

Public Awareness of the Juvenile Justice Act, 2015: A Study of Itanagar

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ABSTRACT

Young individuals wield significant influence in fostering the progress and prosperity of a nation. During adolescence, individual face a pivotal stage where they may be susceptible to engaging in destructive action and behaviour. Every society and nation are unique, some youngsters are fortunate to grow up in well-nourished and protected families, while others may not even have the access to proper nutrition and educational opportunities. Often, these disparities combined with other factors such as poverty, lack of parental guidance, negative peer influences, and challenging socio – economic condition, contribute to Juvenile delinquency. In India, we have numerous legal frameworks for children in conflict with law. It is crucial for the general populace to be informed about the rights of juveniles established in our country. This knowledge will provide them with better understanding of how to deal with Juvenile delinquency effectively. However, in Arunachal Pradesh, many people are not fully aware of the provisions outlined in these acts regarding juvenile delinquency. Hence, the present study aims to explore the awareness levels among various segments of the population in Arunachal Pradesh. The present study will be descriptive and historical based on primary and secondary data.

KEYWORDS: Juvenile, delinquency, Juvenile justice laws, awareness, Arunachal Pradesh

Introduction:

Youth are often regarded as precious gifts and invaluable assets of a nation. Their youthful minds, creativity, and energy constitute the true wealth of society and are vital for national development and progress. As carriers of new ideas, innovation, and enthusiasm, young people play a decisive role in shaping social growth and overall well-being. Juveniles possess immense potential and dynamic capabilities that can be channelled towards building a strong and prosperous future for the nation (Mrinalini K., 2012).

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The phase from childhood to adolescence is generally considered the most formative and sensitive period in an individual's life. With proper care, guidance, and nourishment, a young person can develop into a responsible individual with strong moral values and intellectual capacity. However, adverse conditions such as association with negative peer groups, deprivation of basic needs, lack of emotional support, and an unhealthy social environment may divert juveniles towards delinquent behaviour. In recent times, there has been growing concern over the involvement of juveniles in serious offences, including crimes such as murder and rape. Several factors contribute to juvenile delinquency, including poverty, substance abuse, negative peer influence, single-parent households or broken families, domestic violence, and experiences of child sexual abuse.

The concept of *juvenile delinquency* originates from the Latin terms *juvenilis*, meaning young, and *delinquentia*, meaning wrongdoing or offence. In simple terms, a juvenile delinquent refers to a person below the age of eighteen who engages in behaviour that is considered unlawful or criminal in nature. Historically, the term "delinquent" was first introduced by William Caxton in 1484 to describe an individual found guilty of wrongdoing (Sahmey, 2013). David and Donald Cams view juvenile delinquency as a social problem, as it involves adverse disturbances in social structures and relationships within society. From a legal perspective, juvenile delinquency refers to any act committed by a minor or an individual below the statutory age that violates the penal laws enforced by the governing authority of a particular jurisdiction.

The manner in which offences committed by juveniles are addressed differs significantly from the treatment of adult offenders. In earlier periods, particularly during colonial America, juveniles and adults were often tried together and subjected to similar forms of punishment, including corporal punishment, imprisonment, and even the death penalty (Welsh, 2018). Over time, however, societies began to recognize that children who come into conflict with the law require care, guidance, and rehabilitation rather than harsh punitive measures. This shift in perspective led to an increased emphasis on correctional treatment, counselling, and social support instead of mere punishment.

Reforms in the juvenile justice system began to take shape in the early nineteenth century. The Illinois Juvenile Act of 1899 marked a significant milestone by establishing the first separate and comprehensive juvenile justice system in the United States (Bartusch, 2016). Earlier initiatives included Massachusetts' introduction of the first training and industrial schools for juveniles in 1847. Similarly, the establishment of the New York House of Refuge in 1825 represented the earliest organized attempt to separate juvenile offenders from adult criminals, reflecting a growing concern for child-specific correctional approaches (Schmallegger, 2008).



In the Indian context, the Juvenile Justice Act of 1986 was enacted by Parliament to provide care, protection, treatment, and rehabilitation to neglected and delinquent juveniles. This legislation was later replaced by the Juvenile Justice Act of 2000, which became the principal legal framework governing juvenile justice in India. A notable change introduced by the 2000 Act was the replacement of the term “delinquent juveniles” with the more reformatory and child-centric expression “juvenile in conflict with law.” Subsequently, the Juvenile Justice Bill of 2014 was passed by Parliament in December 2015 and enacted as the Juvenile Justice (Care and Protection of Children) Act, 2015, further strengthening the legal provisions for juvenile justice in the country.

Objectives of the study: The objectives of the present study are as follows:

- To find out or understand public awareness of Juvenile Justice Act, 2015 in Itanagar, Arunachal Pradesh

Methodology of the Study:

The present study adopts both analytical and empirical methods. Data for the study have been collected from primary as well as secondary sources. For primary data collection, semi-structured interview schedules and open-ended questionnaires were employed to obtain detailed and relevant information from respondents. Secondary data were gathered from a wide range of sources, including books, research articles, academic journals, official reports of the National Crime Records Bureau (NCRB), and other relevant literature. The study sample comprises 110 respondents, who were selected using the simple random sampling method.

Juvenile Justice system in India:

The Juvenile Justice (Care and Protection of Children) Act, 2015 introduced a new framework for addressing juvenile justice in India. The Act received the assent of the President of India on 13 December 2015 and came into force on 15 January 2016. While the Act represents a significant shift in the administration of juvenile justice, it is often viewed as a departure from the rehabilitative approach that has guided India’s juvenile justice system since the mid-nineteenth century. India’s journey in juvenile justice legislation began as early as 1850.

The Apprentice’s Act of 1850 was the first statutory measure in India to address juvenile offenders. It introduced an alternative approach for dealing with homeless children and young offenders below the age of fifteen. Under this law, courts were empowered to place such children as apprentices instead of sending



them to prisons, thereby prioritizing rehabilitation, vocational training, and skill development over punitive measures.

A major reform followed with the enactment of the Reformatory Schools Act, 1897. This legislation permitted children under the age of fifteen to be sent to reformatory schools rather than prisons, provided they were considered suitable for such institutions. This marked a clear shift in policy from punishment to correction and reform for juvenile offenders.

Further progress was made after the establishment of the All-India Jail Committee (1919–1920). Based on the recommendations of this committee, the era of Children Acts began in India in the 1920s. These Acts institutionalized the separation of juvenile offenders from adult criminals by introducing separate children's courts at the adjudication stage. This development was a crucial step toward ensuring specialized legal treatment and a more child-sensitive approach within the criminal justice system.

Following independence, in order to provide for maintenance, protection, welfare, education, and training of abused and neglected children as well as trial and rehabilitation, The Children Act was developed. The parliament passed the first legislation on the subject, known as the Children Act of 1960.¹¹ This act introduced a sex – based definition of a child, extending protection to girls up to the age of 16 years. A significant departure from earlier children acts passed by the states was the complete prohibition of using police stations or jails under any circumstances for children covered within its purview. All subsequent children act passed after 1960 followed this pattern. The juvenile Justice Act of 1986, establishing uniform regulations nationwide, was enacted in 1986. It sought to provide consistent guidelines for the care and rehabilitation of juvenile offenders throughout the country.

When India signed and ratified the United Nations Convention on the Rights of the Child in December, 1992, it was considered essential to adopt the uniform cut off age of 18 years for both girls and boys in conformity with the definition of child in the convention on the Rights of Child, 1992. The Juvenile justice (care and protection) Act, 2000 extended the ban on the use of prisons or police station at any stage of proceedings and under any circumstances for children below the age of 18 years found to have committed any offences under any law in force in India. All these enactments since 1850 were moving in one direction to bring an increasing number of children within the protective umbrella of Juvenile justice.



Juvenile Justice Act 2015:

The need for extensive revisions to the Juvenile justice Act 2000 arose from the imperative to tackle emerging challenges in contemporary times. Consequently, it was proposed to revoke the existing Juvenile Justice (care and protection Act of 2000 and introduce a new, all – encompassing legislation to address these evolving needs comprehensively. The Juvenile Justice act 2015 replaced the juvenile Justice act 2000, driven by the imperative for a more resilient and efficient justice system. The need was felt for a balanced approach that not only deter juvenile crime but also focuses on rehabilitation. Keeping in mind, the distinctive nature of juveniles compared to adults, parliamentary discussions highlighted the importances of providing ample opportunities for transformation and improvement. Thus, the new Juvenile Justice Act 2015 came into picture that focused on a juvenile - centric approach to adjudication and disposition, prioritizing their well - being and potential for positive change. It discusses the beneficial provisions of the Acts. It had added new definitions such as abandoned, orphaned, and surrendered children. It has introduced stringent deadlines for the Juvenile Justice Board inquiries and outlined comprehensive procedure for adoption. Additionally, it introduced provisions for the transfer and trail of Juveniles between the age group of 16 and 18 as adult criminal in the cases of heinous crimes.

The Juvenile Justice (Care and Protection of Children) Act 2015 was passed by the Indian parliament following intense debates, prolonged street protests, and opposition from child rights organizations and certain lawmakers. In the wake of the 2012 Delhi gang rape and murder case, among the accused, one of the accused was found to be juvenile. As per the Juvenile Justice Act 2000, he was sentenced to 3 years in a reformation home. However, in December 2015, the Delhi high court held itself to be bound by the provisions of the JJ Act 2000 and refused to extend the sentence of the accused. This decision made many people lose trust in both law and the judicial system in India. In response, there were widespread protest from different parts of the society urging the government to address this issue. Drawing widespread protest and unity from various sections of the masses to rectify the supposed gap in the previous act of 2000, the government delivered the Juvenile justice (care and protection) bill 2014, which was then surpassed by the parliament on 22 December 2015. It acquired the president's assent on 31st December 2015 and came into force on 15th January 2016 as the Juvenile Justice (care and protection of children) Act, 2015 and repeals the juvenile justice (care and protection of children) act 2000.(Parul Chaturvedi, 2022).¹² The juvenile justice (care and protection) Act, of 2015 measures proper care, protection, development, treatment, and social reintegration of children in difficult circumstances by adopting a child-friendly approach keeping in view the best interest of the child.



Some of the key provisions of the Juvenile justice (care and protection of children) act 2015 are as follows:

1. To remove the negative connotation attached to the term “juvenile”, the act has undergone a change terminology, from ‘juvenile’ to ‘child in conflict with law’ or simply “child”. (section 2(13) of JJ Act, 2015)¹³
2. The act has replaced the juvenile justice (care and protection of children) Act, of 2000. The provision of this act addresses children in conflict with the law and children in need of care and protection. (section 1 of JJ Act, 2015)¹⁴
3. The act has clearly described the definitions of numerous terms like ‘abandoned child’, orphan, adoption, adoption regulations, aftercare, etc. (Section 2 (i), (ii), (iii), (iv), (v) of JJ Act 2015)¹⁵
4. The Act has mentioned both types of offenses; petty and heinous (sections 2 (33), (45) of JJ Act 2015).¹⁶
5. Special provisions are mentioned in heinous offenses. The act allowed juveniles between the ages of 16 - 18 years to be tried as adults for heinous offenses like rape and murder. Also, any juvenile aged between 16 – 18 who commits any serious offense, he/she may be tried as an adult only if he is apprehended after the age of 21 years. (section 15(15) of JJ Act 2015)¹⁷
6. The Act has mentioned the clear timeline, powers, and responsibilities of two agencies; the Juvenile justice board (JJB) and the Child welfare committee (CWC). (section 4 of JJ Act 2015)¹⁸
7. Under section 15, a preliminary assessment in case of heinous offenses shall be disposed of by the board. Special provisions have been made to deal with children in conflict with the law between the age group of 16 -18 years, involved in heinous offenses. The juvenile justice board is authorized to transfer cases of heinous offenses to a children’s court after the preliminary assessment. Both during and after the trial till they reached the age of 21, the children shall be placed in a place of safety, and the children’s court will evaluate the child after he turns 21, Moreover, after the evaluation, either the child will be released on probation or he will be sent to jail for the remaining term if he is not reformed.
8. Act provides for several rehabilitation and social reintegration measures for children in conflict with the law. During the stay of a child in any institutional care or facility centre, he or she is provided with numerous services related to education, good health, vocational training, counselling program related to the de-addiction of drugs and alcohol, etc. (section 41 of JJ Act 2015) ¹⁹
9. The Act provides detailed provisions related to Adoption in chapter VIII, which has covered every aspect related to the adoption procedure and the provision of punishment to be given if not complied with the laid down procedure. Furthermore, the procedure for the adoption of orphan abandoned



and surrendered children both in-counter and inter-country are mentioned there. (section 38 of JJ Act 2015)²⁰

10. The Act provides provisions for mandatory registrations of all childcare institutions. regardless of whether they get government grants or not, and either run by the government, voluntary or nongovernmental organizations. (section 41(41) of JJ Act 2015) ²¹
11. With the introduction of the 2015 Act, the definition of a child in need of care and protection was expanded significantly. This includes individuals in the following situations as outlined in section 2 (14) of the Juvenile justice (care and protection of children) Act, 2015: (Section 2 (14) of JJ Act 2015).²²
 - i. Children who are found to be working in jobs that are in contravention to the labour laws. (Section 2 (14), (ii) of JJ Act 2015)²³
 - ii. Those Children, whose parents or guardians are found to be unfit or incapacitated by the committee or board to take care of them properly. (Section 2 (14), (v) of JJ Act 2015)²⁴
 - iii. Children who are at the risk of being married off before they reach the specified lawful age. (Section 2 (14), (xii) of JJ Act 2015)²⁵
 - iv. The Act also specifies the meaning of adoption, ensuring that the rights of adopted children are properly recognized.
 - v. Children who have been or is being or likely to be inducted into drug abuse or trafficking or to be abused by unconscionable gains (Section 2 (14), (ix) and (x) of JJ Act 2015)²⁶

Findings:

A comprehensive survey involving 110 respondents was conducted to assess the level of public awareness and understanding of the Juvenile Justice Act, 2015. The survey gathered responses by presenting a series of structured questions designed to evaluate respondents' knowledge of the Act, its provisions, and its objectives, as outlined below.

1. Have you heard of the Juvenile Justice Act, 2015 before today?

Table 1.1

Have you heard of the Juvenile Justice Act before today?		Respondents
1	Yes, I'm familiar with it	33 (30%)
2	No, I haven't heard of it	35 (32%)
3	I have heard of it but don't know much about it	42 (38%)
Total		110 (100%)

Source: Field study

Among the total respondents, comprising 110 individuals, a breakdown of their awareness regarding the Juvenile Justice Act of 2015 revealed that 33 respondents, constituting 30%, expressed familiarity with the Act, while 35 respondents, accounting for 32% indicated that they had not previously encountered the Act. Furthermore, 42 respondents, totalling 38%, acknowledge awareness of the Juvenile Justice Act but admitted to having limited knowledge about its contents and provisions.

2. Do you know if the Juvenile Justice Act, 2015 aims to protect the rights of young individuals accused of crimes?

Table 1.2

Do you know whether the Juvenile Justice Act 2015 is made to protects the rights of young individuals accaused of crimes?		Respondents
1. Yes		48 (44%)
2. No		42 (38%)
3. No idea		20 (18%)
Total		110 (100%)

Source: Field study



48 respondents, comprising 44%, stated their awareness that the juvenile justice Act of 2015 is designed to safeguard the rights of young individuals accused of crime, whereas 42 respondents, accounting for 38%, admitted to being unaware of it. The Remaining 20 respondents, totalling 18 %, indicated they had no knowledge about it.

3. Do you believe the Juvenile Justice Act, 2015 adequately protects the rights of juvenile offenders?

Table 1.3

Do you believe the Juvenile Justice Act, 2015 adequately protects the rights of juvenile offenders?		Respondents
1	Yes, to some extent	36 (33%)
2	No, not really	34 (31%)
3	No idea	40 (36 %)
Total		110 (100%)

Source: Field study

36 respondents, comprising 33%, affirm that the juvenile justice Act of 2015 adequately safeguards rights of juvenile offenders, whereas 34 respondents, amounting for 31% express scepticism towards its efficacy. The Remaining 40 respondents, accounting for 36 % of the total, admitted to being unsure about their stance on the matter.

4. Are you familiar with the basic provisions of the Juvenile Justice Act?

Table 1.4

Idea about the basic provisions of JJ Act, 2015		Respondents
1	Yes	35 (32%)
2	No idea	34 (31%)
3	Not fully aware	41 (37%)
Total		110 (100%)

Source: Field study



Out of the 110 people, which comprised of the general masses. When asked about the basic provisions of the Juvenile Justice Act 2015, from the result of the study, it has been found that 35 of them (32 %) knew about the basic provisions of the Juvenile Justice Act, 2015. Another 34 people (31%) admitted they had no idea about these provisions. Additionally, 41 people (37%) mentioned they were aware of the existence of the Juvenile Justice Act in our country but were not familiar with its specific provisions.

Conclusion and suggestions:

While appreciating the tremendous legislative job in framing the Juvenile Justice Act of 2015, as well as the guidelines issued by the Supreme court to deal with several important aspects of Juvenile justice, it has to be accepted that there are terrible lapses in the implementation of the same. We can opt for various ways to spread awareness among the masses about the given act,

- we could initiate community outreach programmes in collaboration with non – profit organizations, local governing bodies, and educational institutions. These efforts would involve conducting interactive sessions, and discussions aimed at raising awareness about the provisions of the act and its significance.
- The government can take the lead by stepping up its efforts to raise awareness about the Juvenile Justice Act. This could involve allocating funds for awareness campaigns and setting up monitoring systems to ensure that the act is being followed properly.
- Launching comprehensive educational campaigns can significantly contribute to spreading awareness about the act among the masses. These campaigns may include organizing seminars, workshop, webinars aimed at educating people about the provisions and significance of the act.
- Educating students at an early age ensures that can ensures that future generations are well informed about their rights and responsibilities under the act. Therefore, advocating for the integrating of lessons about the juvenile justice act 2015 into school

Today, the problem of juvenile crime goes beyond a mere increase in numbers and reflects a growing complexity and seriousness of offences. Juvenile delinquency has emerged as a major social concern that requires immediate and focused attention. Although the government has introduced several laws and regulatory measures to address and control juvenile crime, public awareness about these legal provisions remains limited. Furthermore, the existing juvenile laws have not been able to create a strong deterrent effect among juveniles, resulting in ineffective implementation and failure to fully achieve the intended objectives of the legislation.

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Relevant sections cited in the study include Sections 1; 2(13), 2(14), 2(33), 2(45); 4; 15; 38; and 41 of the *Juvenile Justice (Care and Protection of Children) Act, 2015*.

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