

ARTICLE



JUVENILE JUSTICE SYSTEM IN INDIA: A RELATIONSHIP BETWEEN CARE AND DELINQUENCY

Banashree Ghosal* & Dr. Chandrani Chattopadhyay**

Abstract

‘Care’ is not something involved only with family or older people. The Indian justice system is one of those institutions that uses ‘care’ as a component of reformation, for example, the Juvenile Justice System in India. The Juvenile Justice System in India went through a substantial change. The present Juvenile Justice Act (JJA)-2015 is more structured and organized than the past. The latest juvenile justice has spread in two ways: one with children who need protection, and the second with children in conflict with the law. In both cases of children, at the theoretical and practical level, the justice system is more lenient than the adult justice system, with more care and more focused on rehabilitation. Although the Indian adult justice system also talks about reformation, and this thing is practically impossible without care, in the cases of children's justice, this is softer in nature and prone to less punishment. The best interest in juvenile justice in India is children's security, both physically and emotionally. This paper does not discuss grand reality or does not focus on what really Indian juvenile justice parameters are, rather it keeps focus on how the ‘care’ notion is attached with the offender, deviant, delinquent system. The current research paper examines the underlying pathways that are ‘outside of home and family care’ of children included in the criminal justice system of India.

Keywords – Juvenile Justice System; Children; Care; Reformation.

I. Introduction:

Care is one of the fundamental principles of the Indian justice system. This ‘care’ is moving beyond mere punishment. Especially through the cases of juveniles. As the Indian justice system or legal system emphasizes care through specific laws and guiding principles, rehabilitation is a main part of it. That is why Indian jails are now named as ‘Rehabilitation centers. The Indian Legal System believes in reformation. So, one perpetrator, when getting punishment of imprisonment, this is not just his normless-pathological body was captured or kept under surveillance, but also imprisonment times were used for reformation. Reformation includes educational training, skill-based training, counselling, etc. Reformation-rehabilitation is more important in the cases of child offenders. The concept of ‘care’ is very important in the juvenile justice system in India. The latest juvenile justice

* Research Scholar, Department of Sociology, Sidho-Kanho-Birsha University, Purulia, West Bengal.

** Assistant Professor, Department of Sociology, Sidho-Kanho-Birsha University, Purulia, West Bengal, India

act in India, which is known as the Juvenile Justice (Care and Protection) Act 2015(JJA-2015)¹, made the concept legalized attached with children reformation.

1.1. Legal matters of Juvenile Justice: - The juvenile justice system in India has concept of two categories of children; one child needs care and protection (CNCP), and the second, children in conflict with law (CCL)².

1.1.1. CNCP: - This category of children includes orphans, abandoned children, abused children, and victims of trafficking. These cases are managed by the child welfare committee (CWC). These children are highly vulnerable and suitable only for immediate care, protection, and restoration to their families. If families are not available, alternate foster care and children's care homes will take charge.

1.1.2. CCL: - These children are involved in criminal offences. Sometimes children are involved in adult-like criminal activities. Though they will not be treated as harshly as adults, because our country believes in the Parens-Patriae³ model. The Parents-Patrie model focuses on children's responsibility as the state's responsibility. States will act as parents to them. Their re-correction will be taken care of by the state. It is assumed that children are not fully mature enough to understand the consequences of their acts. These children are involved in heinous offences influenced by others or due to without proper socialization. Child conflict with law cases is handled by the juvenile justice board often involved with counselling, community services, or placement in special homes for reformation with education.

One thing is common in both boards: one woman member is compulsory for CWC(Child Welfare Committee) and JJB(Juvenile Justice Board)⁴. As we know, women are associated with the concept of care in our society specially in child nurture cases, so, in both boards made it connected to keep a woman on their board to understand the child's mind and to communicate with them more softly.

II. Discussion: -

Society tends to set one equilibrium place without any disputes. Deviance or crime is always shown as a negative situation for society. As Indian society believes in giving a chance of reformation, it does not prefer only corporal punishments. Every time imprisonment means keeping that

¹ Jain, V., & Sharma, V. (2022). A Critical Study on the Juvenile Justice Act, 2015. Issue 3 Indian JL & Legal Rsch., 4, 1.

² Chatteraj, P. (2025). Child Protection in India: Assessing Multi-disciplinary Response Mechanisms (p. 338). Taylor & Francis.

³ It is a Latin word, which means state to act as a guardian for individuals ,those are unable to care for themselves.

⁴ Mukundan, K. P. (2021). Child Welfare Committee: Under Threat of Lawyers' Ingress. Indian J. Criminology, 49, 90.

dysfunctional body under surveillance. It is also because at that time the individual is normless and harmful to the social order. Rehabilitation is not possible without reformation. Here, the notion 'care' is attached with Indian criminal justice system. This type of reformation is compulsory for adults and children both, but more effective for children as per the juvenile justice act. The time when one individual has become deviant, from that time, he is not functional, but rather harmful to society. So, it is like a sick-role⁵ condition for that person. Imprisonment is a barrier between that individual and society. For the time being, that person will be reformed and taken care of, and after becoming a normed-functional person, will be backed in society. This is general for adults and children. Through the regular-based training, skill development, and education as a part of resocialization, these delinquent children have to be converted into a 'docile body'⁶ by the institutions like children's care homes, they must be improved through disciplinary power (specific tasks and education).⁷

⁵ Milton, D. (2004). Talcott Parsons and the Theory of the 'Sick Role'.

⁶ Through surveillance and training of institutions human bodies transformed into a controlled and disciplined self.

⁷ Bradley-Munn, S. R., Michael, K., & Michael, M. G. (2016, October). Sociology of the docile body. In 2016 IEEE International Symposium on Technology and Society (ISTAS) (pp. 1-6). IEEE.