

**Revisiting Constitutional Perspectives on Juvenile Justice:
Addressing Modern crimes and Recognizing Rehabilitation as a
Right**

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Abstract

Juveniles are children whose age have not attained eighteen years and require special care and protection. At times, they involve with the conflict with the law not because they are hardened criminals, but due to factors like lack of education, negative social influence, and the misuse of technology. Without proper care and opportunities for rehabilitation, these juveniles risk growing into adult offenders. Therefore, rehabilitation plays a very important role in shaping their future. The Indian Constitution provides protection to children through various “Fundamental Rights and Directive Principles of State Policy”. Article 21 guarantees the “Right to Life”, while Article 21A ensures the “Right to Education”. The Constitution also emphasizes that children must not be exploited³ and should be given the conditions necessary for their healthy development⁴. However, there is no clear constitutional guarantee for rehabilitation of juveniles, especially for the delinquents of modern crimes. The Juvenile Justice (Care and Protection of Children) Act, 2015 also talks about protection and care, but it does not fully cover modern challenges like cybercrime, drug abuse, and organized crime. This creates a gap in our legal system. This paper studies these gaps and argues that rehabilitation should be treated not just as a policy but as a constitutional right. Juvenile delinquents may not be the wrongdoers but also a victim. If the Constitution clearly includes rehabilitation, then juveniles will get stronger legal protection from the State. This paper suggests some reforms, such as making digital safety education compulsory in schools, creating special centers for cyber rehabilitation, and expanding the “Right to Life” to include the right to rehabilitation and so the

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³ INDIA CONST. art. 24

⁴ INDIA CONST. art 39(f)

Constitution can give better protection to juveniles, help them recover from mistakes, and prepare them to be responsible citizens.

Keywords: *Juvenile Justice, modern crimes, rehabilitation, constitutional right.*

I. Introduction

Children are the social foundation of a nation. However, many of them fall into conflict with law not because they are habitual offenders but due to social neglect, poverty, lack of education or digital exploitation. In Indian law, a juvenile is defined as a person who has not attained eighteen years of age who requires care, protection and guidance rather than punishment.⁵ The system in India with reference to the juvenile justice is therefore based on the principle of reformation over retribution, seeking to restore and reintegrate rather than penalize. However, the nature of juvenile delinquency has evolved significantly in the twenty-first century. With the rise of the internet and access to social media, minors are increasingly involved in modern crimes such as cyberbullying, online fraud, pornography, and data theft.⁶ These offenses differ from traditional forms of delinquency in their psychological influence, and social reach. Unfortunately, India's legal and constitutional framework has been slow to adapt to these new realities.

"The Juvenile Justice (Care and Protection of Children) Act, 2015"⁷ is an Act that governs care and rehabilitation of children under 18 years of age who are in conflict with the law. It is rooted in the principles of restorative justice and child welfare, which is also supported by international conventions such as the United Nations Convention on the Rights of the Child (UNCRC). The juvenile justice framework in India is guided by international child rights standards, particularly Article 40 of the "United Nations Convention on the Rights of the Child

⁵Juvenile Justice (Care and Protection of Children) Act, 2015, § 2(35), No. 2, Acts of Parliament, 2016 (India).

⁶MINISTRY OF HOME AFFAIRS, GOV'T OF IND., NATIONAL CRIME RECORDS BUREAU, 22 (2023), <https://ruralindiaonline.org/en/library/resource/crime-in-india-2022-volume-ii/>

⁷Juvenile Justice (Care and Protection of Children) Act, No. 2, Acts of Parliament, 2016 (India).

(UNCRC)". Article 40 guarantees that "children in conflict with the law" have the right to attain legal assistance, fair treatment, and a judicial system that prioritizes their rehabilitation, dignity, and best interests. It recognizes the right of every child accused of infringing the law to be treated in such a way that it comes in consistent with the promotion of the dignity of the child and reintegration into society. The principles of care, rehabilitation and reintegration embodied in Article 40 have significantly influenced the reformative approach adopted under India's juvenile justice laws.

Although the Act includes rehabilitative measures, it does not fully address crimes committed in the digital era or provide specialized mechanisms for technological rehabilitation. Similarly, while the Constitution of India provides numerous provisions protecting children's rights such as Articles 14 and 15 of the constitution which provides for equality and non-discrimination and Article 21 that gave the right to life and personal liberty, Article 21-A for right to education and Article 39(f) that provides directive to ensure healthy development of children, there is no express constitutional recognition of rehabilitation as a fundamental right. This creates a normative gap. The state protects minors in theory but does not give them the legal right to be rehabilitated after breaking the law. When this occurs, adolescent offenders' risk being criminalized, repeating the cycle of misbehaviors. As the Supreme Court has ruled, Article 21 guarantees not only life, but life with dignity. Thus, the concept of rehabilitation should be rationally included within its scope.

This article contends that the right to rehabilitation must be recognized as a component of the right to life under Article 21. It also investigates how modern forms of crime, particularly digital offences, necessitate a rethinking of the constitutional and statutory frameworks for juvenile justice. The study maintains, based on case law, constitutional principles, and contemporary events that a constitutionally grounded rehabilitative strategy is required to reconcile justice, protection and reform for juveniles in India.

II. Constitutional safeguards for Juveniles

The Constitution of India generates a solid framework to protect the children in conflict with law. It recognizes that children are a unique class that requires special attention and safeguarding. "The Fundamental Rights and the Directive Principles of State Policy" serve as the constitutional foundation for juvenile

justice which is part of a larger human rights framework. Together, these regulations impose a legal as well as moral obligation on the State to protect, educate, and rehabilitate “children in conflict with the law”.

A. Fundamental Rights and Juvenile protection

Article 14 of Indian Constitution protects the “right to equality” and “equal protection under the law”. This assures the minors, regardless of age or background, are treated properly and without discrimination. “Article 15(3)” gives the state additional authority to provide specific provisions for the children, recognizing their fragility and need for care. The Honorable Supreme Court has often emphasized that children are a distinct class that deserves positive discrimination for their welfare. The right to life and personal liberty guaranteed by Article 21 offers a broad framework for juvenile protection. The Supreme Court has explained Article 21 to encompass the right to a dignified life⁸, mental and physical health, and freedom from exploitation. “Article 21-A guarantees the right to free and compulsory education” for children between six and fourteen years of age, which is crucial for prevention of juvenile delinquency. Education acts as a reformatory and preventive measure, helping children gain awareness, discipline, and social responsibility.

B. Directive Principles of the State Policy and Children

The Directive Principles also recognize the importance of child safety. “Article 39(e)” guides the State to ensure that children are not forced into economic necessity and Article 39(f) mandates that children are given chances for healthy development in view of freedom and dignity. These provisions, though not enforceable in court, serve as guiding principles for State policy and legislative action. Articles 45 and 47 emphasize the Indian State's responsibility to provide early childhood care, nutrition, and education, resulting in a comprehensive welfare framework.

C. Constitutional morality and Juvenile Justice

The idea of constitutional morality, which goes beyond express rights is crucial in determining juvenile justice policy. Even for those who have broken the law, it mandates that the State preserve the principles of equality, justice, and human

⁸ Maneka Gandhi v. Union of India, AIR 1978 1 SCC 248, 283.

dignity. A Juveniles should be given the opportunity to change, not condemned, because of their age and nascent minds. "The purpose of juvenile justice is specifically to reform the delinquents so that he may become a responsible citizen." Although the Constitution offers a robust framework for safeguarding children, it does not specifically acknowledge rehabilitation as a constitutional right. The enforceability of reformatory measures is weakened when such recognition is lacking. Recognizing rehabilitation as a part of fundamental rights shall align the Constitution with the evolving juvenile crimes and rehabilitation.

III. Modern Crimes and Juvenile Justice

The way society operates and how crimes are committed have both been altered by the digital revolution. The internet has made it easier to connect and learn but it has also made it easier for people to take advantage of others, engage in cyberbullying and commit crimes online. Since they use technology the most, kids and teenagers are particularly susceptible to these online dangers. Juveniles have been implicated in technology-related crimes more frequently in recent years, sometimes as perpetrators and other times as victims.⁹

In the present era, the concept of juvenile criminality has expanded and it includes crimes that are more organized, technologically driven and often influenced by rapid socio-economic changes such as cybercrime. Cybercrime in NCRB data consists of cyber bullying, stalking and blackmailing. According to the National Crime Records Bureau (2023), more than 2,200 cybercrime cases involving juveniles were recorded across India that reflects an increase of approximately 35% compared to 2020. Out of these cases, around 43% were related to social media offences such as creation of fake profiles and incidents of cyberbullying. About 21% pertained to online financial frauds were recorded in the country, including OTP theft and UPI scams, while nearly 18% involved accessing or circulating obscene material were also seen. The remaining cases comprised offences like hacking, impersonation, and online blackmail. The growth of technological era has blurred the boundaries between adult and juvenile offending patterns, as juveniles are now involved in complex criminal behaviors. Incidents such as the "Bois Locker Room" case further highlight the

⁹ MINISTRY OF HOME AFFAIRS, GOV'T OF IND., NATIONAL CRIME RECORDS BUREAU, 22 (2023), <https://ruralindiaonline.org/en/library/resource/crime-in-india-2022-volume-ii/>

growing involvement of juveniles in cyber-enabled offences. This case is a significant example of juvenile involvement in cyber-enabled misconduct. The incident involved school-going boys using a private social media group to circulate obscene content and engage in discussions reflecting online sexual aggression. The case received extensive media attention, sparking national debate on digital ethics, cyber safety and the role of education and parental supervision. As the accused were juveniles, the matter was addressed under the Juvenile Justice framework with emphasis on inquiry, counselling and rehabilitation rather than punitive punishment. While the case did not result in harsh legal consequences, it exposed serious gaps in digital awareness and institutional preparedness to deal with juvenile cyber delinquency. Unlike traditional juvenile offences such as petty theft or truancy, modern juvenile crimes tend to be more violent, premeditated, and socially disruptive. This shift calls for a deeper examination of whether existing juvenile justice laws and mechanisms are equipped to respond to these evolving trends. The main concern in India's criminal justice system is the growing number of young people involved in heinous crimes. According to the source of crime in India 1999, out of 18,460 juveniles, 55.9% involved in delinquency were between 12-16 years and 22.3% were of age group 16-18 years. The Parliament enacted the "Juvenile Justice (Care and Protection of Children) Act, 2015", with provisions allowing juveniles aged between 16 to 18 years to fall under the category of offender like the adults if they have committed any heinous offences.

Modern crimes committed by juveniles often differ from traditional forms of delinquency. Conventional offenses like theft or vandalism are now joined by complex digital crimes such as hacking, identity theft, phishing, cyberstalking, and the sharing of explicit digital content.¹⁰ These acts may not stem from criminal intent but from curiosity, peer pressure, or ignorance of their consequences. The "National Crime Records Bureau (NCRB)" reported that cybercrimes involving children (juveniles) have increased by nearly 25 percent in the last five years.¹¹ Online harassment, data theft, and unauthorized access are all prohibited by the "Information Technology Act of 2000" which does not address juveniles who have committed tech-oriented crimes. When minors

¹⁰ Ramesh Sharma, *Cyber Delinquency and Juvenile Justice in India*, 14 J. NAT'L L. U. DELHI 77 (2022).

¹¹ NCRB, *Crime in India 2022*, *supra* note 6

commit such crimes, law enforcement is unsure whether to use the Juvenile Justice Act of 2015, the Indian Penal Code of 1860 (IPC) or the IT Act. This legal overlap often leads to inconsistency in handling digital-age juvenile cases. The JJ Act, 2015 was designed to balance accountability with reform. It introduced the category of “heinous offenses” for juveniles aged sixteen to eighteen years, allowing them to be tried as adults under certain circumstances.¹² While this amendment was justified in response to serious crimes like rape and murder, it has created debate over whether such classification contradicts the reformatory nature of juvenile justice. Applying the same logic to cybercrimes could undermine the principle that children are capable of change and rehabilitation. Children are both frequent victims and potential offenders in the digital world. Exposure to harmful content, online exploitation and cyber grooming can all have long-lasting psychological effects. The Honorable Supreme Court has acknowledged that innocent children who are abused online need both psychological assistance and legal protection. “The Protection of Children from Sexual Offences Act, 2012” (POCSO) addresses many of these issues but the coordination between POCSO, JJ Act and IT Act remains weak.¹³

IV. Rehabilitation as a Constitutional Right

Despite its progressive intentions, the Indian juvenile justice system has not yet developed to recognize rehabilitation as a constitutional right. Since rehabilitation emphasizes reintegrating the child into society rather than punishing them, it is essential to the juvenile justice philosophy. But in the Indian legal system, this concept is viewed more as a policy objective than as a constitutionally guaranteed legal right. The process of assisting a young criminal in re-establishing their moral, psychological and social foundation in order to reintegrate into society as an accountable member is known as rehabilitation.¹⁴ It covers skill development, education, counselling and reintegration into the society. Rehabilitation in context of juvenile justice system in India which is

¹² Juvenile Justice (Care and Protection of Children) Act, 2015, § 15, No. 2, Acts of Parliament, 2016 (India).

¹³ Protection of Children from Sexual Offences Act, No. 32, Acts of Parliament, 2012 (India).

¹⁴ P. ISHWARA BHAT, CONSTITUTIONAL RIGHTS AND SOCIAL JUSTICE IN INDIA 276 (Eastern Book Co. 2019).

basically referred on the idea that with the correct support and opportunity, children can change. Although the “Juvenile Justice (Care and Protection of Children) Act, 2015” (JJ Act) particularly provides for rehabilitation and social reintegration under Chapter IV, it does not define rehabilitation as a right. The implementation depends largely on the discretion of the “Juvenile Justice Boards (JJB), “Child Welfare Committees (CWC) and state agencies. With the absence of constitutional backing, the efforts of these mechanism weaken, making rehabilitation dependent on administrative policy rather than a legal guarantee. Article 21 of The Indian Constitution provides that "no person shall be deprived of his life or personal liberty except according to procedure established by law." The Supreme Court gave liberal interpretation to this clause to include a number of rights required to a meaningful existence, including the right to education, livelihood, privacy and dignity. If the right to live with dignity is given under Article 21, then the right to rehabilitation must also logically follow from it.

In famous case of *Francis Coralie Mullin v. Union Territory of Delhi*¹⁵, it was held that the right to life includes the right to live with dignity with the rest that follows. Similarly, in landmark case of *Bandhua Mukti Morcha v. Union of India*, the court observed that human dignity cannot be ensured unless the State provides conditions for development and rehabilitation. These principles can be extended to the context of juvenile offenders, where dignity can only be achieved through the opportunity to reform. Recognizing rehabilitation as a constitutional right would ensure that every juvenile, regardless of the nature of their offense, receives a chance to rebuild their life. It would also create a binding obligation on the State to provide the necessary institutions, funding, and programs for rehabilitation.

V. Why Rehabilitation Needs Constitutional Recognition?

Rehabilitation's lack of constitutional standing has a number of consequences. It permits insufficient funding, uneven implementation among states, and a lack of accountability in observation centers and reform houses. Many institutions operate with inadequate facilities, unskilled personnel and little in the way of educational or psychological support. These deficiencies may be challenged in court as infringement of fundamental rights once rehabilitation is recognized as a constitutional right, requiring the State to take corrective action. Furthermore,

¹⁵ (1981) 1 S.C.C. 608, 618.

public opinion would change as a result of constitutional recognition. Juveniles would be seen as people with potential for recovery rather than just as criminals. Such acknowledgment is consistent with India's changing perspectives on child welfare, restorative justice, and human rights. To ensure that the State as well as the concerned authority upholds its moral and constitutional obligations to children, it would signify a change from a retributive form of justice to a restorative and rights-based framework.

VI. Judicial Approach

In India, the judicial sector has been playing a tremendous role in shaping the juvenile justice framework. The apex Court and the lower Courts have stressed a number of rulings that showed that juvenile offenders are to be treated differently from adult offenders. Even in cases involving significant offenses, the courts have always acknowledged the necessity of a reformatory and rehabilitative approach. Therefore, in the absence of clear constitutional recognition, judicial interpretation has emerged as a key source of enhancing juvenile rights.

Indian courts have maintained that reform, not retaliation, is the goal of juvenile justice. The apex Court ruled in the famous case of *Sheela Barse v. Union of India* that detention ought to be reserved for extreme circumstances and that children need "care, protection, and a chance to grow."¹⁶ The Court underlined that the State must establish facilities that can help children get back on their feet rather than stigmatize them. In a similar way, the Court has also held in *Pratap Singh v. State of Jharkhand* that the juvenile system's goal is to safeguard children's developmental needs rather than punish them.¹⁷ The ruling also reiterated the humanitarian spirit of the Constitution, which states that in cases of ambiguity, the law must favor treating an accused person as a juvenile.

The judiciary has carefully interpreted the provision of Article 21 to include a variety of rights essential to a dignified existence, thereby greatly broadening its scope. For young people, dignity includes opportunities for reintegration, access to education, psychological support and protection from severe punishment. The Court also acknowledged in "*Gaurav Jain v. Union of India*"¹⁸ that children from

¹⁶ *Sheela Barse v. Union of India*, (1986) 3 SCC 596, 604.

¹⁷ *Pratap Singh v. State of Jharkhand*, (2005) 3 SCC 551, 565.

¹⁸ AIR 1997 SC 3021.

disadvantaged families need special protection from exploitation and rehabilitation opportunities. Despite the fact that the case involved sex workers' children, the Court's reasoning that rehabilitation and dignity are inextricably linked applies generally to all children in legal trouble. Similarly, the Supreme Court ruled in *M.C. Mehta v. State of Tamil Nadu* that the right to life encompasses the right to access and live with dignity. Despite the fact that courts haven't stated clearly that rehabilitation is a fundamental right, their case law strongly suggests that it should be. The Supreme Court has ruled in *Bandhua Mukti Morcha v. Union of India*¹⁹ that rehabilitating exploitation victims is part of the right to live with dignity. Since young offenders frequently experience both social neglect and digital exposure, rehabilitation is just as important for them as it is for victims. Even though it isn't stated clearly, the judiciary's constant emphasis on restoration, dignity and development indicates a clear shift toward acknowledging rehabilitation as a component of Article 21.

VII. Recommendations

India's juvenile justice system has made substantial improvements over the years, but there are still significant gaps, particularly when it comes to dealing with contemporary crimes, guaranteeing rehabilitation and ensuring constitutional protection. A revised legal and policy framework is necessary due to changes in society, technology and the characteristics of juvenile delinquency. This section highlights the main areas in need of reform and offers suggestions for bolstering the juvenile justice system in accordance with constitutional precepts.

- i. The explicit recognition of rehabilitation as a fundamental right is the most important reform which is required. Despite the courts' emphasis on reform and dignity, rehabilitation still lacks a solid constitutional basis.²⁰ Children in legal trouble rely on institutions, which differ greatly from one place to another, since they lack constitutional status.
- ii. There are no special provisions for offenses involving technology in the "Juvenile Justice (Care and Protection of Children) Act, 2015". Courts and law enforcement are left in the dark by this disparity. It requires establishing a distinct category with specialized interventions for

¹⁹ *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161.

²⁰ *Sheela Barse v. Union of India*, (1986) 3 SCC 596, 604.

juvenile offenses involving technology. It also requires digital behavior correction courses that cover topics like responsible internet use, online safety, and technology ethics. And to establish facilities for cyber rehabilitation staffed by qualified psychologists and digital specialists. These changes would guarantee that the law remains applicable while also reflecting the evolving nature of juvenile crime.

- iii. “Child Welfare Committees (CWCs)” and “Juvenile Justice Boards (JJBs)” deal with real-world issues like a lack of staff, inadequate infrastructure and a lack of training. A large number of members lack training in digital behavior, child psychology or restorative justice techniques. Hence it is required a mandatory education in restorative justice, child psychology and cybercrime. Also, to establish a national academy for CWC and JJB members to receive training and to boost financing for digital tools, infrastructure and rehabilitation initiatives and to ensure accountability by means of independent assessments.
- iv. Overcrowding, poor sanitation, lack of vocational training and inadequate psychological counseling are problems that plague many observation homes. Insufficient facilities turn rehabilitation from a significant process into a formality. Reform initiatives ought to consist of establishing minimum requirements for staffing and infrastructure at the national level. There must be appointment of social workers, counselors and educators with training in digital safety. To combine family counseling, mental health programs and life skills training. Whenever feasible, introducing community-based alternatives to institutionalization. By making these changes, institutions would be guaranteed to foster growth rather than endanger children.
- v. Instead of focusing on punishment, restorative justice aims to repair harm. It brings communities, victims and young people together to promote healing and accountability. Hence establishment of legal requirements for conferences on restorative justice is required and also extend mentorship, supervised release and community service initiatives.

- vi. Giving children the right digital skills is essential to prevent contemporary juvenile crime. Communities and schools need to be more active in awareness and prevention.
- vii. To comprehend contemporary juvenile trends, accurate data is crucial. However, “National Crime Records Bureau (NCRB)” and other data systems in India do not currently offer complete information to juvenile crimes involving technology or cyberspace.
- viii. Numerous parties are involved in juvenile justice, including courts, NGOs, schools, social workers, police and cyber specialists. Reforms ought to consist of forming a Coordination Council for National Juvenile Justice, establishing rules for collaboration between JJBs and police cyber units, promoting collaborations between civil society and the government and creating uniform procedures for managing cases involving minors and cyberspace.

VIII. Conclusion

India's juvenile justice system is at a critical point. Although children are strongly protected by the Constitution and have a reform-oriented foundation in the Juvenile Justice Act of 2015, the rapid changes in society particularly in the digital age necessitate a new understanding of how juvenile crimes occur and how rehabilitation must be provided. Traditional models are no longer able to adequately address contemporary issues, as evidenced by the growing participation of minors in cyber offenses, online exploitation and technology-enabled delinquency. This paper's analysis shows that rehabilitation is not only a desirable policy objective but also a prerequisite for guaranteeing children a dignified life, as mandated by Article 21 of the Constitution.

Children need supervision, education and social support due to their age, vulnerability and developmental stage. If children are not rehabilitated by the legal system, crime could worsen. Additionally, it goes against the fundamentals of equality and human development outlined in the constitution of India. Indian court rulings have frequently stressed the significance of delivering care and reform for the children need and reform from the legal trouble. However, reintegration is positioned at the center of juvenile justice in international child-rights frameworks included under the “UN Convention on the Rights of the Child”. These guidelines all lead to the same conclusion, that is rehabilitation

ought to be viewed as a constitutionally guaranteed right rather than an administrative right.

A number of reforms are necessary to make this possible. The realities of delinquency in the digital age require an update to the Juvenile Justice (Care and Protection of Children) Act, 2015. Organizations like “Child Welfare Committee”, “Juvenile Justice Boards” and the observation homes require improved infrastructure, coordination and training. Strengthening community-based alternatives, restorative justice and digital literacy is necessary. To comprehend changing trends in juvenile behavior, research and data collection must be enhanced. Together, these changes would contribute to the creation of a just, modern and morally consistent system.