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# JUVENILE PRIVACY OR PUBLIC TRANSPARENCY? AN ANALYSIS OF THE NEED FOR JUVENILE JUSTICE TRANSPARENCY

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## ABSTRACT

The principle of confidentiality has been the fundamental of juvenile justice. This is based on the idea that children in conflict with the law must be given a chance at rehabilitation, protected from public stigma, and lifelong consequences. However, in today's world of evolving mindsets of children, increased media attention, and public outrage over serious juvenile crimes are challenging the traditional model. This paper looks into the tension between juvenile privacy and public transparency, examining whether both can be balanced.

The study states how transparency in judicial proceedings is important for democratic accountability based on the ideas of equality, dignity, due process, and the doctrine of open justice. The paper critically examines the evolution of juvenile justice frameworks, with particular reference to India's Juvenile Justice (Care and Protection of Children) Act, 2015, and the growing role of media scrutiny in shaping public perceptions and legal reforms. It also examines if openness in judicial proceedings serves legitimate public interest or destroys the child-centric foundations of juvenile justice.

The paper also takes a comparative analysis with certain jurisdictions like England and Wales to show how judicial discretion should allow conditional transparency, and the media should have a balanced approach. The idea of conditional transparency allows for balancing public and juvenile interests based on the context of the case.

The paper states how transparency in juvenile proceedings should function as a mechanism for ensuring systemic fairness, preventing arbitrariness, and holding state agencies accountable, rather than as a tool for public shaming or sensationalism. While India's constitutional spirit commits to considering the best interests of the child, a nuanced approach that balances public interest is also required.

**Keywords:** Juvenile Justice, Open Juvenile Proceedings, Media Ethics, Conditional Transparency, Public Interest.

## 1. INTRODUCTION

The juvenile justice system has been founded on the principles of protection, rehabilitation, and confidentiality. The rationale for protecting juvenile proceedings from public scrutiny was on the assumption that children, owing to their immaturity and limited understanding, can be reformed and must therefore be shielded from the stigma and lifelong consequences associated with criminal exposure. Confidentiality was viewed, not merely as a procedural safeguard, but as an essential condition for ensuring the child's reintegration into society.

However, this rehabilitative ideal has increasingly come under strain in contemporary legal and social contexts. Rising concerns over serious juvenile offending, heightened media involvement, and evolving perceptions of juvenile culpability have reignited debate over whether absolute secrecy in juvenile proceedings continues to serve either the best interests of the child or justice. The rising number of heinous crimes involving minors has fuelled public scepticism about the opacity of juvenile courts and raised questions about accountability, fairness, and systemic oversight. This is also often sensationalised through intense media coverage.

At the constitutional level, this debate intersects with foundational principles such as the doctrine of open justice, the right to freedom of speech and expression, the right to privacy, and the guarantee of dignity. While transparency in judicial proceedings is widely recognised as a hallmark of democracy, ensuring public trust, preventing arbitrariness, and enabling institutional accountability. Juvenile justice is an exception to this norm. The challenge lies in determining whether this exception remains justified in its current, blanket form, or whether constitutional values demand a more calibrated approach. This paper deals with a critical constitutional question: can juvenile privacy coexist with the public's legitimate interest in transparent and accountable justice?

This paper undertakes a constitutional inquiry into the tension between juvenile privacy and public transparency within the juvenile justice system. Ultimately, the paper argues that juvenile justice must evolve to reflect contemporary realities while remaining firmly anchored in constitutional commitments to dignity, fairness, and the best interests of the child.

## 2. LITERATURE REVIEW

### 2.1 Jay D Blitzman, et. al., *Transparency and Fairness: Open the Doors*, 102(2) MLR 38-

47, (2021)

The article offers a comprehensive critique of the confidential nature of juvenile court proceedings in the context of the US. The author promotes openness to develop fairness, accountability, and also for the therapeutic and rehabilitative aspects of juvenile offenders. Transparency is necessary to uphold due process of law and engage the public interest in the judicial proceedings. The author develops his arguments from the case of *re Gault*.

The authors' main reason for removing the idea of secrecy is for the public to understand the racial and socioeconomic disparities existing in the system. The authors also cite models from England and Canada, where the juvenile court sessions are open to the press, while also maintaining strict anonymity protections. Originally, juvenile courts were open and focused on helping kids. But as they became more secretive, some judges abused their power, sometimes even profiting from their decisions. The authors suggest that bringing back some level of transparency could prevent injustice and better protect children's rights. The author provides a nuanced stance on discretion for close proceedings, addressing concerns about stigmatisation, privacy, and the safety of vulnerable children.

However, a criticism of the paper can be that, though the article advocates for transparency, there is no further examination on how to implement it. It also does not address how juvenile judges are to be trained to balance transparency and confidentiality. It also does not address the role and duties of the media in addressing juvenile issues.

**2.2 Duncan Chappell, et. al., *Abandoning Identity Protection for Juvenile Offenders*, 18(3) CICJ 481-487, (2007)**

This article critically evaluates the erosion of identity protection laws for juvenile offenders in Australia, especially in the context of high-profile sexual assault cases involving young people. The authors analyse legal developments, policy shifts, and public discourse to argue that naming and shaming juvenile offenders undermines rehabilitation, violates international norms, and can lead to unintended harmful consequences such as victim identification and vigilante violence. Their research methodologies mainly include doctrinal and empirical analysis, and analysis of policies and legal frameworks.

They have developed their paper from an application made in 2006 by an Australian media

company asking to reveal the names of two juveniles involved in a gang rape. They argue that juvenile offenders' identities should not be revealed, irrespective of the severity of the crime, citing international and Australian laws. They state that public exposure of the offenders can undermine restorative justice.

While this article focuses on rehabilitation and discusses Australian and international legal frameworks, it does not conduct a comparative analysis with the frameworks of the UK or Canada, which provide for disclosure of identities when required in the public interest. Therefore, there is limited empirical data to show the effects of having open juvenile proceedings. It is also silent on how to balance the public interest and the juvenile's rehabilitative rights.

### **2.3 Davit Kantaria, *Inviability of the Private Life of a Child in Conflict with the Law and the Protection of Their Personal Data*, 2024 JPDP 70-81, (2024)**

This author has also implored the ethical grounds along with the legal and policy frameworks in the context of Georgia. The main idea of the paper is on media reporting and the stigmatisation that undermines the reintegration of juvenile offenders back into society. The paper has an interdisciplinary analysis of the alignment of the legal landscape of Georgia with the international legal framework and ECHR jurisprudence.

The author takes a psychological and sociological aspect in this paper by including the "Labelling Theory" and Robert Rosenthal's "Pygmalion Effect." With doctrinal analysis, the author states how media should balance their right to freedom of the press with the child's right to privacy, stating that the right to freedom of expression is not absolute.

The author has talked about a legal gap, i.e., the Juvenile Justice Code being inconsistent with the Code on the Rights of the Child. While the latter provides for the non-disclosure of juveniles' identity, there is no protection for juveniles in criminal cases, and they fall under the former law. They discussed their interests and rights, but did not analyse the impact on victims and society. While the author has set a firm foundation on the comparative analysis of legal systems of Croatia, the UK, and Uganda, she has failed to address the judicial discretion to balance the public interest and the child's rights.

### **2.4 Hon. Gordon A. Martin, Jr., *Open the Doors: A Judicial Call to End Confidentiality in***

***Delinquency Proceedings, 21(2) NEJCCC 393-410, (1995)***

The author centralises his paper on the argument that closed juvenile courts do not serve the interests of justice anymore. His viewpoints and arguments are grounded in his judicial experience during a time of increasing records of juvenile crimes. Open juvenile proceedings are necessary to gain public trust and improve accountability. He also states that transparency is required for fairness, rehabilitation, and deterrence, not confidentiality. His research is of both doctrinal and empirical in nature to argue that public interest can supersede the juvenile's right to privacy.

The author is of the strong opinion that confidentiality shields the judiciary from scrutiny, thereby paving the way for inadequate responses to juvenile crimes. He also conducts a comparative study of legislations in states like Maine, Mississippi, Kansas, and Minnesota, where public access is allowed to juvenile offenders' details. He also includes his personal experience in a court where "interagency data silos" delayed treatment and placement of a juvenile offender. This delay was due to the strict privacy laws, which caused the delay in transferring information. The confidentiality law did not protect the interests of the juvenile, thus failing in its spirit.

He has offered a new perspective, stating that disclosure can also improve funding and policymaking for juvenile services. Though the article does not promote complete openness, it fails to address harm minimisation strategies for the non-violent or first-time juveniles.

***2.5 Arthur R. Blum, *Disclosing the Identities of Juvenile Felons: Introducing Accountability to Juvenile Justice*, 27(2) LUCLJ 349-400, (1996)***

Similar to the previous article, this author also states that confidentiality in juvenile proceedings will only undermine accountability and public trust. His main argument is that the ideas of rehabilitation and confidentiality have failed to meet the demands of modern juvenile crimes, resulting in repeat, violent offences. He questions whether the aspect of confidentiality lets juvenile offenders act with impunity. He cites Robert Sandifer's case to further strengthen this argument, and also how this promotes repeat juvenile offenders.

His research methodologies are mainly empirical and doctrinal, combined with perspectives of criminology and psychology. The paper's central theme is criticising the outdated principles

concerning juvenile confidentiality. He states that the shift from favouring the juvenile's right to public interest can be seen through the legal statutes of various states providing for identity disclosure in juvenile proceedings. He stresses the need for accountability, selective identity disclosure, and public reassurance, especially when the system fails to rehabilitate or restrain.

While disclosure is necessary, he does not focus much on the impacts left behind on the juveniles, especially for the vulnerable or marginalised ones, nor the possible ways to address them. He also fails to address the international legal instruments that grant rights to juvenile offenders. There cannot be a one-size-fits-all call for identity disclosure in juvenile proceedings. There should be differentiation of offences, severity and age.

## **2.6 Tatia Kvrivishvili, *Privacy Protection of Juvenile in Conflict with the Law at the Trial, 2019 JL(TSU), 162-176, (2019)***

This article by Tatia Kvrivishvili critically analyses the scope and practice of privacy protection in juvenile trials, focusing on the Georgian legal framework and its alignment with international standards. The author explores legal principles, international case law, comparative practices, and legislative developments, ultimately arguing for flexibility in closed-hearing rules and greater emphasis on the best interests of the child.

The article argues that while confidentiality in juvenile trials is essential for protecting a child's dignity and rehabilitation, absolute secrecy can sometimes contradict a child's best interests. He further strengthens this argument by involving international provisions in the Beijing Rules that emphasise balancing privacy with the right to a fair and public hearing. Therefore, the author calls for conditional exceptions in closed trial provisions and encourages legal reforms in Georgia to better align with global child-friendly justice standards. This author suggests that open proceedings, especially to researchers and monitors, promote transparency and provide oversight. He suggests models for third-party-regulated juvenile proceedings. He refers to cases like T. & V. v. United Kingdom (ECtHR), Re JR38 (UK) and Case T.R. (Ohio SC) to argue that the aspect of confidentiality should be case-specific and be proportional. The central theme of the paper is how open juvenile proceedings can help reform the system and the framing of policies.

Even though this paper is set in the digital age, it fails to address the issues of media leaks or data misuse. In this era, promoting transparency means striking a balance with data

protection. An analysis of the psychological approach to exposure of proceedings, considering whether it is in the child's best interest or can backfire, would have been beneficial.

**2.7 Page Humphrey, *Privacy or Protection: The Juvenile Dilemma*, 21(2) Santa Clara L. Rev. 499 (1981)**

The author examines the constitutional dimensions of a child's privacy rights in the context of juvenile justice, parental authority and state intervention in the US jurisprudence. The author is trying to decipher the "constitutional identity" of the juvenile. The central thesis is that while the U.S. Constitution increasingly recognises children's rights, including a limited right to privacy, those rights are frequently subordinated to state and parental interests. The author argues that this conditional recognition creates legal inconsistencies and undermines the intent of due process protections.

Humphrey advocates for greater acknowledgement of minors' privacy rights, especially in contexts involving personal decision-making, such as medical care and reproductive choices, rather than merely conduct regulation. The author introduces the two-step balancing test for minors used by the courts: first, determining if the right is "needed," then balancing against state/parental interests. The author has taken up a doctrinal analysis by distinguishing the available types of rights for children in various contexts. The author further argues to prioritise the children's rights with psychological theories, like J.S. Mill's Liberty Theory, and sociological theories.

The author has relied chiefly on doctrinal analysis, and not much on empirical analysis, making it very theoretical and interpretive. While the paper mainly focuses on offering bodily autonomy and decision-making rights to the children, there is limited exploration of media reporting and courtroom confidentiality procedures. The paper is also US-centric, limiting its applicability.

**2.8 Allyson Dunn, *Juvenile Court Records: Confidentiality vs. The Public's Right to Know*, 23(3) ACLR 379-402, (1986)**

The author looks into the legal tension between the confidentiality of juvenile court records and the public's right to information, particularly in the context of rehabilitation, public safety and administrative transparency. The author focuses his paper on the context of the US and

how society at large is affected. The author mainly focuses on attaining a balance between the juvenile's rights and the public interest.

She argues that while confidentiality protects the rehabilitation and privacy rights of the juvenile offender, it barricades law enforcement and community protection. She states that confidentiality can prevent the law from identifying repeat offenders, thus harming the public interest and affecting judicial decision-making. All these ultimately lead to a lack of accountability. The article takes up a comparative doctrinal approach of laws across various states in the US relating to the confidentiality of juvenile records. The author also explores the access rights of various actors such as parents, victims, researchers, schools, etc. The author has given equal weightage to rehabilitative rights of juvenile offenders, public interest and accountability.

Since it was published in 1986, it does not cover the area of digital data protection. There is not much empirical analysis, and it fails to look at the international legal frameworks. Though the author tries to take up a balanced approach, she fails to define the boundaries of public interest and give a clear idea on how and when the juvenile's right to privacy can be overridden.

## **2.9 *The Public Right of Access to Juvenile Delinquency Hearings*, 81(6) MLR 1540-1565, (1983)**

The article states that the same rationale for public access in adult criminal courts should also apply to juvenile courts based on the precedent of *Richmond Papers* and *Globe Newspaper Co.* The author argues for the recognition of such access under the First Amendment of the US Constitution. The paper is based on the contention that states should have confidentiality in hearings on a case-by-case basis and only when it has to serve compelling state interests like protecting the minor's privacy or ensuring courtroom integrity.

The author states that since courts punish rather than rehabilitate, it is necessary for public disclosure to ensure accountability and educate the public on how the juvenile proceedings work. The author is all for protecting the juveniles' rights only when supported by compelling justification, and not when mandated by blanket statutes.

The author has failed to include a juvenile's perspective, whether for or against confidentiality. The article also lacks empirical data and an interdisciplinary approach of psychology or

sociology. Since this article is set in the 80s period, it also lacks the analysis of digital challenges such as data protection and media sensationalism. The article also does not have a comparative analysis with CRC, the Beijing Rules or the European Models of juvenile justice.

## **2.10 Eugene H Czajkoski, *Why Confidentiality in Juvenile Justice*, 33(4) JFCJ 49 (1982)**

In this article, the author states that the concept of confidentiality in juvenile proceedings is counterproductive and ethically questionable. Maintaining confidentiality has failed in its spirit of preventing stigmatisation and also hindered accountability, deterrence and fairness in the juvenile criminal justice systems. He asks to limit confidentiality to realign juvenile justice with moral justice and effective crime control.

He offers a new perspective in his paper that euphemistic terminologies and record sealing are “cosmetic fixes” and do not change the public perception or shame. Changing names for prisons or juvenile offenders only delays or disguises the stigma. The author refers to Piaget’s developmental psychology, highlighting that most juvenile offenders understand right from wrong and expect proportionate punishment. The author further critiques the Labelling Theory and Pygmalion Effect, arguing that their impact has been exaggerated in justifying confidentiality. He mentions findings from RAND Corporation and Wolfgang’s Birth Cohort Study on early criminal careers and the need for early, informed decisions to eliminate bifurcated justice systems based solely on age and for the use of juvenile history in adult sentencing.

The article is grounded on theoretical and doctrinal analysis. While the author offers fresh perspectives, he fails to be inclusive of the juveniles’ voices. The paper dismisses sociological theories without any fair evaluation of the rehabilitative results. The author offers no alternative models, but only suggests the removal of the aspect of confidentiality.

## **3. STRUCTURE AND PROCESS OF JUVENILE PROCEEDINGS**

### **3.1 History of the Juvenile Process in India**

Juvenile proceedings have historically evolved as a response against considering misconduct in children as a failure of family or community discipline, in favour of rehabilitation and the state taking charge. This development, which is largely influenced by the British, reflects the overall social, political, and legal developments and is modified in line with the societal

developments with regard to juvenile crimes.

According to ancient Hindu and Muslim law, a family will fully bear the responsibility, emphasising moral correction rather than punishment.<sup>1</sup> With the British rule, the administration introduced specific statutes to deal with juvenile offenders.

1. Apprentices Act, 1850: It was the first Indian Act that addressed juvenile delinquency, whereby courts could bind children less than 15 years of age who committed petty offences to serve their apprenticeships, rather than taking them to prison.<sup>2</sup>
2. Indian Penal Code, 1860: It provided a certain age crunch to criminal capacity, and it reflected the principle of law of doli incapax, that children below seven years of age cannot commit crimes as given by Section 82. Section 83 gives the children aged between seven to twelve years conditional immunity.
3. Code of Criminal Procedure, 1861: It was a reformative step that necessitated that children under 15 years of age receive separate trials, and their punishment was aimed at reforming them and not punishing them.
4. Reformatory Schools Act, 1876 and 1897: The 1876 Act was a landmark statute that dealt with delinquents by establishing reformatory schools in India. The children aged below 18 spent between two and seven years there, with emphasis being on training and moral education; children aged below 12 years of age were not punished. The 1897 Act replaced the 1876 Act.<sup>3</sup>
5. Indian Jail Committee Report, 1919-1920: It highlighted that children should not be tried in adult courts. Special courts were to be set up.

Centralisation of juvenile welfare, based on the principle of *parens patriae*, was the theme of the post-independence period.<sup>4</sup> The initial model central legislation for children was the Children Act, 1960, which offered care, welfare, maintenance, protection, education, training,

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<sup>1</sup> Cordelin Rea R S, *Juvenile Justice System: History and International Comparisons*, JUS CORPUS BLOGS (07.08.2025, 10:55 am), <https://www.juscorpus.com/juvenile-justice-system-history-and-international-comparisons/>.

<sup>2</sup> Atul S Jaybhaye, *Critical Analysis of Juvenile Justice System in India*, BLR 103, 104 (2017)

<sup>3</sup> *supra* note 1.

<sup>4</sup> Ved Kumari, *Current Issues in Juvenile Justice In India*, 41(3) JILI 392, 392 (1999).

trial and rehabilitation of children. It established observation homes and juvenile courts, and prohibited the imposition of capital punishment or imprisonment of children.<sup>5</sup> In *Sheela Barse v. Union of India*,<sup>6</sup> the Supreme Court highlighted the need for a uniform central legislation to substitute the different State Acts.

The Juvenile Justice Act, 1986, selected a standard approach to juvenile justice in India, on the basis of Beijing Rules, 1985.<sup>7</sup> It was a move to ensure the overall well-being of juveniles, focusing on care, protection, and rehabilitation. There was, however, an inconsistency in the definition of sex of the juveniles; a boy below 16 and a girl below 18. In 1986, the Juvenile Justice (Care and Protection of Children) Act, 2000, which supersedes the previous Act, brought India in conformity with the UN Convention on the Rights of the Child (UNCRC).<sup>8</sup> It made all individuals under the age of 18 years children regardless of their gender. It advocated a child-centred practice, with a reintegration strategy to the forefront rather than punishment.

The changes in the Juvenile Justice (Care and Protection of Children) Act, 2015, show a major difference in the Indian philosophy of juvenile justice. The law was in reaction to the people's outrage over the 2012 Delhi gang rape case, which led to more strict measures.<sup>9</sup> Section 15 also empowers the Juvenile Justice Boards to evaluate whether children between the ages of 16 and 18, who have committed heinous offences, should be tried as adults.<sup>10</sup> This introduced the "Judicial Waiver System," which balanced both the juvenile's and the public's interests.

### 3.2 Structure and Process

The main strength of the Act has been that it provides a strong protection against the long-term impacts of juvenile offences. Section 24 of the JJ Act, 2015, along with Rule 14 of the Model Rules, 2016, contain the provisions of the destruction of delinquency records within a certain time period.<sup>11</sup> This is to ensure that a child is not characterised by their past offences, and this also provides a chance for them to study and work. The Act clarifies that an individual cannot

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<sup>5</sup> *supra* note 2.

<sup>6</sup> JT 1986 136.

<sup>7</sup> *supra* note 1.

<sup>8</sup> Arshdeep Singh et al., *Juvenile Justice System - India and the West: A Critical Legal Study*, 4(2) IJLLR 1, 7 (2022).

<sup>9</sup> Palak Singh, *An Analysis of Juvenile Justice System of India*, 17 SA 326, 327 (2020).

<sup>10</sup> Venudhar Routiya, *A Critical Study of Children Under Juvenile Justice System in India*, 11(4) IOSR-JECE 81, 82 (2016).

<sup>11</sup> Ritu, 'Right to be forgotten' for juvenile by destroying record of juvenile delinquency is an absolute right: *Rajasthan High Court* (26.02.2025), <https://www.scconline.com/blog/post/2025/02/26/right-to-be-forgotten-for-juvenile-by-destroying-record-of-juvenile-delinquency-is-an-absolute-right-rajasthan-high-court-scc-times/>.

be disqualified from public employment because of a conviction made under the juvenile law.<sup>12</sup> The Rajasthan High Court has also asserted that terminating an employee on an expunged conviction will go against the principles of juvenile justice. The system is established on the basis of confidentiality; the identity of a juvenile should not be disclosed, as this would cause stigma and labelling. Breaches of confidentiality, such as the police's disclosure of an erased conviction, have been condemned as gross violations of the Act.

The Act provides Juvenile Justice Boards (JJBs) to act on behalf of the children in conflict with the law and Child Welfare Committees (CWCs) on behalf of the children in need of care and protection. These courts are made child-friendly, unlike the traditional courts, which have the child's best interests as their priority. This is a system based on social agencies, observation homes and special homes to correct behaviour and offer a supportive environment, thereby reinforcing the rehabilitative framework. Rehabilitation and reintegration are the main goals of the Act. In line with the UNCRC, emphasis is laid on the counselling, probation and community-based programs, with institutionalisation as the final resort.

### 3.3 Traditional System of Closed Hearings

Historically, juvenile courts were closed to the public. It was dependent on the ideology that juveniles needed to be safeguarded against being stigmatised and offered an opportunity to be reformed. The system was based on the premise that juvenile delinquents could reform if they did not experience the long-term consequences of publicity and branding. It was to give them a "fresh start" rather than burden them with a permanent record of past mistakes.<sup>13</sup>

Rehabilitation rather than punishment was the main aim of the juvenile justice system. Confidentiality has been perceived to be the key towards this objective. Secrecy has thus been considered an instrument of "therapeutic justice," through which juveniles can proceed without the extra burden. Another issue was that public proceedings could permanently label a child as a criminal, even for a single act. This labelling was assumed to lead to the possibility of further delinquency, as it would lead the child into criminal subcultures.<sup>14</sup> The Supreme Court of India has highlighted that the conviction of a juvenile should be cleared so that no lasting stigma is

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Jan L Trasen, *Privacy v. Public Access to Juvenile Court Proceedings: Do Closed Hearings Protect the Child or the System*, 15(2) BCTWLJ 359, 370 (1995)

left on the child.<sup>15</sup> Similarly, international instruments like the Beijing Rules emphasise the fact that unwarranted publicity and labelling may have a long-lasting negative impact and should therefore be avoided.

Hearings were also held in a confidential manner to protect the child's privacy. Avoiding public disclosure prevented embarrassment and humiliation, which could have negative social and psychological consequences. Treaties such as the UNCRC state that the child's privacy should be respected throughout the process.<sup>16</sup> The juvenile process was purposely meant to be non-stigmatising and informal, and privacy was core to this objective. Early juvenile justice was based on the doctrine of *parens patriae*, where the state was the guardian of the child's welfare. The focus was on the background, needs and the possibility of the child to reform, not on the offence. Judges were expected to embrace the idea of social welfare, focusing on guidance rather than punishment. The presence of the public would have undermined this informal and child-centred process.

#### 4. MEDIA AND OPENNESS ON JUVENILE PROCEEDINGS

##### 4.1 Introduction

The media's impact on juvenile proceedings is complex, creating a tension between the rehabilitative goals of the juvenile justice system and the public interest in transparency. The right to be forgotten is the absolute right of the juveniles that ensures that the children are not stigmatised and that their rehabilitation comes first. As much as the tradition is on closed proceedings, the increase of juvenile crimes has caused the adoption of the concept of open proceedings for serious crimes to attain a balance with the public's right to be informed.

##### 4.2 Role of Watchdog

The media's role as a watchdog promotes accountability and checks on the misuse of judicial discretion.<sup>17</sup> Openness is seen as an essential safeguard against arbitrariness. Public scrutiny will ensure adherence to higher standards of professionalism and reduce the risks of bias. In the absence of such scrutiny, the proceedings can easily degenerate into rubber-stamp exercises,

<sup>15</sup> *There Is No Stigma With Regard To Any Crime Committed By A Juvenile, Says SC*, LIVELAW (29.11.2019, 04:45 pm), <https://www.livelaw.in/top-stories/no-stigma-with-regard-to-any-crime-committed-by-a-juvenile-150287>.

<sup>16</sup> *supra* note <sup>9</sup>.

<sup>17</sup> *supra* note <sup>14</sup>.

in which appropriate judicial review is not done.<sup>18</sup> Transparency also facilitates procedural regularity and consistency in judicial decision-making.

The public also has the right to know the operations of the government and courts better. By observing juvenile courts, citizens gain insight into how the system responds to issues involving children and families, reinforcing awareness on the rule of law and the responsibilities of state agencies. This will also ensure public trust in the system.

#### 4.3 Philosophical Perspectives

Traditionally, juvenile proceedings were closed to protect the child's identity, shield them from stigma, and preserve the rehabilitative ethos of juvenile justice. However, critics claim that, in reality, confidentiality does not necessarily serve the child's interests nor does it serve the necessity of transparency.

There has been a major change in perception concerning cases of severe or high-profile offences by juveniles. The general opinion is growing to say that leniency and secrecy can compromise people's safety and dilute accountability.<sup>19</sup> Critics argue that juveniles, who commit serious offences, should not enjoy the full protection of confidentiality, but should be held proportionately accountable to society.<sup>20</sup>

Moreover, scholars argue that confidentiality often serves to protect the system itself from scrutiny rather than safeguarding children.<sup>21</sup> Consequently, the creation of juvenile courts is considered a tool for compelling improvements in child welfare services and ensuring institutional responsibility.

As said by several New York court rulings, "Justice cannot prevail under a veil of secrecy or behind doors that do not open."<sup>22</sup> This view highlights the fact that fairness and legitimacy of juvenile justice will not flourish in a domain that is not accessible to citizens.

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<sup>18</sup> *supra* note <sup>14</sup>.

<sup>19</sup> Danielle R Oddo, *Removing Confidentiality Protections and the Get Tough Rhetoric: What has Gone Wrong with the Juvenile Justice System*, 18(1) BCTWLJ 105, 118 (1998)

<sup>20</sup> *supra* note <sup>14</sup>.

<sup>21</sup> Emily Bazelon, *Public Access to Juvenile and Family Court: Should the Courtroom Doors Be Open or Closed?*, YLPP 155, (1999).

<sup>22</sup> Matter of M S, 173 Misc.2d 656.

#### 4.4 Need for a Change in the Contemporary Juvenile Context

The justification for strict confidentiality and closed juvenile proceedings can be said to be historically rooted in assumptions about childhood innocence, limited awareness, and reduced moral and cognitive capacity. Back in the days, children were largely kept away from adult realities due to minimal exposure to mass media, digital technologies, and illicit substances. Their social environment reinforced prolonged childhood. Offences committed by minors were commonly linked to immaturity, impulsivity, or lack of understanding. In this context, confidentiality served a legitimate rehabilitative purpose, protecting juveniles from exposure to stigma and enabling reform without public condemnation.

However, these assumptions are no longer relevant in contemporary society. Today's juveniles are immersed in a digital environment that exposes them to explicit content, violence, criminal behaviour, and adult social realities at a very early age. Too much engagement with social media, online platforms, and digital communication has significantly altered patterns of cognition, awareness, and behavioural development. In many cases, juveniles now demonstrate levels of awareness, planning, and intent at a very matured level.

Recent incidents around minors engaging in serious violence, sometimes under the influence of narcotics and motivated by thrill-seeking, demonstrate this shift.<sup>23</sup> Another case was where a 6-year-old girl was raped by three boys of ages 10, 13, and 14 in Northeast Delhi. Two of the accused have been apprehended, while the third accused has absconded with his family.<sup>24</sup> At an age where they usually do not have any exposure to knowing about drugs or sexual intercourse, not only are they aware about it, but they are also committing those crimes. Unlike earlier generations, present-day juveniles often have easy access to drugs, criminal networks, and information that enables them to understand both the consequences of their actions and the legal protections available to them. This growing sophistication raises concerns on the continued blanket application of confidentiality in all juvenile proceedings.

Judicial recognition of this changing reality is already evident. The decision to allow juveniles aged 16–18 to be tried as adults in cases of heinous offences acknowledges that age alone is no longer a factor of culpability or comprehension. Yet this legal response remains incomplete.

<sup>23</sup> Aswathy J B, *Substance abuse in relation to homicide among Youth in India*, 12(1) IJCS 787, 787 (2022)

<sup>24</sup> Hemani Bhandari, 'Unable to walk': 6-year-old gang-raped by three boys, aged 10-14, in Delhi, HINDUSTAN TIMES (28.01.2026, 09:02 am), <https://www.hindustantimes.com/india-news/unable-to-walk-6-year-old-gang-raped-by-three-boys-aged-10-to-14-in-northeast-delhi-bhajanpura-101769562709175.html>.

While the law has evolved to address seriousness of offences, it has not sufficiently adapted to assess the mental capacity, awareness, and intent of individual juveniles in determining accountability and transparency.

In this context, absolute secrecy may undermine both justice and deterrence. When juveniles who possess adult-like awareness are protected from public scrutiny, the system risks enabling strategic misuse of juvenile protections. Transparency, that is regulated and ethically enforced, can be a corrective mechanism. It also reinforces the idea that age-based protection is not absolute and that every action carries real consequences.

Accordingly, evolving social realities demand a reassessment of juvenile justice norms. Rather than treating confidentiality as an inviolable principle, the law must adopt a more nuanced approach to evaluate maturity, intent, and understanding, rather than just looking at the age. Limited openness, where justified, may better serve societal interests, reinforce accountability, and reflect the transformed nature of childhood in the modern era, without abandoning the rehabilitative core of juvenile justice.

#### 4.5 Influence of Media

The sensationalised media coverage of violent crimes perpetrated by minors, like the 1998 Jonesboro school shooting in the USA<sup>25</sup> or the participation of a minor in the 2012 Delhi gang rape case<sup>26</sup> in India, resulted in a widespread belief that youth crime was on the rise. This resulted in massive outrage and public protests, which placed a strain on the legislators and the courts to embrace more vindictive measures. The media's capability to bring out extreme cases and emphasise the violent stories reinforced the stereotypes about dangerous youth offenders. This led to a "get-tough" atmosphere, where punishment was insisted upon rather than rehabilitative methods. Consequently, the role of media coverage was decisive in legislative change and people's support for increased transparency. Public safety and accountability have become dominant factors in heinous juvenile crimes; the need for deterrence and retribution is overshadowing rehabilitation. Critics base this argument on the fact that confidentiality rules were designed for minor, less serious crimes, not for grave offences. Such offenders should

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<sup>25</sup> Jonathan Ford, Westside School Shooting, EOA (11.12.2025), <https://encyclopediaofarkansas.net/entries/westside-school-shooting-3717/>.

<sup>26</sup> State v. Ram Singh and Anr., AIR SC 2595.

face public scrutiny and be held accountable.<sup>27</sup>

Another reason for pushing the transparency argument is that with the public excluded, there is more scope for procedural errors, systemic neglect and agency failures. In a case, the Supreme Court of the US has stated that public scrutiny serves an “important prophylactic purpose,” helping to prevent arbitrary acts.<sup>28</sup> The outcry of public concern, the media, the change in penal philosophy, and calls to institutional responsibility led to an inclination towards the direction of improved transparency in juvenile proceedings. These changes widely re-examine the weight between a youthful offender’s right to privacy and society’s interest in transparency and accountability.

Even though media access is important in ensuring that juvenile justice institutions work with fairness, integrity, and due process, such access must be exercised responsibly. Although public interest is a legitimate consideration, it cannot be prioritised at the cost of exposing a juvenile to lifelong stigma or social harm. In Florida, courts allow media access to detention hearings, but prohibits photographs and broadcasting of the juvenile’s face.<sup>29</sup> Also in Georgia, a juvenile court ordered that the media must have permission to use electronic or photographic gadgets, and the trial judge can allow pooled coverage. They also further gave guidelines on how the coverage should be taken.<sup>30</sup> This conditional access is comparatively better than a blanket prohibition.

It is in this situation that ethical journalism takes centre stage. The media should not reveal identifying data and should not engage in prejudicial reporting. It must be aware of the rehabilitative principles of juvenile justice. The people are entitled to know how judiciary deals with cases involving children and how state agencies do their business, but this extends only to understanding systemic functioning, not to accessing the detailed personal history or identity of the juvenile in question.

## 5. INTERNATIONAL FRAMEWORKS

When the Indian Juvenile Justice System is compared to the international systems, more specifically with reference to England and Wales, where open juvenile proceedings are

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<sup>27</sup> *supra* note <sup>14</sup>.

<sup>28</sup> *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980).

<sup>29</sup> *Access to Juvenile Courts: A Reporter’s Guide to Proceedings and Documents*, RCFP 1, 3 (1999).

<sup>30</sup> *Uniform Rules for the Juvenile Courts of Georgia*, R. 26.1; R. 26.2 (1999).

encouraged, a major difference in the philosophy underlining the system, specifically in the issue of confidentiality-rehabilitation versus transparency-accountability, can be outlined.

### **5.1 England and Wales**

In England and Wales, statutory protections governing the anonymity of juvenile are long-standing, but not absolute. The legal framework strikes a balance between protecting the privacy of young offenders and upholding the public interest in transparency. Under the Children and Young Persons Act 1933, courts were originally required to prohibit the publication of any information that could reveal a child involved in criminal proceedings. However, this position was later modified by legislation to reflect evolving concerns about public safety, media reporting, and accountability.

A major shift occurred with the Crime (Sentences) Act 1997, which amended the 1933 Act to grant courts discretionary power to lift anonymity. This power may be exercised where a court is satisfied that identification of the child or young person serves the public interest.<sup>31</sup> The reform was also created in response to cases of serious offences, habitual patterns of offending, or situations that have affected the community significantly. In such situations, lawmakers considered that public awareness and prevention outweigh the juvenile's right to privacy.

This increased discretion is supported by official guidance issued by the Home Office and the Lord Chancellor's Department, which clarifies the intent behind the reforms. The guidance highlights that media attention must be handled with a lot of caution, ensuring that identification is permitted only when necessary and not as a routine response to public pressure. The policy acknowledges the media's role in public education and scrutiny. However, it also reinforces that any deviation from anonymity must be proportionate, necessary, and consistent with the overarching principles of youth justice.

Scholarly literature highlights that England and Wales do not follow a model of blanket transparency. Instead, public access and media freedoms are conditional and carefully regulated, operating within boundaries set by judicial discretion. Courts must weigh competing interests, the child's long-term welfare, rehabilitation prospects, and privacy rights against the public's interest in accountability, deterrence, and confidence in the judiciary. The transparency framework in England and Wales reflects a nuanced approach: one that extends openness in

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<sup>31</sup> Natalie Jordan, *Name Suppression, The Media and Juvenile Offenders*, 1 NZLSJ 351, 369 (2007).

clearly defined circumstances, yet retains strong protections to prevent unjustified harm to the juveniles.

## 5.2 United States of America

There are two main principles followed in the USA when it comes to juvenile proceedings:

1. Juvenile Waiver: The USA takes up a hybrid model with the juvenile waiver principle. As per this principle, rather than a blanket protection, they try young offenders in adult courts for heinous crimes.<sup>32</sup>
2. “Get Tough” Approach: This approach is taken up with the help of the media. This is to protect the public interest. Some of the states of the USA, like New York, California and Virginia, have their juvenile proceedings open to the public for serious crimes.<sup>33</sup> Open proceedings is the general rule unless it is mandated by the court due to a pressing reason.<sup>34</sup>

## 6. CONCLUSION

The question of media involvement in juvenile proceedings underscores a vital tension between the need for public transparency and protect the rights and futures of young persons. Media oversight can be a powerful tool for accountability, highlighting systemic inadequacies, ensuring procedural fairness, and strengthening public trust in the justice system. However, with a lack of ethical restraints, media reporting can easily veer into sensationalism, exposing juveniles to stigma, public judgment, and irreversible harm. Thus, media access should be conditioned on strict ethical guidelines that deny the disclosure of identifying information and discourage coverage that prioritises views over accuracy and responsibility.

Opening juvenile proceedings in a regulated and selective manner can enhance systemic fairness and promote public interest. Transparency ensures that decisions by the judiciary are not made in isolation, that administrative agencies remain accountable, and that the people are informed about how the state responds to issues concerning children. Yet this openness must

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<sup>32</sup> Kristi Wright, *Balancing Punitive and Rehabilitative Approaches to Juvenile Justice*, HAQ 1.

<sup>33</sup> *supra* note <sup>15</sup>.

<sup>34</sup> *supra* note <sup>21</sup>.

never come at the price of jeopardising a juvenile's rehabilitative prospects. Protecting the identity, dignity, and long-term welfare must remain central pillars of juvenile justice.

In this context, India can learn from the model followed in England, Wales, and the USA, where openness is not absolute but guided by judicial discretion. The framework in those jurisdictions allows courts to open proceedings or lift anonymity only when clearly justified in the public interest, typically in cases involving serious, persistent, or community-impacting offences. At the same time, strong statutory protections and detailed official guidance ensure that disclosure remains the exception, not the rule. This calibrated approach balances the need for transparency with the child's need for privacy, rehabilitation, and protection from prejudice. Such a balanced system would uphold transparency that serves democratic accountability and preserve the core rehabilitative goals that lie at the heart of juvenile justice. At the end, the future of juvenile justice in India lies in finding a nuanced approach of embracing openness to promote fairness and public trust, while effectively limiting media interference to ensure that the juvenile interests remain paramount.

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