

INTERNATIONAL JOURNAL OF LEGAL AFFAIRS AND EXPLORATION

Volume 3 | Issue 1

2025

Website: www.ijlae.com

Email: editor@ijlae.com

INTERROGATING THE LAW: AN ANALYSIS OF SAFEGUARDS FOR JUVENILES IN POLICE PROCEDURE

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ABSTRACT

The interrogation of juveniles by law enforcement authorities raises critical concerns regarding the protection of their legal rights and psychological well-being. Unlike adults, juveniles are more vulnerable to coercion, misunderstanding legal procedures, and involuntary self-incrimination. This paper critically examines the legal safeguards provided during juvenile police interrogations in India, analysing statutory protections under the Juvenile Justice (Care and Protection of Children) Act, 2015, constitutional guarantees, and judicial interpretations. It explores the role of legal counsel, presence of guardians, audio-visual recording of statements, and the conduct of child-friendly procedures by specially trained officers. Through a comparative analysis with international standards such as the UN Convention on the Rights of the Child and practices in other jurisdictions, this study highlights the existing gaps and recommends reforms to strengthen the juvenile justice system. The paper emphasizes the need for consistent enforcement of safeguards to uphold the principles of natural justice and the rehabilitative approach of juvenile law.

Keywords:

Juvenile Justice, Police Interrogation, Child Rights, Juvenile Justice Act, Rehabilitation, UNCRC.

INTRODUCTION

The dynamics surrounding juvenile offenders differ significantly from those of other offenders. The function of a police officer within the justice system is significant and clearly influences the youth involved. This Chapter aims to explore the different aspects of the Juvenile Justice System, with a particular focus on the interactions between law enforcement and juvenile offenders or accused individuals. The Chapter will address the statutes and their execution, examining the shortcomings in the legal framework and the significant breaches in the enforcement of rights occurring in India in the 21st Century encounters numerous challenges in the enactment and protection of the rights of a juvenile offender or accused, depending on the situation.¹

Our paper highlights significant concerns regarding the inadequate implementation of the Juvenile Justice Act, which falls short of expectations. The researchers employed a doctrinal approach to their investigation, conducting both qualitative and quantitative data analysis while cross-referencing significant empirical sources. The researchers assert that there is an imperative necessity for us to combat all that undermines and diminishes our society today, as it is only through such efforts that we can provide our children with a cause to champion in the future. It is imperative to recognise the esteemed group, foster awareness, and provide education to the youth of India. It is essential for those with knowledge to inform those without, as ignorance presents a significant obstacle. The researchers have sought to address the issues, subsequently identifying strategies to manage them effectively.

JUVENILE JUSTICE ACT: AN OVERVIEW

A ‘juvenile’ or a ‘child’ designates an individual who has not yet reached the age of eighteen years. According to the definition provided by the Juvenile Justice Act of 2000 in section 2(k)², an individual who is a boy or girl and under the age of 18 is classified as a juvenile. The initial interaction that a young offender encounters with the juvenile justice framework occurs with a law enforcement representative. The circumstances surrounding this police interaction are likely to be significant and may have enduring implications for a young individual. The contentious dynamics between law enforcement and youth have repeatedly been underscored

¹ J. Thomas Grisso & Carolyn Pomictter, *Interrogation of Juveniles: An Empirical Study of Procedures, Safeguards, and Rights Waiver*, 1(4) L. & Hum. Behav. 321-342 (1977).

² Section 2(k), JJ Act, 2000.

in various research studies. Encounters between law enforcement and youth frequently involve conflict and tension, marked by significant feelings of irritation, apprehension, and scepticism from both parties.

Historically, females have constituted a minor fraction of the juvenile justice demographic; however, there is an observable increase in offences committed by this group. The overall incidence of juvenile delinquency cases related to non-violent offences is increasing, with a notable rise in the proportion of girls involved compared to the 1980s. The ratio of females to males engaging in IPC Crimes in 2012 was documented as 1:19, while in 2011 it was recorded at 1:20. The majority of assessment instruments and therapeutic frameworks applied to youth within the justice system were primarily developed for male offenders and have not undergone sufficient evaluation for female populations. Until further research is conducted, the effectiveness of these assessments and interventions with offending girls remains uncertain. The age of a male minor under the JJA 1986 was defined as below 16 years, while for a female minor, it was defined as below 18 years of age. Individuals engaged in the domain of child welfare advocated for raising the age of male juveniles to align it with that of female juveniles. The age of a boy juvenile has been raised to 18 years by JJA 2000 primarily to align juvenile legislation with the Convention on the Rights of Children, which the Government of India ratified on 11th December 1992. According to Section 83 of the IPC, an act is not considered an offence if it is committed by a child who is above seven years but under twelve years of age, provided that the child has not reached a level of understanding sufficient to comprehend the nature and consequences of their actions at that time.

DOCTRINE OF DOLI INCAPAX³

The pace of child development varies greatly from person to person. They learn to distinguish between behaviours that are seriously wrong and those that are simply disobedient or mischievous at different ages because of their diverse developmental trajectories. The legal doctrine of doli incapax acknowledges that children develop to adulthood and make their own moral judgements at different ages. Under common law or statute, doli incapax is occasionally regarded as a rebuttable legal belief that a kid is "incapable of crime." This concept states that the prosecution must refute the presumption of doli incapax and demonstrate that the accused

³ Julia Fionda, *Doli Incapax*, 5 KCLJ 114 (1994).

youngster was competent to distinguish between right and wrong at the relevant period during the trial process. Conviction in a contested trial is dependent upon the prosecution successfully challenging this notion.

ROLE OF THE POLICE⁴

The primary responsibility for the arrest of the juvenile lies with the police, who subsequently present the individual before the Juvenile Justice Board. It is infrequent for a minor to be presented by a private entity or voluntary organisation. Consequently, a young person's initial interaction with the juvenile justice system occurs via law enforcement. A private entity or voluntary organisation presenting a juvenile to the Juvenile Justice Board should ideally notify law enforcement about this action. Pending production before the Board, the juvenile shall remain in the Observation Home. In no circumstance should a minor be detained in a police lock-up or correctional centre. The SJPU or juvenile welfare officer is obligated to notify the parent, guardian, or any individual designated by the juvenile concerning the juvenile's apprehension. The investigation of a juvenile case is conducted by the police, who then present the charge-sheet to the appropriate authority. Upon completing the inquiry, they are responsible for transporting the juvenile to the Special Home or returning them to their residence if they are under eighteen years of age.

The provision of specialised treatment for minors, as outlined in juvenile law, is undermined when law enforcement approaches minors in the same way as they do with serious offenders. The Statement of Objects and Reasons of JJA 2000 outlines the establishment of specialised juvenile police units that prioritise a compassionate approach, achieved through the sensitisation and training of law enforcement personnel. As a result, JJA 2000 outlines the establishment of the SJPU in every district and town, along with the appointment of at least one police officer affiliated with a police headquarters to serve as “the juvenile or child welfare officer.”

The JJ Act 2000 grants law enforcement the power to promptly release a juvenile on bail upon apprehension. The identical clause was included in the JJ Act of 1986 and the BCA of 1948. However, the police, regardless of the minor nature of the alleged crime, do not permit the release of a juvenile on bail in the same manner as they would for an adult accused of a bailable offence. This may constitute an appropriate course of action. In matters concerning a juvenile,

⁴ Donald J. Black & Albert J. Reiss Jr., *Police Control of Juveniles*, Am. Sociol. Rev. 63-77 (1970).

the decision regarding bail is not solely based on the nature of the offence. Instead, it hinges on the individual circumstances of the juvenile, which must be assessed by a qualified entity with the necessary expertise and support. Furthermore, the request from law enforcement to approve bail is founded on irrelevant factors, resulting in arbitrary decision-making. The conduct and demeanour of a minor significantly influence a law enforcement officer's exercise of discretion. A young individual who demonstrates politeness and respect is more likely to receive a warning, while a negative and aggressive attitude is likely to result in a referral to the judicial system. The well-being of the young individual serves as the foundational principle for all systems pertaining to juveniles.

The specialised juvenile police unit comprises law enforcement officials who frequently or solely oversee juveniles or are mainly involved in the prevention of juvenile crime or the management of minors under this Act to enhance their operational effectiveness; they will receive specialised instruction and training. Within each police headquarters, there is at least one officer designated as the 'juvenile or child welfare officer,' equipped with the necessary skills and training to effectively manage matters involving juveniles or children in collaboration with the police. A specialised unit within the juvenile police, comprising all designated law enforcement officials, may be established in each district and town to enhance coordination and improve the treatment of juveniles and children by the police.

INTERACTION OF THE POLICE WITH THE JUVENILE OFFENDERS

The initial interaction that a young offender encounters within the juvenile justice framework occurs with a law enforcement officer. The circumstances surrounding this police interaction are likely to be significant and may have enduring implications for a young individual. Minors engage in various legal infractions, spanning from minor offences to more serious criminal activities, and pose distinct challenges for law enforcement agencies. The role of law enforcement is particularly crucial for young individuals, as their perceptions and attitudes towards police are influenced by their initial interactions with officers.⁵

Juvenile offenders are implicated in a disproportionately high number of offences compared to their share of the population, thus posing a unique challenge for authorities. The involvement of law enforcement with young individuals is extended due to their management of various

⁵ Piliavin, Irving, and Scott Briar, "Police Encounters with Juveniles", *American Journal of Sociology*, Vol. 70, No. 2, (1964), pp. 206-214.

noncriminal matters known as status offences, which encompass running away, curfew breaches, and truancy, in addition to non-delinquent juvenile issues like neglect, abuse, and reports of missing persons. Many urban law enforcement agencies maintain specialised units or divisions dedicated to addressing the increasing prevalence of cases involving minors. The responsibilities of special juvenile officers encompass the receipt of reports concerning missing children; the investigation of runaway incidents; the inquiry into juvenile offences; the engagement and interviewing of juveniles, their guardians, educational representatives, and complainants about the circumstances surrounding an alleged offence; the upkeep of juvenile records; and representation in juvenile court proceedings.

Juveniles often present greater challenges in understanding their behaviour compared to adults, and frequently demonstrate a diminished regard for the authority of law enforcement personnel. The immature conduct exhibited by numerous children and adolescents indicates that they are more susceptible to the challenges posed by their peers, often leading them to partake in atypical actions in social settings. A significant number of young individuals perceive the presence of law enforcement not as a deterrent to unlawful activities, but rather as an obstacle to circumvent while engaging in night-time loitering or participating in actions that range from minor mischief to property damage and sabotage, as well as more severe offences such as theft and assault.

The lack of maturity among young individuals, combined with insufficient parental oversight and adverse peer influence, creates unique challenges for law enforcement, who frequently deal with minors displaying a disregard for legal norms and authority. Juveniles pose unique challenges for regulatory authorities due to their limited awareness of the repercussions of their actions and the impact of their delinquent behaviour on victims, families, peers, and themselves.

The contentious dynamics between law enforcement and youth have repeatedly been underscored in various research studies. Encounters between law enforcement and youth frequently exhibit tension and conflict, marked by significant feelings of frustration, apprehension, and scepticism from both parties involved. From the perspective of youth, there exist views regarding excessive regulation in public areas and insufficient enforcement in instances of victimisation. Recognitions of discrimination, harassment, and hostility have also been widely acknowledged. Law enforcement, conversely, is said to encounter ongoing challenges and obstinate conduct from the youth. Moreover, a pervasive disregard for law enforcement is frequently indicated by negative attitudes and behaviour. In summary, the

conventional dynamic between youth and law enforcement is often marked by unfavourable views from both parties.

For law enforcement, negative encounters can stem from the belief that young individuals are uncooperative and disrespectful towards regulations and officers, or from their own experiences of frustration, verbal hostility, and physical aggression directed at them by youth. Negative perceptions and interactions between law enforcement and young individuals can lead to unfavourable consequences for both sides. The unfavourable views held by young individuals may lead to dissatisfaction with law enforcement and a general decline in trust towards the police. Adverse interactions with law enforcement can significantly affect young individuals.⁶

In their role as overseers of the criminal justice system, law enforcement officers possess significant discretion in their interactions with young individuals. Nonetheless, unfavourable views held by law enforcement regarding young individuals are likely to negatively impact the manner in which officers exercise their discretion. The demeanour and disposition of the police officer, along with the attributes of the juvenile, including gender and indigenous background, as well as their attitudes, conduct, and interactions with law enforcement, will undoubtedly influence the decisions made by police when engaging with young individuals. Moreover, the exercise of police discretion may significantly influence the legislative framework concerning youth. A range of recent research suggests that initial interactions with law enforcement may lead to an increased likelihood of subsequent involvement with the criminal justice system during later teenage years or adulthood. In summary, adverse outcomes from police interactions with youth are certain to reinforce the existing negative attitudes and perceptions that prevail between these groups.

Comprehending the formation of perceptions and attitudes between law enforcement and young individuals is essential for enhancing these interactions and reducing potential negative outcomes. The perception of law enforcement among young individuals will influence their interactions with officers, as well as their trust in and overall satisfaction with the police as an institution. In a similar vein, the manner in which law enforcement comprehends the youth demographic will significantly shape their approach to addressing incidents involving young individuals or handling particular situations. Primarily, there were frequently inconsistencies

⁶ Rusinko, William T., Knowlton W. Johnson, and Carlton A. Hornung, "The Importance of Police Contact in the Formulation of Youths' Attitudes Toward Police", *Journal of Criminal Justice*, Vol. 6, No. 1, (1978), pp. 53 -67.

in the accounts given by young individuals compared to those presented by law enforcement. For instance, young individuals often reported that law enforcement personnel exhibited rudeness, engaged in verbal or physical aggression, or harassed and singled them out for minor infractions. Conversely, law enforcement often asserted that the minor exhibited rudeness, aggression, and a lack of cooperation, or that the purported conduct did not take place. The exercise of police discretion has faced scrutiny due to concerns that law enforcement may misuse their extensive powers, making decisions influenced by factors outside the legal framework rather than solely on the nature of the offence. Factors that fall outside the legal framework are those that do not directly pertain to the offence for which the juvenile suspect is being interrogated, detained, or undergoing rehabilitation. Once involved with law enforcement, however, young individuals are likely to contest the manner in which they believe they are treated by the police. In a similar manner, law enforcement officials collectively characterise instances in which they assert that the minor displayed rudeness, a lack of cooperation, or generally exhibited disrespect towards the authorities. The findings underscore the prevailing negative attitudes and perceptions that exist in the interactions between youth and law enforcement.⁷

The dynamics between law enforcement and young individuals are frequently portrayed as contentious. The dynamics between law enforcement and young individuals have been significantly influenced by unfavourable views and perceptions from both parties. These interactions are often marked by tension, mistrust, and conflict, leading to negative outcomes for both sides, such as legal charges against youth and formal complaints against law enforcement officials. Such negative interactions have contributed to the reinforcement of adverse attitudes and perceptions that exist between these two groups, thereby perpetuating a cycle of dissatisfaction and distrust.

Nonetheless, it is important to recognise that not every encounter between law enforcement and young individuals is initiated by delinquent or unlawful conduct on their part. Moreover, it is not exclusively those types of interactions that could lead to negative outcomes or foster feelings of tension and mistrust. Enhancing the relationship between law enforcement and young individuals cannot be achieved solely through a single program or intervention. The interactions between youth and law enforcement, the impact of familial and peer relationships,

⁷ Marshall, Ineke Haen, and Charles W. Thomas, "Discretionary Decision-Making and the Juvenile Court", *Juvenile & Family Court Journal*, Vol. 34, (1983), p. 47.

as well as individual convictions and attitudes towards one another, collectively shape perceptions and behaviours. Addressing the factors that lead to adverse interactions between veterans and law enforcement, as well as youth, necessitates a multifaceted approach that must be maintained over an extended period.

A juvenile must not be detained in police lock-up or jail under any circumstances. This perspective has characterised juvenile legislation since the implementation of the children Acts. Distinct detection facilities were created for the placement of young offenders under the BCA 1948; pending investigation, they were to be held in Approved Centres, and those determined to have committed an offence were to be retained in Classifying Centres. Separate facilities for the placement of minors persisted under the JJA 1986 and the Juvenile Justice Act 2000. The focus of juvenile law is on reformation and rehabilitation, rather than punishment for the young individual. In pursuit of this objective, it is essential to position the juvenile within a specialised environment where their development holds utmost significance. When an adult offender and a minor are housed together, there exists a significant risk that the minor may be influenced negatively by seasoned criminals or subjected to mistreatment by them. The treatment administered to inmates in police lock-ups and jails may not align with the juvenile's age and could potentially have lasting negative effects on him.

INDIAN LEGAL FRAMEWORK ON JUVENILE POLICE INTERROGATIONS⁸

The Juvenile Justice System in India is a specialized legal framework designed to uphold the rights and welfare of minors involved in legal infractions. With the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015 and recent amendments under the Bharatiya Nyaya Sanhita (BNS), 2023 and Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the legal landscape has evolved significantly.

⁸ Rickard, Erika, and Jason M. Szanyi, "Bringing Justice to India's Children: Three Reforms to Bridge Practices with Promises in India's Juvenile Justice System", *UC Davis Journal of Juvenile Law & Policy*, Vol. 14, (2010), p. 107.

Bharatiya Nyaya Sanhita (BNS), 2023 (Replacing IPC)

The Bharatiya Nyaya Sanhita, 2023⁹, serves as the principal criminal code in India, outlining offenses and corresponding punishments. While the BNS primarily addresses substantive criminal law, it also emphasizes the protection of vulnerable groups, including juveniles. The Act introduces community service as a form of punishment for petty offenses, reflecting a shift towards rehabilitative justice. This approach aligns with the need for child-sensitive legal provisions, ensuring that juveniles are treated in a manner conducive to their reintegration into society. The BNS also categorizes offenses against children as severe, warranting stringent penalties, thereby underscoring the commitment to safeguarding minors from exploitation and abuse.

The BNS, 2023, has introduced modifications affecting juvenile justice:

- **Section 21 (Equivalent to IPC Section 82):** Grants **absolute immunity** to children under **7 years** from criminal liability.
- **Section 22 (Equivalent to IPC Section 83):** Establishes **presumptive immunity** for children between **7-12 years**, unless proven that the child could understand the consequences of their actions.
- **Section 23:** Modifies procedures for juvenile trials, ensuring they remain child-friendly and rehabilitation-focused.

Community Service as Punishment

One of the notable reforms in the BNS is the introduction of community service as a form of punishment for petty offenses. This shift reflects a move towards rehabilitative justice, especially pertinent for juvenile offenders. By engaging young offenders in community service, the legal system emphasizes reformation and societal reintegration over traditional punitive measures. This approach not only aids in the personal development of juveniles but also fosters a sense of responsibility and community belonging.

Enhanced Protection for Children

⁹ Naik, Yeshwant, "The Bharatiya Nyaya Sanhita (BNS): A Critical Examination of India's New Penal Code", Available at SSRN, Paper No. 4884622, (2024).

The BNS places significant emphasis on safeguarding children by categorizing offenses against minors as severe, warranting stringent penalties. This categorization underscores the commitment to protecting children from exploitation, abuse, and other forms of harm. By imposing harsher punishments for crimes against children, the BNS aims to deter potential offenders and ensure a safer environment for minors.¹⁰

Structural Overview

The BNS is structured into 20 chapters encompassing 358 sections, mirroring the organizational framework of the erstwhile IPC. This comprehensive structure addresses various facets of criminal law, including offenses against the human body, property, and the state. Notably, Chapter 5, titled "Of Offences against Women and Children," specifically deals with crimes related to sexual offenses, criminal force and assault against women, offenses relating to marriage, and acts causing miscarriage. This dedicated chapter highlights the focused approach of the BNS towards protecting vulnerable groups, particularly women and children.

Alignment with Juvenile Justice Act¹¹

While the BNS provides the substantive framework for criminal offenses, it operates in conjunction with the Juvenile Justice (Care and Protection of Children) Act, 2015. The latter offers a specialized procedural framework focusing on the care, protection, and rehabilitation of juveniles in conflict with the law. Together, these laws ensure that while offenses committed by or against juveniles are addressed with due seriousness, the procedures remain child-centric, prioritizing rehabilitation over retribution.

Bharatiya Nagarik Suraksha Sanhita, 2023

The **Bharatiya Nagarik Suraksha Sanhita, 2023** (BNSS) is a legislative reform aimed at overhauling India's criminal procedure laws, replacing the colonial-era Code of Criminal Procedure (CrPC) of 1973. Enacted on December 25, 2023, the BNSS seeks to modernize the criminal justice system by addressing issues such as procedural delays, case backlogs, and low

¹⁰ Munro, Eileen, "Effective Child Protection", (2019), pp. 1-256.

¹¹ Wiig, Janet K., Tuell, John A., and Heldman, J. K., "Guidebook for Juvenile Justice and Child Welfare System Coordination and Integration", MA: Robert F. Kennedy Children's Action Corps (2013).

conviction rates. It emphasizes the use of technology and forensic science to enhance investigative processes.

In the context of juvenile justice, the BNSS outlines specific roles and responsibilities for the police to ensure the protection and proper handling of minors within the legal framework. The BNSS, 2023, redefines procedural aspects in handling juvenile cases:

- **Juvenile Trials Must Follow Special Procedures:** Ensuring fair hearing, psychological evaluation, and privacy protection.
- **Restrictions on Detention & Arrest (BNSS Sections 10 & 11):** Law enforcement officers cannot detain or arrest a juvenile except in extreme circumstances, and even then, procedures must be humane.
- **Recording of Statements:** Juvenile statements must be taken in the presence of a **Child Welfare Officer**, ensuring no coercion or undue influence.

1. Registration of First Information Report (FIR)¹²:

The BNSS mandates that in cases involving offenses against individuals who are temporarily or permanently mentally or physically disabled, the police must record the information at the residence of the person reporting the offense or at a location chosen for their convenience. This provision ensures that vulnerable individuals, including minors with disabilities, can report offenses in a supportive environment, thereby facilitating their access to justice.

2. Arrest and Investigation Procedures:

The BNSS expands the grounds for arrest without a warrant in a broader range of cases. It also grants the police enhanced powers to investigate crimes, requiring them to complete investigations within specified timeframes. These measures aim to expedite the legal process, which is crucial in cases involving juveniles to prevent prolonged uncertainty and potential trauma.¹³

¹² Raghavan, Vijay, and Cr PC FIR, "Registration of First Information Reports by Police: An Agenda for Change", *Editorial Board* (2010): 65.

¹³ Kataria, Divya, and Aditya Tomar, "A Brief Overview on Arrest, Procedure of Arrest and Right of the Arrested Person".

3. Forensic Investigations¹⁴:

For offenses punishable with seven years of imprisonment or more, the BNSS mandates forensic investigations. Forensic experts are required to visit crime scenes to collect evidence and document the process. This scientific approach enhances the accuracy and reliability of investigations, which is particularly important in cases involving juveniles to ensure that evidence is meticulously gathered and analyzed.

4. Use of Technology in Legal Proceedings:

The BNSS allows for all trials, inquiries, and proceedings to be conducted in electronic mode. This modernization aims to streamline judicial processes, making them more efficient. For juveniles, this could mean reduced court appearances and a less intimidating experience, as virtual proceedings can be conducted in a more child-friendly environment.¹⁵

Collectively, these provisions in the BNSS redefine the role of the police in juvenile justice by emphasizing sensitivity, efficiency, and the use of modern technology. The reforms aim to create a more supportive and effective legal environment for minors, ensuring their rights are protected throughout the judicial process.

Juvenile Justice (Care and Protection of Children) Act, 2015

The police have a significant function within the juvenile justice framework, whether concerning the child in need of care and protection or the child in conflict with the law. The manner in which this role is executed, whether by prioritising the child's best interests or treating them as a typical offender or victim, is contingent upon the degree of sensitivity and dedication displayed. In nearly all instances involving CNCP and CICL, law enforcement typically serves as the initial point of contact with the minor. This role is crucial, as it signifies that the police officer, typically the initial point of contact, has the authority to decide whether the child enters the juvenile justice system at all. The nature of the officer's intervention in the situation concerning the child frequently influences the child's future. The JJ Act and the modal rules lays specific duties for the police especially special juvenile police units (SJPU) vis a vis children such as to upgrade the police treatment of all juveniles and the children (Section 63),

¹⁴ Turvey, Brent E., and Stan Crowder, "Forensic Investigations: An Introduction", Academic Press, 2017.

¹⁵ Contini, Francesco, "Artificial Intelligence and the Transformation of Humans, Law and Technology Interactions in Judicial Proceedings", *Law, Tech. & Hum.* 2 (2020): 4.

to coordinate and function as a watch dog for providing legal protection against all kinds of cruelty, abuse and exploitation of child or juvenile (rule 84(5)), to take serious cognizance of adult perpetrators of crimes against children and to see to it that they are without delay apprehended and booked under the appropriate provisions of the law (rule 84(6)), identifying child in conflict with law(CICL) and child in need of care and protection(CNCP) in association with civil society (rule 84(7)) to name the few.¹⁶

CHILD IN NEED OF CARE AND PROTECTION¹⁷

The precise responsibilities of law enforcement in managing cases involving child victims within their jurisdiction are outlined in the Criminal Procedure Code and the Juvenile Justice Act. This aspect is primarily procedural, serving as a framework that must be supplemented by the appropriate mindset and willingness to act in the child's best interest. The police, however, has traditionally and inherently focused on maintaining order and has a predominant orientation towards criminal activity. The transition from a focus on crime and criminal behaviour to one centred on victims requires significant effort, commitment, and a dedicated approach, alongside a police force that is both aware and committed to this shift.. Whether it's a case of physical, emotional or sexual abuse of the child, whether the child has been exploited for his work, whether the child is a street child with nowhere to go, a beggar, whether this child who is in need of care and protection of the law comes within the purview of law requires a sensitive citizen who is ready to intervene as well as a sensitive police force which is duty bound to take such children within its cudgels so that the JJ system becomes operational. These children invariably cannot stand up for themselves and need all the support possible to access to the services available to them under the law. The children being children are afraid of the formal system be it the police which goes to rescue them or the judicial system and the children's homes where they are taken. At that point a soft and sensitive approach wherein, the child can trust and find a friend and a guide in police will definitely mean a new life for the child and give him courage to break out of the shackles and rise towards a better destiny in addition to helping the police to nail the culprits. There have been instances where in the children were so afraid of police with stories as well as image of police brutality that it often took lot of time to

¹⁶ Kumar, Pawan, and Ranjit Singh, "Juvenile Justice (Care and Protection of Children Act) 2015: A Critique", J. Glob. Res. & Analysis 5 (2016): 113.

¹⁷ Bessell, Sharon, and Tali Gal, "Forming Partnerships: The Human Rights of Children in Need of Care and Protection", Int'l J. Child. Rts. 17(2) (2009): 283-298.

allay their fears and establish a congenial rapport with them, remove that hostility and build a confidence that police is acting in their best interest.

CHILD IN CONFLICT WITH LAW

First of all, it has to be realized that any interaction with a juvenile delinquent is an opportunity to prevent him from committing the crime again. This missed opportunity often leads to juvenile's downslide into involvement in repeated, serious and often violent crimes.

The JJ Act gives lot of discretion to police while dealing with children. The very concept of giving the discretion is so that the police person can act responsibly in the best interest of the child. As stated earlier, the police at the first point of contact with CICL (juvenile) and decides whether the child will be a part of criminal justice system at all or not. Thus, the most important decisions in law enforcement are made by the police officers. At this point of contact is required the most balanced and appropriate response.

Under the JJ Act there are three categories of juvenile offenders, firstly those involved in petty offences where in the police officer has been given the discretion to sort the matter at the Police Station itself without resorting to any procedural requirements. The second category is of juveniles involved in nonserious offences i.e. those entailing punishment of less than 7 years under the IPC. In this category the police officer can apprehend the juvenile only when it is in his best interest and then also can state that the child be treated as CNCP rather than the one in conflict with law. In serious offences wherein the punishment is more than 7 years, the police officer again has discretion on how he wants to treat the child. Thus the discretion comes with a responsibility to see to it that the police child encounter results in a positive intervention.

What is required to fulfill the objectives of JJ Act is sensitive, proactive and dedicated policing wherein the theory can be converted into practice because on the police interaction lies the outcome of a situation as well as the future of the child. Now the question that arises is how to make the force proactive? What are the kinds of officers who are becoming JWOs? What is their orientation and interest? What are the perks and resources available with the commensurate challenges in handling juveniles? Till these questions are dealt with, we have to make do with getting the job done through administrative directions and strict supervision. Thus, we need to develop code of conduct for police personal in the lines of SOPs while dealing

with children in different situations. Next step is involving the society at large. We need to rope in NGOs, other public-spirited individuals, Resident Welfare Associations (RWA) and other institutions like state legal service authorities which not only help the police agencies but also act as checks through their feedback mechanisms.

Problems Faced by Police in Performing Their Duties Vis A Vis Children

One of the major problems faced is that there is still no separate exclusive Juvenile WO or SJPU in the district. Role conflict and lack of time as well as lack of logistic support affect the expectations from the police as the time and patience required to deal with the child is seldom there. Some of the other problems faced are:

- (i) the need for specialized training for appropriate handling of children
- (ii) (ii) the role conflict experienced by the police officer in solving a crime and helping the child.
- (iii) low community participation in addressing juvenile delinquency.
- (iv) poor police image and perception makes it difficult to establish a rapport with the child and to work within the community with mutual trust and goals.

Police has very little intervention or say when it comes to the orders for release or incarcerations given by the JJBs. Police rarely has any role in the after-release processes that too when rules state that juvenile delinquency prevention is also one of the roles of the JWO. Infact, some of the orders of JJB have criticized the police officer from visiting the juvenile offender. The important point is that the positive efforts of the police do not get reflected in their output as it is measured more on crime and law and order data thus the stakes or value additions for taking on this additional work is not there in our tangible goal-oriented organization as well as society.

Need of the hour is to deal with juvenile delinquency and child in need of care and protection (CNCP) in a holistic manner, addressing at risk families so that preventive strategy can be put in place. At present there are not enough institutions and programs to help the delinquents to re-integrate in society and lead the life without crime. At times the trust that they can indeed successfully do so is also missing. Recently Delhi Police has taken up this initiative and have

started a program “yuva connect” in this regard. The Delhi Police has launched YUVA – a skill development programme under Pradhan Mantri Kaushal Vikas Yojana (PMKVY). It was inaugurated by Union Home Minister Rajnath Singh. The „YUVA“ initiative aims to connect with youth by upgrading their skill as per their competencies. It will help youths to get gainful employment under PMKVY. It will also serve a significant function in fostering trust and assurance among young individuals in the police organisation. Law enforcement activities must be supported by initiatives from other organisations. The police possess a constrained function and are unable to guarantee any commitments regarding resources, professional counselling, or reintegration, and independently, they have little to provide. A comprehensive interdepartmental strategy is essential for addressing delinquency and preventing its recurrence in the future. Due to the lack of a solid and impactful rehabilitation program, coupled with lenient judicial practices, the rise in repeat offenders forming gangs and engaging in serious criminal activities has led to persistent frustration among law enforcement. Consequently, the entire juvenile justice system seems to serve more as a symbolic gesture rather than effectively tackling the problem of juvenile delinquency. Furthermore, it is essential to instill a sense of accountability in the youth for their actions and inactions. The involvement of the Juvenile Welfare Officer should be promoted to guarantee that young individuals do not revert to criminal behaviour. Community service should be promoted as a means of addressing past wrongs, and it is essential to cultivate skills that will enable individuals to become contributing members of society.

OLD VS NEW CRIMINAL LAWS IN JUVENILE POLICE INTERROGATIONS

The shift from the Code of Criminal Procedure, 1973 (CrPC) to the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) marks a significant development in how juveniles are treated within India’s criminal justice system, especially concerning police interrogation. Under the CrPC regime, there were no explicit provisions dedicated to the interrogation of children; the juvenile justice process was primarily guided by the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act), which emphasizes child-friendly procedures, non-institutional rehabilitation, and restorative justice. Although the JJ Act provided a framework to ensure that children in conflict with the law are not subjected to harsh or coercive methods, its practical enforcement was often inconsistent due to the lack of corresponding procedural provisions in

the CrPC. As a result, juvenile interrogation practices were left largely to the interpretation of individual officers, which sometimes led to violations of the rights of the child.

The BNSS introduces a more structured and rights-based approach. Notably, Section 123 of the BNSS provides for the first time in the procedural criminal code a dedicated clause concerning children in conflict with the law. It explicitly prohibits the detention of juveniles in police lock-ups or jails and mandates that their interrogation must be conducted in the presence of either a Child Welfare Officer or a member of the Special Juvenile Police Unit (SJPU), thereby codifying safeguards previously available only under the JJ Act. Furthermore, it requires that police officers record reasons in writing for apprehending a child, thus enhancing transparency and accountability. This codification helps bridge the gap between substantive and procedural law, ensuring that the child-sensitive ethos of the JJ Act is more firmly embedded within general criminal procedure. It also reflects compliance with international norms such as the UN Convention on the Rights of the Child, which India has ratified.

In addition to procedural changes, the BNSS reflects a broader shift in philosophy—from viewing juvenile offenders through a punitive lens to one of reformation and reintegration. While the CrPC allowed certain juvenile protections to operate in parallel through the JJ Act, the BNSS places them within the criminal procedure framework itself, signaling a commitment to systemic reform. This move aligns legal procedures with child rights jurisprudence developed by the Supreme Court, such as in *Sheela Barse v. Union of India*, which underscored the importance of humane treatment of children in custody. Overall, the BNSS enhances the legal safeguards for juveniles, ensuring that their interrogation is conducted with sensitivity, legal oversight, and a focus on rehabilitation rather than punishment.

Aspect	CrPC, 1973 (Old Law)	BNSS, 2023 (New Law)	Description
Statutory Framework	JJ Act, 2015 supplemented juvenile procedures; CrPC had no express juvenile provisions	JJ Act, 2015 continues to apply; BNSS codifies juvenile safeguards	BNSS integrates juvenile protections directly into the criminal procedure code.

Dedicated Provision on Juveniles	Absent in CrPC	Section 123 explicitly deals with children in conflict with law	BNSS introduces a specific section for juvenile procedures, absent in CrPC.
Detention in Police Lock-up	Not explicitly prohibited in CrPC; prohibited under JJ Act	Explicitly prohibited under Section 123(2)	BNSS codifies the JJ Act's prohibition of juvenile detention in lock-ups.
Presence During Interrogation	Guardian/legal aid recommended under JJ Act	Mandatory presence of Child Welfare Officer or SJPU officer	BNSS mandates presence of trained personnel to protect juvenile rights.
Method of Interrogation	Guided by JJ Act; varied practice in CrPC	Interrogation must be child-friendly and non-coercive	BNSS ensures interrogation procedures are sensitive and consistent.
Apprehension Procedure	No requirement to record reasons in CrPC	Reasons must be recorded in writing under Section 123(1)	BNSS introduces transparency and accountability at the apprehension stage.
Time Limit for Production	24 hours, as per JJ Act	Same 24-hour rule retained under JJ Act	No change; the JJ Act still governs production before the Juvenile Board.
Involvement of Special Units	Optional, under JJ Act discretion	Mandatory presence of SJPU or Child Welfare Officer	BNSS formalizes involvement of trained personnel during interrogation.
Custody Environment	Often left to discretion; could result in custody in police stations	Must be in child-friendly facilities, not lock-ups or jails	BNSS reinforces use of safe spaces like Observation Homes for juveniles.

Recording of Confessions	Permitted under CrPC Sec. 164 with judicial oversight	Retained under BNSS Sec. 183 with JJ Act safeguards applying	Statements by juveniles continue to be subject to judicial and child-rights review.
International Standards	Implicit alignment through JJ Act	Clearer alignment with UNCRC principles	BNSS strengthens compliance with global child rights norms.

INTERNATIONAL LEGAL FRAMEWORK ON JUVENILE INTERROGATIONS

The treatment of juveniles during police interrogations is a crucial aspect of child rights protection under international law. Various legal instruments set out minimum safeguards to ensure that children in conflict with the law are treated fairly, with dignity, and in a manner appropriate for their age and vulnerability. These frameworks emphasize the importance of non-coercive interrogation, access to legal counsel, and the presence of a guardian or social worker. Many nations have incorporated these principles into their domestic legal systems to align with global best practices in juvenile justice.

This section provides a detailed analysis of key international legal instruments that govern juvenile interrogations, focusing on their provisions, implementation, and challenges in enforcement.

United Nations Convention on the Rights of the Child (UNCRC), 1989¹⁸

The UNCRC is the most comprehensive and widely ratified international treaty on child rights, establishing legal protections for children, including those accused of committing offenses. Its provisions emphasize that juvenile justice systems must prioritize rehabilitation over punishment and that police interrogations must be conducted in a child-sensitive manner.

¹⁸ UN General Assembly, "Convention on the Rights of the Child", *U.N. Treaty Ser.* 1577(3)(1989): 1-23.

Article 3 of the UNCRC mandates that the best interests of the child must be the primary consideration in all legal proceedings, including police questioning. This means that children must not be subjected to coercion, fear, or unfair treatment during interrogations. Article 37 prohibits the use of torture, cruel or inhuman treatment, and arbitrary detention, ensuring that children are treated with dignity and that their right to liberty is protected. Additionally, Article 40 guarantees that children accused of crimes must have access to legal assistance, a fair trial, and protective procedures during police questioning. This includes the right to remain silent, the right to legal representation, and the right to have a parent or guardian present during interrogation.

These provisions make the UNCRC a foundational legal instrument for safeguarding juveniles against coercive and unfair interrogation practices worldwide.

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985)¹⁹

The Beijing Rules provides detailed guidance on how law enforcement authorities should handle juveniles in conflict with the law. They emphasize that juvenile justice should focus on rehabilitation rather than retribution, ensuring that children are treated with compassion and understanding.

Rule 10.1 states that juveniles must be informed of their rights at the time of questioning and that no juvenile should be interrogated without the presence of a legal representative or guardian. This rule ensures that children are not manipulated or coerced into making self-incriminating statements. Furthermore, Rule 10.3 strictly prohibits police from using threats, force, or psychological pressure to obtain confessions from minors. Instead, interrogations should be non-coercive, supportive, and focused on gathering the truth in a humane manner.

Another significant provision, Rule 11.1, mandates that the identity of juveniles involved in criminal proceedings must remain confidential to prevent social stigma and lifelong repercussions. This aligns with the UNCRC's principles of protecting the dignity of children during legal proceedings. Additionally, Rule 17.1 encourages diversion from formal judicial

¹⁹ Beijing Rules, "United Nations Standard Minimum Rules for the Administration of Juvenile Justice", *Adopted by the General Assembly* 29 (1985).

proceedings, advocating for alternative measures such as counseling, community service, or rehabilitation programs instead of criminal prosecution.

The Beijing Rules forms a critical international benchmark for juvenile justice systems, promoting fair and child-friendly legal procedures that ensure juveniles receive protection, support, and opportunities for reintegration rather than punitive treatment.

United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (2005)²⁰

These guidelines specifically address the treatment of child victims and witnesses in the legal system, ensuring that they receive sensitive and respectful treatment by law enforcement agencies, including during police interrogations.

A key provision of the guidelines is the right to be treated with dignity and respect, which mandates that children should not be subjected to harsh or intimidating questioning. The police must adopt child-sensitive approaches that minimize distress and allow children to provide statements in a safe and supportive environment. Additionally, the right to be informed ensures that juveniles understand the legal process in simple, age-appropriate language, reducing confusion and fear.

The guidelines also highlight the right to protection from hardship, requiring that children should not be subjected to repeated or prolonged interrogations. Instead, questioning should be limited to the minimum necessary and conducted by trained professionals who understand child psychology. Furthermore, the right to legal and psychological support emphasizes that children must have access to a lawyer, a social worker, and emotional support to help them navigate the legal process effectively.

These guidelines reinforce the need for humane, non-intimidating, and legally sound interrogation procedures that prioritize the welfare and psychological well-being of children.

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984)²¹

²⁰ UNICEF, "United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime", (2007).

²¹ "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)", (1984).

The Convention Against Torture (CAT) is an international human rights treaty that explicitly prohibits the use of torture or cruel, inhuman, or degrading treatment under all circumstances. Its provisions apply strongly to juvenile interrogations, ensuring that children are not subjected to physical or psychological abuse during police questioning.

Article 1 of the CAT defines torture as any act that inflicts severe physical or mental suffering for the purpose of obtaining a confession or information. This definition is particularly relevant in the juvenile justice system, where minors are often more susceptible to coercion and abuse. Article 2 requires states to take preventive measures to ensure that law enforcement officers do not engage in torture or cruel treatment of detainees. Additionally, Article 16 extends these protections to include any inhumane interrogation practices, reinforcing the UNCRC and Beijing Rules' prohibitions against coercion and forced confessions.

The CAT serves as a critical legal safeguard against abusive police interrogation tactics, particularly for vulnerable juveniles who may be pressured into making self-incriminating statements.

COMPARATIVE INTERNATIONAL BEST PRACTICES ON JUVENILE INTERROGATIONS

Several countries have implemented child-friendly interrogation procedures based on international legal principles.

In the United States, the Miranda Rights must be read to juveniles in a language they can understand, ensuring that they are aware of their right to remain silent and have legal counsel present. The Supreme Court case *J.D.B. v. North Carolina* (2011) emphasized that a juvenile's age must be considered when determining if they are in police custody, recognizing that children experience police interactions differently from adults.

In the United Kingdom, the Police and Criminal Evidence Act (PACE) 1984 mandates that juveniles cannot be interrogated without an "Appropriate Adult" (a parent, guardian, or social worker) present. Additionally, confessions obtained under duress are inadmissible in court, ensuring that juvenile interrogations remain fair and non-coercive.

Australia's Youth Justice Principles require that police conduct juvenile interrogations in designated child-friendly interview rooms. Juveniles have mandatory access to legal counsel, and all interrogations must be video recorded to prevent misconduct.

These international best practices serve as effective models for ensuring that juveniles are treated with dignity, fairness, and legal protection during interrogations.

International legal frameworks establish clear guidelines for how juvenile interrogations should be conducted. The UNCRC, Beijing Rules, CAT, and other legal instruments collectively emphasize non-coercive, rehabilitative, and legally protective procedures. While these frameworks provide strong protections, many countries still face challenges in their implementation. Issues such as lack of training, coercive interrogation methods, and inadequate legal representation hinder full compliance with international standards.

To ensure a child-friendly justice system, it is crucial that governments strengthen police training programs, enforce accountability measures, and guarantee legal assistance for all juveniles during interrogations. By integrating international best practices, legal systems worldwide can move towards a rehabilitative and protective approach that upholds the rights, dignity, and well-being of juveniles in conflict with the law.

JUDICIAL PRECEDENTS ON JUVENILE RIGHTS DURING POLICE INTERROGATION IN INDIA

The Indian judiciary has played a crucial role in strengthening legal protections for juveniles during police interrogations. Through various landmark rulings, the courts have upheld the constitutional and statutory safeguards that ensure juveniles are treated with dignity, provided with legal representation, and protected from coercive interrogation practices. The Supreme Court and High Courts have consistently emphasized the rehabilitative and child-friendly approach mandated by the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act), the Indian Constitution, and international conventions like the UNCRC. Judicial interventions have helped to prevent the wrongful prosecution, abuse, and forced confessions of juveniles in police custody, reinforcing that the best interests of the child must be the primary concern during interrogations.

This section examines key judicial precedents that have shaped the legal framework surrounding juvenile interrogations in India, ensuring adherence to child-sensitive and non-coercive policing practices.

Sheela Barse v. Union of India (1986)²² – Protection Against Custodial Abuse

The case of *Sheela Barse v. Union of India* (1986) marked a turning point in juvenile rights, particularly concerning custodial abuse and police interrogation procedures. Sheela Barse, a journalist and human rights activist, filed a Public Interest Litigation (PIL) in the Supreme Court after investigating inhumane treatment of children in police lock-ups across Maharashtra. Her findings exposed the widespread use of physical violence, psychological coercion, and forced confessions against juveniles, many of whom were unaware of their legal rights.

In its landmark ruling, the Supreme Court held that juveniles must never be detained in police lock-ups or subjected to custodial violence. The judgment mandated that every child taken into custody must be immediately informed of their rights, and police must inform the Juvenile Justice Board (JJB) and the child's parents or guardian within 24 hours. Additionally, the court directed that legal aid be provided to all juveniles in custody and emphasized the need for independent oversight mechanisms to prevent abuse.

This ruling reinforced Article 21 (Right to Life and Personal Liberty) and established strict judicial guidelines for police treatment of juveniles. It laid the foundation for further legislative reforms, including the requirement that every police station have a designated Child Welfare Police Officer (CWPO) to handle juvenile cases with care and sensitivity.

Kishore Singh Ravinder Dev v. State of Rajasthan (1981)²³ – Prohibition of Torture

The case of *Kishore Singh Ravinder Dev v. State of Rajasthan* (1981) further strengthened the prohibition against custodial torture, particularly in the context of juvenile interrogations. The case involved a minor who was subjected to brutal third-degree interrogation methods by the Rajasthan police in an attempt to extract a confession. The incident raised serious concerns about police brutality, illegal detention of minors, and the use of torture as an interrogation technique.

²² Supra Note 53.

²³ *Kishore Singh Ravinder Dev v. State of Rajasthan*, (1981) 1 SCC 503.

The Supreme Court, in its ruling, held that the use of third-degree methods (torture) against any detainee—especially juveniles—violates Article 21 of the Constitution. The court reiterated that confessions extracted under duress have no evidentiary value and must be disregarded. It further emphasized that police officers handling juvenile cases must be trained in child psychology and adopt non-coercive questioning techniques.

The judgment played a key role in developing safeguards against custodial abuse, leading to stricter accountability mechanisms for police officers involved in human rights violations against minors. It also influenced later amendments to the Juvenile Justice Act, making it clear that juveniles must be handled with care, dignity, and legal protection during interrogations.

Gopinath Ghosh v. State of West Bengal (1984)²⁴ – Establishing Age as a Crucial Factor

The case of Gopinath Ghosh v. State of West Bengal (1984) highlighted the critical importance of age determination in cases involving juveniles in conflict with the law. The petitioner, Gopinath Ghosh, was sentenced to death under regular criminal law, despite later findings proving that he was under 18 years of age at the time of committing the offense.

The Supreme Court held that age verification must be conducted before subjecting an accused individual to police interrogation or trial. The judgment directed all law enforcement agencies and courts to prioritize age determination procedures to ensure that juveniles were not wrongfully tried under the adult criminal justice system. It also ruled that juveniles must be immediately transferred to the Juvenile Justice Board (JJB) upon confirmation of their age, ensuring they receive rehabilitative, rather than punitive treatment.

This case significantly impacted procedural safeguards for juveniles, leading to the development of mandatory age assessment protocols before police questioning or prosecution. It reinforced that juveniles cannot be treated as adults under the law and must be given the protections guaranteed under the Juvenile Justice Act.

Hari Ram v. State of Rajasthan (2009)²⁵ – Retrospective Application of the JJ Act

In Hari Ram v. State of Rajasthan (2009), the Supreme Court clarified that juvenile justice laws apply retrospectively, meaning that juveniles cannot be prosecuted as adults, even if their case

²⁴ Gopinath Ghosh v. State of West Bengal, (1984) 4 SCC 252.

²⁵ Hari Ram v. State of Rajasthan, (2009) 13 SCC 211.

was initiated before the enactment of the Juvenile Justice Act. The petitioner, Hari Ram, was convicted under regular criminal law despite being under 18 years old at the time of the offense.

The Supreme Court ruled that juveniles cannot be subjected to custodial interrogation and punitive measures meant for adults. It further emphasized that police officers must follow child-friendly procedures, ensuring that juveniles receive legal assistance and access to guardians or social workers during questioning.

The ruling played a crucial role in protecting juveniles from unfair prosecution, reinforcing the principle that the legal system must always prioritize rehabilitation over punishment for minors.

Bachpan Bachao Andolan v. Union of India (2011)²⁶ – Strengthening Oversight Mechanisms

The Bachpan Bachao Andolan v. Union of India (2011) case was a PIL that exposed the widespread illegal detention, trafficking, and police abuse of juveniles across India. The petitioners highlighted numerous instances where juveniles were denied legal representation, subjected to coercion, and wrongfully detained in police lock-ups.

The Supreme Court's ruling in this case led to major systemic reforms in the handling of juveniles by law enforcement agencies. The court directed that:

1. Every police station must have a Child Welfare Police Officer (CWPO) to ensure that juveniles are handled appropriately.
2. Juveniles must never be interrogated without the presence of a guardian, lawyer, or social worker.
3. Special Juvenile Police Units (SJPU) must be established in every district to oversee cases involving minors.

This ruling was a milestone in strengthening police accountability and led to improved oversight mechanisms for ensuring juvenile rights were upheld.

Judicial precedents have played a critical role in shaping juvenile justice policies in India, ensuring that police interrogations of minors adhere to constitutional, statutory, and

²⁶ Bachpan Bachao Andolan v. Union of India, (2011) 5 SCC 1.

international human rights standards. Landmark judgments have prohibited custodial torture, mandated legal representation, enforced age determination procedures, and strengthened oversight mechanisms for handling juvenile cases.

While progress has been made, challenges remain in the on-ground implementation of these legal safeguards. Continued police training, strict enforcement of court directives, and proactive judicial oversight are necessary to ensure that juveniles in India are treated fairly, rehabilitated effectively, and never subjected to coercion or undue hardship during police interrogations. The judiciary must continue to uphold the rights of children, ensuring that the juvenile justice system remains true to its rehabilitative purpose rather than becoming an extension of the punitive adult criminal justice system.

CONCLUSION

The interrogation of juveniles by law enforcement is a highly sensitive process that requires strict adherence to legal safeguards, constitutional protections, and international human rights standards. Juveniles in conflict with the law are among the most vulnerable groups in the criminal justice system, necessitating a child-friendly approach that prioritizes rehabilitation over punishment. The Indian legal framework, primarily governed by the Juvenile Justice (Care and Protection of Children) Act, 2015, along with constitutional protections under Articles 21 and 22, lays down clear guidelines for ensuring non-coercive, fair, and legally protected interrogation practices.

At the international level, legal instruments such as the UN Convention on the Rights of the Child (UNCRC), the Beijing Rules, and the Convention Against Torture (CAT)²⁷ establish principles for juvenile interrogations, emphasizing the right to legal representation, protection from self-incrimination, and the presence of a guardian or legal aid counsel during questioning. Comparative legal systems, including those in the United States, United Kingdom, and Australia, provide valuable insights into best practices, such as mandatory video recording of interrogations, child-friendly police units, and strict judicial oversight.

Judicial precedents in India have played a pivotal role in strengthening the safeguards for juveniles during police interrogations. Landmark cases such as *Sheela Barse v. Union of India*

²⁷ Garcia, Michael John, "UN Convention Against Torture (CAT): Overview and Application to Interrogation Techniques," (2004).

(1986)²⁸ and *Bachpan Bachao Andolan v. Union of India* (2011)²⁹ have emphasized legal aid, humane treatment, and the establishment of Special Juvenile Police Units (SJPU) and Child Welfare Police Officers (CWPO) to handle juvenile cases with sensitivity. However, challenges in implementation remain, including lack of police training, custodial abuse, delayed access to legal aid, and violations of procedural safeguards.

For the juvenile justice system to be truly rehabilitative and child-centric, continuous reforms are necessary. There is a pressing need for better implementation of legal safeguards, stricter judicial monitoring, police sensitization programs, and community-based interventions to ensure that juveniles are not criminalized but given opportunities for correction and reintegration into society. The following measures must be implemented to improve the system:

First, the mandatory presence of a guardian, lawyer, or social worker during interrogations must be strictly enforced. Police officers must ensure that juveniles fully understand their rights, and any confession obtained in violation of this safeguard should be deemed inadmissible in court.

Second, law enforcement personnel must undergo mandatory training in child psychology, non-coercive interrogation methods, and juvenile rights. Special Juvenile Police Units (SJPU) must be strengthened with well-trained officers who understand the vulnerabilities of juveniles and can handle them appropriately.

Third, juveniles should never be placed in police lock-ups or adult detention centers. Interrogations should be conducted in child-friendly environments, such as Juvenile Justice Boards (JJB) or rehabilitation centers, rather than police stations. Every district should establish dedicated child-friendly interrogation rooms to create a non-threatening atmosphere for questioning.

Fourth, audio-video recording of juvenile interrogations should be made mandatory to prevent coercion and ensure transparency. Many countries, such as the United Kingdom and Australia, have successfully implemented mandatory recording of juvenile questioning, reducing

²⁸ Supra Note 53.

²⁹ Supra Note 86.

instances of forced confessions and police misconduct. Courts should only accept confessions recorded in the presence of a lawyer and social worker.

Fifth, the Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs) must actively monitor police interrogation practices. These bodies must have the power to inspect police stations, review juvenile cases, and intervene in cases of rights violations. A quarterly report on juvenile interrogations and custodial practices should be submitted to the judiciary to ensure accountability.

Sixth, juveniles must have timely access to free legal aid. Despite legal provisions, many children remain unaware of their rights or lack access to legal assistance. The Legal Services Authorities must ensure that every juvenile in custody is immediately assigned a lawyer, and legal aid clinics should be expanded within police stations, juvenile homes, and JJBs.

Seventh, juveniles in police custody must receive psychological support and trauma counseling. Trained psychologists and child protection officers must be present during interrogations to reduce anxiety and prevent psychological harm.

Eighth, strict accountability mechanisms should be implemented to penalize law enforcement officers who violate juvenile rights. Reports of forced confessions, custodial abuse, and procedural lapses should be investigated thoroughly, and officers responsible for misconduct should be prosecuted under the law. A special complaint mechanism should be established where juveniles or their guardians can report police misconduct anonymously.

Ninth, India should adopt international best practices in juvenile interrogation. Miranda Rights for juveniles (U.S.), the "Appropriate Adult" system (UK), and mandatory recording of police interactions (Australia) provide effective models for reforming interrogation practices.

Finally, juvenile justice should focus on diversionary and rehabilitative measures rather than criminal prosecution. Community-based interventions, such as counseling, vocational training, and family-based rehabilitation programs, should be prioritized over custodial measures.³⁰ Restorative justice models, where juveniles take accountability for their actions without being criminalized, should be promoted in collaboration with local communities.

³⁰ Smith, David J., "The Effectiveness of the Juvenile Justice System," 5(2) Crim. Just. 181 (2005).

In conclusion, juveniles in conflict with the law must be treated with sensitivity, fairness, and justice, recognizing that they are still developing and can be rehabilitated. While India's legal framework provides strong protections for juvenile rights, gaps in implementation continue to lead to custodial abuse, lack of legal aid, and improper interrogation practices. Judicial interventions and international legal standards have significantly influenced reforms, but police procedures must be further refined to ensure effective enforcement of child rights laws.

The ultimate goal of the juvenile justice system³¹ should not be punishment, but rehabilitation and reintegration. Ensuring that police interrogations align with constitutional, statutory, and international human rights standards is essential to creating a justice system that protects, rather than victimizes, children. Through systemic reforms, training programs, and legal accountability, India can move closer to a child-centric legal system that upholds the principles of justice, fairness, and human dignity.

³¹ Elin-Blomquist, Martha, and Martin L. Frost, "Moral and Practical Problems with Redefining the Goal of the Juvenile Justice System as Accountability," 14 J. Juv. L. 26 (1993).