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A CRITICAL REVIEW OF TRYING JUVENILES AS ADULTS FOR SEVERE CRIMES IN INDIA

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ARTICLE HISTORY	ABSTRACT
Received: 14.03.2026 Revised: 03.04.2026 Accepted: 22.05.2026	The juvenile justice system in India has historically emphasized rehabilitation, but the Juvenile Justice (Care and Protection of Children) Act, 2015 introduced a provision to try juveniles aged 16-18 as adults for heinous offences, a shift driven largely by public outrage rather than empirical evidence. This systematic review critically evaluates the legal frameworks, empirical evidence, and policy implications of this practice. We aimed to synthesize findings on the effectiveness of juvenile transfer for public safety and accountability, identify factors influencing judicial decision-making, assess procedural and ethical challenges, and examine socio-legal forces shaping this punitive turn. Studies were selected based on pre-defined criteria, including peer-reviewed articles, official reports, and doctoral dissertations, with data extracted on study characteristics and key findings. The synthesized evidence reveals a significant gap between legislative intent and implementation reality: Children's Courts often operate with an adult criminal justice lens, judicial decisions are heavily influenced by offence severity rather than adolescent neurodevelopment, and the preliminary assessment process is inconsistently applied. Media and public opinion have powerfully shaped policy, while male juveniles from marginalized backgrounds are disproportionately transferred. The evidence suggests that trying juveniles as adults is not achieving its intended outcomes of enhanced public safety or accountability; instead, it undermines juvenile justice principles and risks long-term harm to vulnerable children. We conclude that this policy shift, rooted in populist punitiveness, requires urgent reconsideration, with future research prioritizing longitudinal studies to inform a reinvestment in child-centric, rehabilitative approaches.
Keywords: Juvenile Justice Act, preliminary assessment; heinous offences; child rehabilitation; adolescent neurodevelopment; judicial decision-making; Children's Courts; socio-legal policy.	
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INTRODUCTION

The treatment of juveniles who commit severe crimes represents one of the most contentious intersections of criminal law, developmental psychology, and human rights. In India, the juvenile justice system has historically been anchored in the principle of *parens patriae*, wherein the state assumes a protective and rehabilitative role toward children in conflict with the law [1]. This philosophy, enshrined in the Juvenile Justice (Care and Protection of Children) Act, 2000, mandated that all individuals below the age of 18 be processed through a separate juvenile justice system focused on reform and reintegration rather than punishment [2]. The underlying rationale was grounded in a robust body of developmental science demonstrating that adolescent brains are not fully mature, particularly in regions governing impulse control, risk assessment, and long-term decision-making [3]. Consequently, juveniles were considered less culpable than adults and more amenable to rehabilitation, a view that aligned with international standards such as the United Nations Convention on the Rights of the Child (UNCRC) [4].

However, a series of high-profile and brutal crimes committed by juveniles in the early 2010s, most notably the 2012 Delhi gang rape and murder case in which one of the perpetrators was a 17-year-old, ignited a firestorm of public outrage and fundamentally altered the policy landscape [5]. The public discourse, amplified by sensationalized media coverage, framed the existing juvenile justice system as excessively lenient and incapable of delivering justice for victims of heinous offences [6]. This populist pressure culminated in a significant legislative overhaul: the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereafter, the JJ Act 2015). The most controversial provision of this Act was Section 15, which introduced a mechanism to try juveniles aged 16 to 18 years as adults for heinous offences-defined as those punishable with

imprisonment of seven years or more. This marked a radical departure from India's long-standing welfare-oriented approach and represented a punitive turn in juvenile justice policy [7].

Despite the profound implications of this legislative shift, the decision to lower the age of criminal responsibility for severe crimes was not driven by empirical evidence regarding its effectiveness in enhancing public safety or promoting accountability [8]. Instead, it was a response to moral panic and a perceived crisis of legitimacy within the juvenile justice system [9]. This creates a critical research gap: there is a lack of systematic synthesis of the empirical evidence on the outcomes of trying juveniles as adults in India. While a substantial body of international research, particularly from the United States, has documented the negative consequences of juvenile transfer-including higher recidivism rates, increased risk of victimization in adult facilities, and diminished prospects for rehabilitation [10]-the applicability of these findings to the Indian context remains underexplored. Furthermore, the procedural and ethical challenges inherent in the preliminary assessment process mandated by the JJ Act 2015, which requires a psychological and social evaluation of the juvenile's mental and physical capacity to commit the offence, have not been comprehensively examined [11]. The factors influencing judicial decision-making in these cases, including the role of offence severity, socioeconomic background, and media influence, also remain poorly understood [12]. The policy of trying juveniles as adults in India has been in operation for nearly a decade, yet there has been no comprehensive, systematic effort to evaluate its implementation, effectiveness, and consequences. This review is therefore significant for several reasons. First, it provides a critical synthesis of the available evidence on the legal frameworks, procedural safeguards, and empirical outcomes associated with juvenile transfer in India, thereby informing evidence-based policy reform. Second, it identifies the socio-legal forces-including media influence, public opinion, and judicial attitudes-that have shaped this punitive turn, offering insights into the dynamics of policy-making in a populist environment. Third, it highlights the disproportionate impact of this policy on marginalized and vulnerable populations, raising important questions of equity and social justice. Finally, by situating the Indian experience within a comparative and international context, this review contributes to the broader global discourse on juvenile justice reform and the tension between rehabilitation and punishment.

LEGAL FRAMEWORK AND PROCEDURAL SAFEGUARDS UNDER THE JJ ACT 2015

The legal architecture governing the trial of juveniles as adults in India is primarily codified in the Juvenile Justice (Care and Protection of Children) Act, 2015, which introduced a complex dual system that simultaneously retains the Juvenile Justice Board (JJB) for most offences and creates a new mechanism for transferring children aged 16-18 accused of heinous offences to a Children's Court. The central provision, Section 15, mandates that upon receipt of a police report concerning a child in this age bracket accused of a heinous offence, the JJB must conduct a preliminary assessment to determine whether the child possesses the mental and physical capacity to commit the alleged offence, the ability to understand the consequences of the offence, and the circumstances in which the offence was allegedly committed [13]. This assessment is intended to be a gatekeeping function, distinguishing between children who are sufficiently mature and culpable to be tried as adults and those who remain amenable to the rehabilitative juvenile justice system.

However, as the doctrinal analysis by Chauhan & Rizvi [14] reveals, the implementation of this preliminary assessment has been fraught with procedural inconsistencies and a fundamental misunderstanding of its purpose. The study argues that many JJBs and Children's Courts operate with an adult criminal justice lens, treating the assessment as a mere formality rather than a rigorous, child-centric evaluation. This is compounded by the fact that the Act does not prescribe specific qualifications for the experts conducting the assessment (e.g., psychologists or social workers), leading to wide variations in the quality and depth of evaluations across different jurisdictions.

Further complicating the procedural landscape is the role of the Children's Court, which is established under Section 19 of the Act to conduct the trial of children who have been transferred from the JJB. A critical misconception, as highlighted by Chauhan & Rizvi [14], is that a trial in a Children's Court is equivalent to a regular sessions trial for adults. In reality, the Act mandates that the Children's Court must adhere to the principles of the juvenile justice system, including the presumption of innocence, the best interests of the child, and the goal of rehabilitation. However, the study documents significant implementation challenges, including limited awareness among judges and lawyers of the Section 19 safeguards, which are designed to ensure that the child receives a fair trial that is distinct from the adversarial adult criminal process. For example, Section 19(2) requires the Children's Court to ensure that the child is not lodged in a jail or police lock-up during the trial, yet the study found instances where this safeguard was violated due to a lack of appropriate detention facilities. Additionally, there are procedural inconsistencies between the JJ Act and the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, particularly regarding the bail framework. The Act provides for a liberal bail policy for children, but the Rules contain provisions that are more restrictive, creating confusion for practitioners and leading to arbitrary detention of transferred juveniles. These variations in the bail framework, as noted by [14], underscore the urgent need for uniform practices that prioritize the child's welfare and rehabilitation throughout the proceedings.

The broader legal framework also encompasses the constitutional and statutory protections that are supposed to shield children from the harshness of the adult criminal justice system. The study by Sharma [15], examines the role of media in shaping this legal landscape, arguing that the media-led public outcry following the 2012 Nirbhaya case directly influenced the legislative reforms that lowered the age of criminal responsibility. The study notes that the Constitution of India guarantees freedom of speech and expression, but this right must be balanced against the legal safeguards against prejudicial reporting involving minors, such as the prohibition on disclosing a child's identity under Section 74 of the JJ Act. However, the enforcement of these safeguards is weak and fragmented, and the study documents how excessive media coverage of less serious offences has unfairly stigmatized juveniles and undermined the rehabilitative spirit of the law. This is particularly concerning because such stigmatization can prejudice the decision-making of both the JJB during the preliminary assessment and the Children's Court during the trial, effectively undermining the procedural safeguards that are meant to protect the child. The study by Singh [16], offers a historical and political critique of this legal framework, arguing that the construction of gendered notions of a particular group of male child offenders has resulted in a punitive turn in the juvenile justice system. The study contends that the state shows a poverty of understanding of children's rights and that the retributive response to the Nirbhaya case represents a political-systemic failure in dealing with juvenile justice. This perspective is crucial because it frames the legal and procedural safeguards not as neutral technical provisions but as products of a contested political and social context where certain children (e.g., lower-class, male, minority) are more likely to be deemed 'adult-like' and thus deserving of punishment rather than rehabilitation. The comprehensive analysis by Sharma [15], of 400 juveniles in conflict with the law further supports this view, finding that the 'heinousness factor' of the crime, rather than the child's developmental capacity, is often the primary determinant of the legal response. The study also scrutinizes the policing systems responsible for interacting with juveniles, identifying institutional and procedural gaps that undermine the intended safeguards. For example, police officers are often unaware of the special provisions of the JJ Act, leading to the illegal detention of children in adult lock-ups and the failure to inform the child's parents or guardians, as required by law. This systemic failure is particularly acute in rural and semi-urban areas, where the infrastructure for juvenile justice is less developed and awareness of child rights is lower. The study by Singh [16], further explores the ethics and implications of this legal framework through a critical study with special references to Lucknow, Hardoi, and Lalitpur, examining the legal frameworks and case studies in these specific districts.

Table 01: Summary of Legal Framework Provisions and Procedural Safeguards Examined in Included Studies

Study ID	Legal Framework Provisions Examined	Procedural Safeguards Discussed	Implementation Challenges Identified
Chauhan & Rizvi [14]	Sections 15 and 19 of the Juvenile Justice (Care and Protection of Children) Act, 2015	Section 19 safeguards, protections outlined in Sections 15 and 19 of the Act	Limited awareness of Section 19 safeguards, procedural inconsistencies between JJ Act and Rules, variations in bail framework
Gupta & Gupta [6]	Constitutional protections for freedom of speech and expression, legal safeguards against prejudicial reporting involving minors	Guidelines against prejudicial reporting, Section 74 of JJ Act (prohibition on disclosing child's identity)	Weak and fragmented enforcement of guidelines, media stigmatization of juveniles
Kumar [5]	Juvenile justice jurisprudence from colonial period to present, including the UNCRC	Gendered construction of child offenders, state's understanding of children's rights	Political-systemic failure in dealing with juvenile justice, retributive response undermining rehabilitation
Sharma [15]	Growth of the legal framework on juvenile justice in India, policing systems as mandated by law	Procedural safeguards in police interactions with juveniles, international legal frameworks	Institutional and procedural gaps in policing systems, lack of awareness of JJ Act provisions among police
Singh [16]	Indian Juvenile Justice System with special references to Lucknow, Hardoi, and Lalitpur	Ethical implications of trying juveniles as adults	Ethical and procedural dilemmas in trial of juveniles as adults (district-level evidence)

As shown in Table 1, the included studies collectively identify a range of implementation challenges that undermine the procedural safeguards theoretically available to juveniles. The doctrinal analysis by Chauhan & Rizvi [14] provides the most

detailed examination of the specific statutory provisions (Sections 15 and 19) and their practical operation, while the studies by Gupta & Gupta [6] and Kumar [5] broaden the analysis to include the constitutional and political contexts that shape how these safeguards are enforced. The empirical study by Sharma [15] adds a crucial dimension by documenting the actual experiences of juveniles in conflict with the law, revealing a significant gap between the legal framework's aspirations and the reality of its implementation. The study by Singh [16] adds critical focus on the ethical dimensions, which are essential for a comprehensive understanding of procedural safeguards. Taken together, these studies paint a picture of a legal framework that, while formally child-centric, is in practice often applied through an adult criminal justice lens, with procedural safeguards being inconsistently applied, poorly understood, and sometimes actively undermined by systemic failures. The variations in the bail framework, the lack of awareness among judges and police, and the stigmatizing effect of media coverage collectively create a procedural environment where the child's right to a fair trial and to rehabilitation is compromised. This suggests that the legislative intent of the JJ Act 2015-to have a carefully calibrated mechanism for transferring only the most mature and culpable juveniles to adult court-is not being realized in practice. Instead, the system appears to be defaulting to a punitive response, driven by the severity of the offence rather than the developmental needs of the child.

COMPARATIVE AND INTERNATIONAL PERSPECTIVES ON JUVENILE TRANSFER

The practice of trying juveniles as adults for severe crimes in India does not exist in a vacuum; it is embedded within a global landscape of juvenile justice systems that vary significantly in their approaches to the age of criminal responsibility, the conditions under which juveniles can be transferred to adult court, and the procedural safeguards that govern such transfers. Examining these comparative and international perspectives is essential for understanding the distinctiveness of the Indian approach, evaluating its compliance with international human rights standards, and drawing lessons from the experiences of other jurisdictions. The included studies provide valuable insights into this comparative dimension, with particular attention to the United Kingdom, the United States, and broader international legal frameworks.

The study by Gupta & Gupta [6] offers a focused comparative analysis of media influence on juvenile justice in India, the United Kingdom, and the United States. The study documents how, in the aftermath of the 2012 Nirbhaya case, media-led public outcry in India directly influenced the legislative reforms that permitted juveniles accused of heinous offences to be tried as adults. This phenomenon is not unique to India; the study notes that in both the UK and the US, high-profile cases have similarly triggered public demands for harsher treatment of juvenile offenders. However, the critical difference lies in the strength of the legal safeguards against prejudicial reporting. The study finds that the UK and the US have laws that provide stronger protections against media coverage that could prejudice the proceedings or stigmatize the juvenile. For example, in the UK, the Youth Justice and Criminal Evidence Act 1999 contains provisions that restrict the reporting of trials involving minors, and the Contempt of Court Act 1981 prohibits reporting that could create a substantial risk of serious prejudice to active proceedings. Similarly, in the US, many states have confidentiality laws that protect the identity of juvenile offenders, and the American Bar Association has issued guidelines for the ethical reporting of juvenile crime. In contrast, while India has some guidelines in place-such as the prohibition on disclosing a child's identity under Section 74 of the JJ Act-the study argues that enforcement is weak and fragmented [6]. The study further highlights that media coverage in India, particularly of less serious offences, has unfairly stigmatized juveniles and undermined the rehabilitative spirit of the law, a problem that is less pronounced in jurisdictions with stronger reporting restrictions. This comparative analysis suggests that the vulnerability of the Indian juvenile justice system to populist pressures is exacerbated by the absence of robust legal mechanisms to shield children from the distorting effects of media sensationalism.

The study by Kumar [5] provides a broader international legal perspective by examining the role of the United Nations Convention on the Rights of the Child (CRC) in shaping juvenile justice jurisprudence in India. The study argues that the conception of juvenile justice has its ontological root in the internationalization of childhood and the construction of children as a distinct social class, with the CRC representing a Euro-centric vision of children as rights-possessors. India ratified the CRC in 1992, and this ratification, according to the study, initially led to an epistemic shift in the delivery of juvenile justice, transforming the epistemology of how children in conflict with the law were understood and treated. However, the study contends that this shift did not last long, and the incident of the Nirbhaya case, alongside the mediated demonisation of male children and brewing social discontent on women's safety, changed the landscape. The study argues that the Indian state's response represents a 'poverty of understanding of children's rights' and that the retributive turn in the juvenile justice system is a step backwards from the international standards embodied in the CRC [5]. This perspective is crucial because it situates the Indian legislative change within the context of international human rights law, which generally discourages the transfer of juveniles to adult court. Article 37(a) of the CRC, for example, prohibits the imposition of capital punishment and life imprisonment without the possibility of release for offences committed by persons below 18 years of age, and Article 40 emphasizes the need for a separate juvenile justice system that focuses on rehabilitation and reintegration. The study implies that the Indian approach, by allowing for the trial of 16-18-

year-olds as adults for heinous offences, is in tension with these international standards, particularly when the transferred juvenile faces the possibility of severe sentences that are not typically available within the juvenile justice system.

The study by Sharma [15] offers the most comprehensive comparative analysis, conducting a detailed inquiry into the international legal framework of juvenile justice systems in the Americas, Europe, and Asia. The study's analysis of these three regions reveals a spectrum of approaches to juvenile transfer. In the Americas, particularly the United States, the study notes a long history of juvenile transfer laws, with all 50 states having some mechanism to try juveniles as adults, ranging from judicial waiver to legislative exclusion and prosecutorial discretion. However, the study also documents a recent trend in the US towards restricting the use of these transfer mechanisms, driven by empirical research demonstrating the negative outcomes of such transfers, including higher recidivism rates and increased risk of victimization in adult facilities. In Europe, the study finds a more restrictive approach, with many European countries setting the age of criminal responsibility at 14 or 15 years and having no or very limited provisions for transferring juveniles to adult court. The study highlights that European juvenile justice systems are strongly influenced by the welfare model and the principles of the CRC, with a focus on education and social integration rather than punishment. In Asia, the study identifies a diverse range of practices, with some countries like Japan having a separate juvenile justice system with a strong rehabilitative focus, while others like Singapore have more punitive approaches that allow for the transfer of juveniles for serious offences. The study's comparative analysis suggests that the Indian approach, which allows for the transfer of 16-18-year-olds for a broad category of 'heinous offences' (punishable with seven years or more of imprisonment), is relatively punitive compared to many European and some Asian jurisdictions, but less so than the most punitive US states that allow for the transfer of juveniles as young as 14 or even younger [15]. The study also emphasizes the importance of learning from the experiences of these different systems, particularly the empirical evidence from the US on the negative consequences of juvenile transfer, and the European emphasis on rehabilitation and child rights.

Table 02: Comparative Perspectives on Juvenile Transfer across Jurisdictions

Comparative Dimension	India	United Kingdom	United States	European Approach (General)	Asian Approach (General)
Age of Transfer	16-18 years for heinous offences	10-17 years, but youth court jurisdiction; serious cases in Crown Court	Varies by state (typically 14-17, some as young as 10-12)	Generally no transfer; separate juvenile system up to age 18	Varies widely (Japan has no transfer; Singapore allows transfer for serious crimes)
Legal Mechanism	Preliminary assessment by JJB, then trial by Children's Court	Youth court for most cases; Crown Court for serious offences	Judicial waiver, legislative exclusion, prosecutorial discretion	Primarily juvenile court jurisdiction; limited transfer mechanisms	Varies; judicial waiver or specialized family/juvenile courts
Media Safeguards	Weak enforcement of Section 74 of JJ Act; fragmented guidelines	Stronger safeguards under Youth Justice & Criminal Evidence Act 1999	Varies by state; confidentiality laws & ABA guidelines for reporting	Strong protections for juvenile identity and proceedings	Varies; some strict confidentiality laws in select nations
International Law Compliance	Tension with CRC Articles 37(a) and 40; populist retributive pressure	Generally compliant with CRC; focus on welfare and rehabilitation	Criticized in part for non-compliance with certain CRC standards	Strongly aligned with CRC principles of reintegration	Varies; ratification common but implementation uneven

Empirical Evidence on Outcomes	Limited; no systematic longitudinal studies on recidivism	Evidence of negative outcomes from adult trials; emphasis on diversion	Extensive evidence of negative outcomes: higher recidivism, adult facility victimization	Emphasis on positive outcomes of rehabilitation-focused systems	Limited empirical studies; low recidivism in welfare-oriented systems
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As shown in Table 2, the comparative analysis reveals significant differences in the legal mechanisms, media safeguards, international law compliance, and empirical evidence base across jurisdictions. The study by Sharma [15] provides the most detailed comparative framework, examining the international legal frameworks of juvenile justice systems in the Americas, Europe, and Asia, and suggests that the Indian approach is relatively punitive compared to many European systems but less extreme than some US states. The study by Gupta & Gupta [6] complements this by focusing on the specific role of media, highlighting that the UK and US have stronger safeguards against prejudicial reporting, which is a critical factor in protecting the integrity of juvenile proceedings. The study by Kumar [5] adds a crucial international legal dimension by examining the CRC and its influence on Indian juvenile justice, arguing that the punitive turn in India represents a failure to uphold the child rights standards that the country committed to when it ratified the CRC. The study by Singh [16] adds focus on the ethical implications of trying juveniles as adults, which is a recurring theme in the international discourse on juvenile transfer. Taken together, these studies suggest that the Indian approach to juvenile transfer is characterized by a tension between its stated commitment to international child rights standards and the populist pressures that drive its punitive turn. The comparative evidence from other jurisdictions, particularly the US, indicates that the negative outcomes associated with juvenile transfer-such as higher recidivism and diminished rehabilitation-are substantial.

The weak media safeguards in India, compared to the UK and US, further exacerbate the problem by making the system more susceptible to the distorting effects of public opinion and sensationalized reporting. The international legal framework, as articulated in the CRC, provides a clear normative standard that emphasizes rehabilitation and the best interests of the child, but the Indian state's response to the Nirbhaya case suggests that this standard is being subordinated to retributive demands. The comparative and international perspectives therefore highlight the need for India to critically re-evaluate its approach to juvenile transfer, drawing on the lessons from other jurisdictions and recommitting to the principles of the CRC.

The synthesis of findings across the included studies reveals a complex and troubling picture of the practice of trying juveniles as adults for severe crimes in India. Taken together, the evidence consistently demonstrates a fundamental disconnect between the legislative intent of the Juvenile Justice (Care and Protection of Children) Act, 2015 and its operational reality. While the Act was ostensibly designed to create a carefully calibrated mechanism for transferring only the most mature and culpable 16-18-year-olds to adult court, the implementation has been characterized by procedural inconsistencies, a default to adult criminal justice norms, and a systematic undermining of the child-centric safeguards that were meant to protect transferred juveniles [14]. This pattern emerges across multiple studies, suggesting that it is not merely a matter of isolated implementation failures but rather a systemic problem rooted in the very structure of the legal framework and the socio-political context in which it operates.

A critical finding that emerges across the literature is the powerful influence of offence severity, rather than adolescent neurodevelopment or individual culpability, in driving judicial and administrative decisions regarding juvenile transfer. The preliminary assessment process, which was intended to be a rigorous, evidence-based evaluation of the child's mental and physical capacity to commit the offence, has instead become a procedural formality in many cases, with the heinousness of the crime serving as the de facto determinant of the outcome [14, 15]. This finding is deeply concerning because it directly contradicts the developmental science that underpins the juvenile justice system's traditional emphasis on rehabilitation. Research consistently shows that adolescents, even those who commit severe crimes, are fundamentally different from adults in terms of brain development, impulse control, and susceptibility to peer influence [3]. By allowing the severity of the offence to override these developmental considerations, the Indian system is effectively punishing children for the nature of their crime rather than for their individual culpability, a practice that is at odds with both the principles of juvenile justice and international human rights standards [16].

Moreover, the evidence suggests that the procedural safeguards designed to protect transferred juveniles are being inconsistently applied and, in some cases, actively violated. The study by Chauhan & Rizvi [14] documents significant variations in the bail framework, with some jurisdictions applying more restrictive bail conditions than others, leading to arbitrary detention of juveniles who have not been convicted of any crime. The study also highlights a lack of awareness among judges and lawyers of the Section 19 safeguards, which are meant to ensure that the trial in the Children's Court is

distinct from an adult criminal trial. This lack of awareness is not merely a technical issue; it has profound implications for the fairness of the proceedings and the child's right to a fair trial. When judges and lawyers operate with an adult criminal justice lens, they are more likely to apply adult standards of evidence, procedure, and sentencing, thereby undermining the rehabilitative goals of the juvenile justice system. The study by Gupta & Gupta [6] further reveals that media coverage, which is often sensationalized and prejudicial, can influence the decision-making of both the Juvenile Justice Board and the Children's Court, effectively compromising the impartiality of the proceedings. This is particularly problematic in a context where the enforcement of legal safeguards against prejudicial reporting is weak and fragmented, leaving children vulnerable to public shaming and stigmatization that can prejudice their case before it even begins.

The implications of these findings for policy and practice are profound. From a theoretical perspective, the synthesis challenges the foundational assumptions of the JJ Act 2015, namely that a subset of juveniles aged 16-18 are sufficiently mature and culpable to be held criminally responsible as adults. The evidence suggests that the system is not effectively distinguishing between those who are mature and those who are not; instead, it is defaulting to a punitive response based on the severity of the offence. This finding has important implications for the conceptual framework of juvenile justice in India, suggesting that the welfare-oriented model that has historically guided the system is being eroded by a retributive logic that is inconsistent with the principles of child development and human rights. The study by Kumar [5] provides a powerful critique of this shift, arguing that the construction of gendered notions of male child offenders has resulted in a punitive turn that represents a political-systemic failure in dealing with juvenile justice. This theoretical insight is crucial because it frames the issue not as a technical legal problem but as a broader socio-political phenomenon in which certain children-particularly lower-class, male, and minority children-are constructed as 'dangerous' and therefore deserving of punishment rather than rehabilitation.

From a practical perspective, the findings have direct implications for how the juvenile justice system should be reformed. The consistent finding that procedural safeguards are being inconsistently applied suggests an urgent need for standardized training and guidelines for all actors involved in the juvenile justice process, including judges, lawyers, police officers, and the experts who conduct the preliminary assessment. The study by Chauhan & Rizvi [14] specifically recommends the development of uniform practices for the bail framework and the preliminary assessment process, as well as increased awareness of the Section 19 safeguards among legal professionals. The study by Sharma [15] further emphasizes the need for improved policing systems, with police officers being trained on the special provisions of the JJ Act and the importance of treating juveniles in a child-sensitive manner, alongside stronger enforcement of media safeguards, including stricter penalties for violations of Section 74 of the JJ Act, which prohibits the disclosure of a child's identity. These practical recommendations are grounded in the evidence and offer a clear pathway for improving the implementation of the existing legal framework. However, the synthesis also suggests that piecemeal reforms may not be sufficient. The systemic nature of the problems identified-the default to adult criminal justice norms, the influence of offence severity over developmental considerations, and the vulnerability of the system to populist pressures-suggests that a more fundamental rethinking of the policy may be necessary [17].

CONCLUSION

This systematic review critically examined the legal frameworks, empirical evidence, and policy implications of trying juveniles aged 16-18 as adults for heinous offences in India under the Juvenile Justice (Care and Protection of Children) Act, 2015. Our synthesis of the limited available evidence reveals a profound and persistent gap between the legislative intent of the Act and its operational reality. The core findings indicate that the preliminary assessment process is inconsistently applied, procedural safeguards are poorly understood and often violated, and judicial decisions are driven more by offence severity than by adolescent neurodevelopment or individual culpability. This review therefore challenges the foundational assumption that the current legal framework effectively distinguishes between mature and immature juveniles, instead demonstrating a systemic default to punitive responses that undermine the rehabilitative principles of juvenile justice. The theoretical and practical implications of these findings are significant. The evidence suggests that the policy shift, rooted in populist punitiveness rather than empirical evidence, is not achieving its intended outcomes of enhanced public safety or meaningful accountability. Instead, it risks replicating the negative consequences documented in international research, including higher recidivism rates and diminished rehabilitation prospects, while disproportionately affecting marginalized male juveniles. Future research must prioritize longitudinal studies that track the outcomes of transferred juveniles, qualitative investigations of judicial decision-making processes, and participatory research that centers the voices of affected children. Such evidence is essential for informing a fundamental re-evaluation of this policy and for guiding a reinvestment in child-centric, rehabilitative approaches that align with India's commitments under the United Nations Convention on the Rights of the Child.

REFERENCES

1. Maas AIR, Menon DK, Manley GT, Abrams M, Åkerlund C, Andelic N, et al. Traumatic brain injury: progress and challenges in prevention, clinical care, and research. *Lancet Neurol.* 2022;21(11):1004-1060.
2. Kethineni S. *The Juvenile Justice System in India: From Welfare to Rights*: Ved Kumari. Springer; 2006.
3. Steinberg L. Adolescent development and juvenile justice. *Annu Rev Clin Psychol.* 2009;5:45-73.
4. United Nations General Assembly. *Convention on the Rights of the Child*. United Nations; 1989.
5. Kumar S. Shifting epistemology of juvenile justice in India. *Contexto Int.* 2019;41(2):369-389.
6. Gupta A, Gupta A. Media Trials and Freedom of Expression Media Influence on Juvenile Delinquency: Legal Safeguards and Policy Reforms in India. In: *Evolving Dimensions of Law in Globalized World*. 2026.
7. Prasad PD. The 'P-word' in Indian juvenile justice: Toward a deeper understanding of legal rhetoric and practice. *Punishm Soc.* 2025.
8. Singh R. Effectiveness of rehabilitation programs for juvenile offenders in India: Assessing recidivism rates and reintegration into society. *Int J Leg Sci Innov.* 2024.
9. Killingbeck D. The role of television news in the construction of school violence as a 'moral panic'. *J Crim Justice Pop Cult.* 2001;8(3):186-202.
10. Bishop D, Frazier C. Consequences of transfer. In: Fagan J, Zimring FE, editors. *The Changing Borders of Juvenile Justice: Transfer of Adolescents to the Criminal Court*. University of Chicago Press; 2000.
11. Varma A. Unshrouding the enigma behind preliminary assessment under the Juvenile Justice (Care and Protection of Children) Act, 2015. *J Indian Law Inst.* 2020.
12. Ramaswamy S, Ashok SS, Seshadri S, et al. Criminalisation of Juvenile Justice: Questioning the Assumptions of Juvenile Transfer Laws in India. *Int J Child Rights.* 2024.
13. Singh J. Balancing Justice and Mental Health: Unraveling the Complexities of Juvenile Psychology in Indian Law. *Int J Law Manag Humanit.* 2025;8(2):2528.
14. Chauhan N, Rizvi Y. When Children Are Tried as Adults: A Critical Analysis of the Role of Children's Courts under the JJ Act 2015. *NLUO Law Journal.* 2026.
15. Sharma S. Juvenile Justice System, Reforms and Policing System in India: Origin, Dialectics, Comparisons, and Way Forward. *Int Ann Criminol.* 2021;59:179-199.
16. Singh H. Exploring the Ethics and implications of trying Juvenile as Adults for heinous crimes in the Indian Juvenile Justice System: A Critical Study with Special References to Lucknow, Hardoi, and Lalitpur. *Doctoral Dissertation.* 2022.
17. Kabra A, Panigrahi P. Crimes by Children in Conflict with the Law—Heinousness, Acceptability, and Age of Adulthood: A Comprehensive Critique of the Present Juvenile Justice System. *Natl Law Sch India Rev.* 2020;32:69.