern times.
- To clarify the influence of international standards and United Nations rules on juvenile justice.
- To evaluate the development and effectiveness of juvenile justice legislation in India.
- To analyze the legal and ethical challenges arising from the Juvenile Justice (Care and Protection of Children) Act, 2015.
- To examine the balance between the best interests of juveniles and public safety.

RESEARCH METHODOLOGY:

This paper is based on doctrinal and analytical methods. The following sources were used for the research— Primary sources: statutes, judicial decisions, constitutional provisions Secondary sources: books, research journals, reports, United Nations documents Through a comparative-method approach, the juvenile justice systems of India, England, and the United States were studied

Scope of the Study: This study encompasses the system from prehistoric times up to the modern Juvenile Justice Act, 2015, and reviews juvenile rights in the context of international influences and the Indian legal framework.

Ancient Babylon:

Around 1750 BCE, about 4,000 years ago,

Hammurabi, king of Babylonia, put into use a written legal code in Sumeria. Hammurabi’s code emphasized tribal customs and applied equally to everyday matters of commerce, debt, marriage, and contracts. At that time, even minor offenses carried severe punishments, while imprisonment for life and the death penalty were imposed for criminal and moral crimes. This system of penalties was called the law of retaliation (*lex talionis*). That method provided for equivalent retribution — an eye for an eye, a tooth for a tooth, a limb for a limb. The aim of Hammurabi’s code and the other legal systems that followed it was to apply these punishments equally to all members of society, meaning that the powerful were punished just as the weak were.

In the Babylonian ancestral society, Hammurabi's code contained provisions for marriage, family harmony, etc. In such a society, the husband was considered the head of the household. Whether the child was of a wife, mistress or maid, he had to remain under the protection of his father till his marriage. The child was an extension of his father. The father could give the child on rent, the child could be taken in return for the loan taken by the father or the father could even sell them. Girls were given by their fathers to serve the gods in temples or were given as prostitutes. Girls had no option of choice. Children were required to have an obedient and respectful attitude towards their father. For example, it is mentioned in the Samhita that 'If a son attacks his father, his hands should be cut off.'¹

Thus we see that the juvenile justice system was entirely designed to protect the patriarchal society of Babylonia. Child delinquency was considered a rebellion against the father and the law was a reflection of respect and fear for the ruthless patriarchal authority, children and minors were considered little higher than property.

Juvenile justice system in the Roman Empire:-

Roman law has a direct influence on modern European legal codes, with many of their colonial legal systems having their roots in the ancient Roman code. Following are the two main sources of Roman jurisprudence-

1. The Twelve Tables
2. Justinian Code

In ancient Rome, the principle of “*Patria Potestas*” established the role of children in society and family. Under the *Patria Potestas*, the father had the right over the entire household property, which included his wife, children and slaves. In the Roman domestic system, children were at the lowest rank in the family and had little more rights than slaves. The father had complete authority over the life and death of the

family members. As described in the Twelve Tables of Roman. "The father had the complete authority over the life and death of his son and after being saved three times, the father also had the right to liberate him. According to the law and customs, children had to respect their father and if the child did not do so, the father had the right to punish him severely and even enslave him. The state had no right to interfere in the affairs of father and son, thus children had no rights except the will of the father. Father's authority was not in question, he used to work as per his wish. Children were saved only by their father.

Juvenile Justice in America:-

Juvenile justice in America developed rapidly in the 20th century. From the beginning, English laws were implemented in America. In fact, the behavior and reform of children were given a religious interpretation. In the 19th century, the juvenile justice system was adapted to the needs of young children. For example, the concept of "Parens Patriae" was transferred to the Openavistic period. This was also similar to the problem of delinquency, laziness etc. in the English law. Juvenile criminals were imprisoned in jails and prisons along with adults. Children below seven years of age were considered incapable of committing crimes and children of 7-14 years of age were considered not guilty if they could not be proved, and in case of children above 14 years of age, they were tried like adults.

Juvenile Court is a new system:-

At the end of the 19th century, differences began to appear between the proceedings of juvenile and criminal courts. In the year 1874, an act was passed in the state of Massachusetts keeping in mind the need for a separate court for juveniles, which was called Children's Agency. In 1877, parallel legislation was passed in the state of New York and established separate systems for juveniles and adults. In the year 1899, the state of Colorado passed the Compulsory School Act. The Illinois Courts Act was passed in July 1899. This bill officially served as a comprehensive modern juvenile justice act for dependent, neglected and delinquent children. This Act codified the then existing principles. In which the following are the main ones-

- (a) Children below 16 years of age who misbehaved were called juvenile delinquents.
- (b) It was made mandatory to follow special rules in the proceedings before the Juvenile Courts.
- (c) Child and adult criminals were divided into separate categories.
- (d) Children are victims of their surrounding environment, hence arrangements should be made for their improvement and rehabilitation.

The first Juvenile Court system was used to

implement these principles. This was an entirely new approach, completely separate from the scope of the adult criminal justice system. covered under

The cases involved delinquent, dependent, and neglected children. In fact, the era of juvenile reform and rehabilitation which had started in the 19th century had now been completed. Such juveniles who were found committing crimes were provided treatment instead of punishment so that their previous contaminated environment could not affect their mind and brain, hence the courts acted as advocates for the juvenile criminals and would work for the best interest of the child.

Establishment of civilized society in America and new era of juvenile rights:-

The 1960s were a time of great social and transition in the United States. During the time of the then US President Lyndon V. Johnson (1963-68), the federal government placed great emphasis on domestic social reform programs, at the same time the war in Vietnam was going on. This dual policy of social strengthening and Johnson's administration at the international level was called the Great Society. During this period, mothers took the main place in the family structure in America, cases of divorce increased and the number of children in families increased. In 1960, delinquent children living in cities became inclined towards crime. The concept of the Great Society attacked poverty at the national level through family and youth programs. The concept of juvenile rights became the main principle of the juvenile justice movement in the year 1960. Therefore, at that time the Great Society can be said to protect the constitutional rights of juveniles. Many laws, laws and agencies clarified the objectives of the juvenile justice system. The main objective behind all these was to protect the constitutional rights of juveniles. In the year 1968, the US Congress passed the Juvenile Delinquency Prevention and Control Act, which worked to reduce the incidence of juvenile justice and delinquency at the national level.

An important decision was given in the case of Kent vs. State for due process for juveniles, concept of parens patriae etc. Prior to the act passed in 1974, the United States Department of Family, Education, and Health Welfare was forced to develop a coordinated program to reduce child delinquency. Under this method, states received financial assistance from the federal government for prevention of delinquency, juvenile rehabilitation, research and training. The Department of Health, Education and Welfare launched a massive program to prevent drug abuse at the national level. In the year 1968 itself, the US Congress passed the Omnibus Crime Control and Safe Streets Act, the purpose of which was to provide financial assistance to the states so that they could

modernize their justice system. Youth Service Bureau was established with the coordinated cooperation of this program and the Health Department. The Youth Services Bureau was sanctioned in 1967 by the Presidential Commission Report titled 'The Challenge

of Crime in African Society'. Whose main objective was to look into the cases of juvenile delinquents and other criminals. Youth Services Bureau used to provide support to the activities of juvenile courts, police and probation agencies etc.

Historical Development of the Juvenile Justice System: A Comparative Chart

Period / Era	Approach	Perception of Juveniles	Key Features
Ancient Period	Punitive	Children were regarded as the property of the family	No distinction between juveniles and adults; similar punishments were imposed
Medieval Period	Patriarchal	Parents, especially fathers, were held fully responsible	Minimal state intervention; family control dominated
Colonial Period	Protective (Parens Patriae)	Children were viewed as subjects needing state protection	State assumed the role of guardian; establishment of reformatories
19th Century	Reformative	Juvenile delinquency seen as a result of social conditions	Establishment of juvenile courts and correctional institutions
Early 20th Century	Welfare-Oriented	Children regarded as individuals with special needs	Focus on rehabilitation rather than punishment
Post-UN Intervention Era (1989 onwards)	Rights-Based and Humanitarian	Child as a rights-bearing individual	Influence of CRC, Beijing Rules, and Riyadh Guidelines
India (Pre-2000)	Reformative	Emphasis on care, protection, and rehabilitation	Early juvenile justice laws and child welfare measures
India (Juvenile Justice Act, 2000)	Reformative Justice	Juveniles treated uniformly for reform purposes	Maximum institutional care limited to three years
India (Juvenile Justice Act, 2015)	Reformative with Accountability	Increased responsibility for serious offences	Provision for trial of 16–18-year-olds as adults in heinous cases
India (Juvenile Justice Amendment Act, 2021)	Administrative Strengthening	Focus on effective implementation	Enhanced powers of District Magistrates and stricter monitoring

(The above chart demonstrates the gradual transformation of the juvenile justice system from a punitive framework to a rights-based and reformative model focused on rehabilitation and child protection.)

Development of juvenile justice system in India:-

The juvenile justice system in India can be divided into five stages.

1. Before 1773 AD
2. From 1773 AD to 1850
3. From 1850 to 1918
4. From 1919 to 1950
5. After 1950 AD

In the year 1773, through the Regulating Act, the rights of the East India Company, which were related to making laws and their implementation, were given a historical form.

Juvenile Justice (Care and Protection of Children) Act, 2015 Following the Nirbhaya case in Delhi in December 2012, there was a strong demand in society to try juvenile offenders in heinous cases as adults. Due to social pressure, the government introduced the Juvenile Justice (Care and Protection of Children) Bill, 2015, which deals with offenses, protection, rehabilitation, and adoption procedures. It was passed in the Rajya Sabha on December 22, 2015. This bill had already been passed by the Lok Sabha in May 2015. It received presidential assent on

December 31, 2015, and came into effect on January 15, 2016. This Act provides for the trial of juveniles aged 16 to 18 years as adults in cases of heinous crimes.

Historical Perspective:

- A. The Juvenile Justice (Care and Protection of Children) Act, 2015, retains the Juvenile Justice Act, 2000, but makes significant changes, particularly regarding heinous crimes committed by juveniles aged 16-18 years.
- B. This Act was brought in response to public outcry following cases like the Nirbhaya gang rape case (Mukesh v. State (NCT of Delhi), (2017) 6 SCC 1) and the Shakti Mills gang rape case (State of Maharashtra v. Vijay Mohan Jadhav).
- C. It strikes a balance between the rights of the child and justice for the victims and the public, and introduces more stringent procedures for juveniles involved in serious crimes.

Brief History of Legislation:

- Pre-Independence Laws: The Apprentices Act, 1850, and the Reformatory Schools Act, 1897, allowed for alternative punishments to imprisonment.
- Post-Independence:
 - The Juvenile Act, 1960, introduced the concept of juvenile justice.
 - The Juvenile Justice Act, 1986, brought uniformity across India and incorporated international standards such as the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), 1985.
 - The Juvenile Justice Act, 2000 was enacted after the ratification of the United Nations Convention on the Rights of the Child (1989).

Juvenile Justice Act, 2000:

The objective of this Act was to reform rather than punish offenders and to keep them separate from adult offenders.

- A special unit was created for the investigation of juvenile offenses.
- A Juvenile Justice Board (JJB) was constituted.
- The maximum period of detention was set at 3 years.
- Emphasis was placed on rehabilitation through observation homes and special care.

Circumstances leading to the 2015 Act:

Public consensus on this Act emerged after the 2012 Nirbhaya gang-rape case.

Major Changes:

- Juveniles aged 16-18 years committing heinous crimes were to be tried as adults.
- This aimed to create a deterrent effect as the crime rate in this age group was increasing.
- Juvenile Justice (Care and Protection of Children) Amendment Act, 2015:
 - This amendment was made after shortcomings such as a lack of registration and poor standards in Child Care Institutions (CCIs) came to light in 2020.
 - "Serious offenses" were redefined as offenses punishable with imprisonment of 7 years or more.
 - Adoption orders are now issued by District Magistrates instead of courts.
 - Stricter monitoring of CCIs and Child Welfare Committees (CWCs) was introduced by District Magistrates.
 - Eligibility criteria for CWC members were revised, and new grounds for their removal were added.

Reasons for amending the 2000 Act:

- The government stated that the law was being amended due to practical problems related to children and delays in the adoption process.
- According to National Crime Records Bureau data, there was an increase in the number of crimes committed by the 16-18 age group.
- The 2000 Act did not clearly distinguish between "children in conflict with the law" and "children in need of care and protection"—the new Act separated these categories.
- The old act had no provision for the protection of abandoned or lost children – the amendment ensured that such children receive protection.
- This amendment came about in response to public opinion following the 2012 Nirbhaya gang-rape case, in which one of the perpetrators was 17 years old.
- This act strikes a balance between child rights and justice – the offender is not given the death penalty or life imprisonment.

The main reason for the amendment:

- I. The primary reason for amending the 2000 Act was the increase in rapes and murders committed by 16-18 year olds.

- II. While the Nirbhaya gang-rape case did not directly lead to the 2015 Act, it brought to the forefront of public attention the role of juvenile offenders in heinous crimes.
- III. In that case, a juvenile offender, considered the most culpable, was sentenced under the Juvenile Justice Act.
- IV. This incident sparked a serious debate in India regarding the age of criminal responsibility, which ultimately led to the 2015 amendment.

Procedure according to the Act:

According to the amended Act, if a child who has completed 16 years of age is accused of a heinous crime, the Juvenile Justice Board will conduct a preliminary assessment of their mental and physical capacity, understanding of the consequences of the crime, and the circumstances surrounding the offense. Based on this assessment, it will be decided whether they should be tried as an adult or not. This is based on the understanding that children aged 16-18 are in a developmental stage mentally, socially, and emotionally, and that for a rape victim, it makes no difference whether the perpetrator is an adult or a minor.

- ❖ Framework of Juvenile Justice Acts
- ❖ Main Objectives and Balance:
- ❖ Children's Rights
- ❖ Justice and Protection
- ❖ No Death Penalty or Life Imprisonment
- ❖ Mandatory Assessment of Mental and Social Maturity

Comparative Table: Juvenile Justice Act, 2000, 2015 and Amendment Act, 2021

Criteria / Aspect	Juvenile Justice Act, 2000	Juvenile Justice Act, 2015	Juvenile Justice (Amendment) Act, 2021
Sentencing Policy	Purely reformatory	Reformatory coupled with principles of justice and accountability	Reformatory with stronger administrative control and accountability
Approach to Punishment	Emphasis on rehabilitation and social reintegration	Balances reform with proportional justice, especially for serious offences	Focus on effective implementation and monitoring rather than punishment
Definition of Heinous Offences	Not specifically classified	Heinous offences defined as offences punishable with imprisonment of 7 years or more	Definition retained; classification clarified through rules
Treatment of Juveniles Aged 16–18 Years	Treated only as juveniles for reformatory purposes	Can be tried as adults in cases of heinous offences	Provision retained; procedural safeguards strengthened
Preliminary Assessment	No provision for preliminary assessment	Mandatory preliminary assessment of mental and physical capacity by Juvenile Justice Board	Continued with emphasis on procedural clarity
Maximum Period of Institutional Care / Punishment	Maximum of 3 years, irrespective of offence	Not fixed; depends on nature of offence and outcome of preliminary assessment	No change; follows 2015 framework
Authority Issuing Adoption Orders	Adoption orders issued by courts	Courts continued as competent authority	District Magistrate (DM) empowered to issue adoption orders
Role of Judiciary	Central role in juvenile adjudication and adoption	Reduced role in adoption but retained judicial oversight	Further reduced in adoption matters; administrative decentralization

Role of District Magistrate (DM)	No significant role	Limited supervisory role	Enhanced powers: supervision of Child Care Institutions (CCI) and Child Welfare Committees (CWC)
Monitoring of CCI and CWC	Limited oversight	Improved regulatory framework	Stricter and direct monitoring by District Magistrates
Eligibility of CWC Members	General qualifications prescribed	Continued with basic eligibility norms	Revised eligibility criteria; additional grounds for removal introduced
Removal of CWC Members	Limited statutory grounds	Defined grounds for removal	Expanded grounds to ensure accountability
Overall Objective	Welfare and rehabilitation of children	Protection of child rights while ensuring public safety	Strengthening child protection mechanisms and administrative efficiency

Suggestions:

- Priority should be given to reform and rehabilitation in the juvenile justice system, with punishment used only as a last resort.
- Juvenile Justice Boards and Child Welfare Committees should be provided with adequate training and resources.
- Psychological assessment should be made mandatory in cases involving adolescents aged 16–18 years.
- Education, skill development, and counseling services in reform homes should be strengthened.
- The provisions of the Juvenile Justice Act, 2015 should be implemented sensitively and uniformly.
- Communities and families should be engaged as partners in preventing juvenile delinquency.

CONCLUSION

The development of the juvenile justice system shows that society's approach has gradually shifted from punitive to rehabilitative. History proves that whenever juveniles were regarded solely as criminals, justice failed. The primary aim of the modern juvenile justice system should be to safeguard the best interests of the child, provide rehabilitation, and achieve social reintegration. Although the Juvenile Justice Act, 2015 includes stringent provisions with public safety in mind, it is essential that these measures be applied exceptionally and with discretion. Ultimately, the nation's future lies in its children, and the juvenile justice system is the foundation of that future. Ensure the sensitive and equitable implementation of the provisions of the Juvenile Justice Act, 2015. Engage society and families as partners in preventing juvenile delinquency.

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