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## **THE CHALLENGES OF JUVENILE JUSTICE IN INDIA: THE CASE OF OM PRAKASH V. UNION OF INDIA, 2025**

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### **ABSTRACT**

Juvenile justice in India is a prominent and evolving issue, as it pertains to the country's most vulnerable citizens: the children. The paper will further explore the challenges juveniles face during court proceedings, concerning the landmark case of Om Prakash v. Union of India, 2025. In this case, the Supreme Court clearly stated that procedural errors and judicial oversights cannot obstruct substantive justice, especially for children.

The judgment in Om Prakash v. Union of India is a pivotal moment in India's juvenile justice jurisprudence. By setting aside a life sentence and upholding the rehabilitative intent of the Juvenile Justice Act, the Court reinforced the principle that the system must prioritize a child's well-being over strict adherence to the procedure.

## **Research objectives**

In the given research paper, we will conduct an in-depth investigation into the case and its aftermath to thoroughly understand the shortcomings and challenges within the juvenile justice system in our country. This examination will include a detailed analysis of specific incidents, procedural lapses, and the impact of these factors on the individuals involved. Additionally, we will perform a comprehensive review of the country's juvenile justice acts, assessing their effectiveness and identifying potential areas for reform to better protect the rights and welfare of minors in conflict with the law.

## **Introduction -**

"A child is a product of the present, in need of being moulded, to thrive in the future". Therefore, deviant behaviour of a child in conflict with the law should be a concern of society as a whole. This is what the Supreme Court has said in the case of *Om Prakash V. Union of India*, 2025.

The recent case of *Om Prakash V. Union of India* highlights significant concerns regarding the Juvenile Justice system in India. This landmark case encompassed several critical legal issues, including the retrospective application of juvenile justice laws, which questions whether newer laws can be applied to cases that occurred before those laws were enacted. Additionally, it addressed the evidentiary standards necessary for determining an individual's juvenility, emphasizing the need for clear and fair criteria to ascertain age in legal proceedings.

The case revealed systemic lapses in judicial accountability and procedural compliance, raising important questions about the effectiveness of current practices in protecting juvenile rights. Moreover, it examined the constitutional and human rights dimensions of juvenile protection, stressing that every child is entitled to fundamental rights, irrespective of their legal status.

A pivotal aspect of the case was the judicial interpretation of the phrase "any stage" within Section 9(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015, which has implications for how cases involving juveniles are managed throughout the legal process. The Court underscored that these multifaceted issues highlight the necessity of prioritizing substantive justice over mere procedural rigidity. It reaffirmed the judiciary's essential role in ensuring the protection of juvenile rights and upholding the principles of justice, equity, and

fairness within the juvenile justice system.

### **History of juvenile laws in India**

The history of juvenile laws in India illustrates a gradual evolution from punitive measures toward a system that emphasizes care, protection, and rehabilitation for children in conflict with the law. Early legislation, such as the Apprentices Act of 1850, aimed to treat minor offenders as apprentices rather than subjecting them to imprisonment. The formal establishment of a juvenile justice system began during the British colonial era, with the Madras Children Act of 1920 serving as a model for other states. The Juvenile Justice Act of 1986 created a standardized framework across the country, which was later succeeded by the Juvenile Justice (Care and Protection of Children) Act, 2000, aligning with international standards, the current juvenile laws has been amended in the year 2015.

Let us start with the Juvenile Justice Act of 1986, which represents the first significant effort by the Central Legislature to establish a comprehensive and uniform set of national standards for dealing with juveniles, acknowledging the necessity of treating them distinctly from adults. The term 'Juvenile' is defined in Section 2(h) of the 1986 Act as follows:

Section 2(h) -

Definitions.—In this Act, unless the context otherwise requires- “juvenile” means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years”

Although the 1986 Act did not explicitly address the mandate of the Constitution, the Legislature's concern for juveniles is clearly reflected in its provisions. Notably, Section 32 of the 1986 Act imposes an obligation on the Competent Authority to conduct a thorough inquiry into the age of any individual presented before it.

Section 7A of the 2000 Act outlines the procedure to be followed when a claim of juvenility is raised before any court.

Whenever a claim regarding juvenility is presented before any court, or if the court finds it pertinent to ascertain whether an accused individual was a juvenile at the time the offense was committed, the court is mandated to conduct an inquiry. This inquiry shall involve the collection of evidence, excluding affidavits, necessary to determine the age of the individual in

question. The court shall document a finding that specifies whether the individual is classified as a juvenile or a child, along with an estimation of their age. Furthermore, it is important to note that a claim of juvenility may be raised before any court, and this claim shall be acknowledged at any stage of the proceedings, even after the final resolution of the case. Such claims will be adjudicated in accordance with the provisions outlined in this Act and its accompanying regulations, regardless of whether the individual has ceased to be classified as a juvenile prior to the enactment of this Act.

When the issue of juvenility is presented before any court, Section 20 of the 2000 Act serves as a specific provision for pending cases. It is clearly established under both this section and the relevant rules that the 2000 Act applies to juveniles who may have ceased to be classified as such on or before the Act's commencement. Therefore, the 2000 Act allows for retrospective application. In India, juvenile laws are primarily governed by the Juvenile Justice (Care and Protection of Children) Act, 2015. This comprehensive legislation defines a "juvenile" as any individual below the age of 18 years. The 2015 Act was established to replace the earlier Juvenile Justice Act of 2000, reflecting the evolving understanding of child rights and justice.

One of the core objectives of the 2015 Act is to create a child-friendly environment that focuses not only on punitive measures but also on rehabilitation and reintegration of children who are in conflict with the law. The Act emphasizes the importance of treating juveniles with dignity and respect, ensuring that their legal processes are carried out in a manner that prioritizes their developmental needs. Moreover, the 2015 Act introduces several key provisions aimed at protecting children who require care and protection. This includes provisions for the establishment of Child Welfare Committees and the setting up of special homes and observation homes designed to cater specifically to the needs of these children. By doing so, the Act aims to provide safety, support, and a pathway to a brighter future for vulnerable children, ultimately fostering a more inclusive and supportive society.

The current legislation constitutes an enhanced version of earlier statutes, incorporating elements from the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, 1993. Additionally, the 2015 Act has undertaken the task of classifying offenses into various categories, thereby promoting clarity and precision in legal interpretation and application. The Court is anticipated to go above and beyond to satisfy its conscience, To determine whether the current case falls under the provisions of the 2015 Act, it is essential to

follow the specified procedures outlined within it. Furthermore, the provision clarifies that the 2015 Act and its relevant rules apply even if the person accused of an offense was no longer a child by the time the 2015 Act came into effect.

### **PLEA OF JUVENILITY VIS-A-VIS 'FINAL DISPOSAL'**

One of the most crucial element in the juvenile laws as well as the case of *Om Prakash V. Union of India* is this principle of Final disposal which emphasize the phrase “even after the final disposal of the case” found in Section 9(2) of the 2015 Act. As mentioned, this provision is fundamental to the entire Act and must be interpreted to its fullest extent.

Just because a quick decision has been made does not mean that someone cannot later raise a plea of juvenility. This is because the plea has not been finalized. As long as a party has the right to raise this issue, we cannot say that it is settled. If the plea has been brought up but not decided, the decision made at that time cannot be considered final. Also, if the plea is not treated as one under Section 9(2) of the 2015 Act, and if the required process is not followed, an order that rejects the plea will not be final.

In simple terms, even if a plea of juvenility was raised but not properly addressed during a Special Leave Petition, Statutory Criminal Appeal, Review Petition, or Curative Petition, a competent court can still examine the issue later, provided that the correct procedures are followed. It is important to clarify that if a decision is made through the proper process, there may be no opportunity for further litigation. However, if the plea was not handled as required by Section 9(2) of the 2015 Act and the necessary procedures were not followed, the principle still applies, and the right to raise the plea of juvenility remains intact.

Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 (hereinafter referred to as the "2007 Rules") should be understood in conjunction with the principal Act.

#### **According to Rule 12 of the 2007 Rules:**

Procedure for Age Determination in the case of juvenility is as follows

In every case involving a child or juvenile in conflict with the law, the inquiry to determine age shall be conducted by the court, the Board, or the Committee, as appropriate. This process involves gathering evidence to establish age."

- (a) (i) the matriculation or equivalent certificates, if available; and in the absence whereof;
  - (ii) the date of birth certificate from the school (other than a play school) first attended; and in the absence whereof;
  - (iii) the birth certificate given by a corporation or a municipal authority or a panchayat;
- (b) and only in the absence of either (i), (ii) or (iii) of clause (a) above, the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the juvenile or child.

If an exact age assessment cannot be made, the Court, Board, or Committee may consider a child or juvenile's age on the lower side by one year, if necessary. They must record their reasons and, after considering available evidence or medical opinion, determine the age based on the specified evidence in clauses (a)(i), (ii), (iii), or in clause (b) if none is available, which shall be conclusive proof of age.

After analysing the history and the present provisions of juvenile laws, we will now move on to understand the case with respect to the provisions stated above.

### **The case focused on several key legal questions:**

The case of *Om Prakash V. Union of India* addresses several intricate issues pertaining to the stipulations of juvenile justice legislation.

- i) The question to consider is whether the appellant, Om Prakash, was a juvenile at the time the offence was committed.
- ii) The question is whether the failure to determine his age during the trial impacted the validity of the proceedings.
- iii) The appropriate legal remedy and relief available to the appellant under the Juvenile Justice Act, 2015.

### **Issues for Consideration**

The main legal issue was whether the plea of juvenility, as outlined in Section 9(2) of the

Juvenile Justice Act, could be considered after the case had been finalized. Additionally, it was questioned whether the courts had made an error by not adequately addressing this plea at earlier stages of the proceedings.

### **Om Prakash V. Union of India**

The case of Om Prakash v. Union of India focuses on the appellant, Om Prakash, who faced charges of culpable homicide, categorized as murder, following an incident that occurred on November 15, 1994. During his trial, his age was recorded as 20 years under Section 313 of the Criminal Procedure Code (CrPC). However, he contended that he was actually 17 years old at the time of the offense, which would classify him as a juvenile under the applicable laws. Despite presenting a school certificate and undergoing ossification tests to support his claim, his assertion of juvenility was rejected at multiple judicial levels, including the trial court, appellate courts, and during the review and curative petition processes.

The trial court, interpreting his statement about a bank account, assessed that he was an adult and issued a death sentence. This decision was subsequently upheld by both the High Court and the Supreme Court. Following this, all review and curative petitions were dismissed. Additionally, the mercy petitions presented to the Governor and the President of India did not lead to a different outcome. This case highlights the complexities and challenges within the judicial system regarding age assessment and the weight of evidence in sentencing.

We will now conduct a comprehensive analysis of the case, examining every minute detail in order to gain a thorough understanding of the situation. This analysis will include an exploration of the key elements such as the timeline of events, relevant evidence, witness testimonies, and any underlying factors that may have influenced the outcome. By delving into each aspect meticulously, we aim to provide a clear and complete picture of the case at hand.

Let us start from the very beginning of the case, where the Appellant provided his name, his father's name, his age, and other details. He stated that he was 20 years old as of March 7, 2001. Additionally, he confirmed that he had opened a bank account and that a cheque book had been issued. However, this statement is not relevant in the context of determining juvenility.

After he was convicted, he claimed he was a juvenile during the sentencing hearing, saying he was about 17 years old at the time of the incident. It is not disputed that he was illiterate then.

The trial court, based on his statement about the bank account, assumed he was an adult and sentenced him to death, influenced by the seriousness of the crime.

When the case was appealed to the High Court, the Appellant had a lawyer provided by the court. They tried to raise the juvenile claim again, arguing that the Appellant should be tried by a Juvenile Court and receive the benefits of being a juvenile. They relied on the bank account and the cheque book again. Like the trial court, the High Court was also influenced by the crime committed.

When the case reached the High Court again, the Appellant presented a birth certificate from Dariya Bodinath Board School, dated April 28, 2001. However, this Court also dismissed his appeal.

It was noted that the details to open the bank account were filled in by his deceased employer. The Review Petition was dismissed. Following this dismissal, a Mercy Petition submitted to the Governor of Uttarakhand was also rejected. Subsequently, a Writ Petition was filed in this Court by the Appellant's parents, along with a social worker, which included a copy of the school certificate dated June 19, 2003, from the headmaster, and a transfer certificate dated April 28, 2001. This Writ Petition, invoking Article 32 of the Constitution, was dismissed on February 16, 2005, but the Court granted liberty to seek its curative jurisdiction.

A Curative Petition was subsequently filed. Notably, in response to the Curative Petition, the accused presented an additional certificate dated January 7, 2006, issued by the Dariya Para Bodinath Board School. This new certificate reaffirmed that the Appellant was 14 years old at the time of the incident. Regrettably, this Curative Petition was dismissed by an order from this Court dated 06.02.2006. After the amendment that introduced Section 7A into the 2000 Act, the Appellant's mother submitted a Mercy Petition to the Hon'ble President of India. While this Mercy Petition was pending, the 2007 Rules were enacted. Additionally, a Medical Board established by Meerut Jail conducted an ossification test upon the Appellant's request through an application. The resulting Medical Age Certificate indicated that the Appellant was approximately 14 years old at the time of the incident.

On May 8, 2012, a Presidential Order commuted the Appellant's death sentence to life imprisonment, stipulating that he would remain incarcerated until he reaches the age of 60. Subsequently, the Appellant filed an application under the Right to Information Act of 2005,



which resulted in the bank providing information that confirmed any minor over the age of 10 is eligible to open an independent bank account, as long as they possess basic reading and writing skills. Furthermore, it was clarified that no cheque book was issued for the bank account opened in the Appellant's name.

The court rejected a subsequent Curative Petition submitted by him, deeming it not maintainable. In 2019, the Appellant filed a Writ Petition before the High Court, invoking Article 226 of the Constitution to challenge the Presidential Order, while seeking additional relief under Section 9(2) of the 2015 Act. The High Court dismissed the Writ Petition with a comprehensive judgment, asserting that the scope of judicial review over an executive order issued under Article 72 of the Constitution is limited and that the proceedings against the Appellant had reached finality. It is noteworthy that the merits of the case were not examined due to the State's unequivocal position regarding the Appellant's age. Aggrieved by this outcome, the Appellant has now brought the matter before us. Dr. S. Muralidhar, the distinguished Senior Counsel representing the Appellant, argued that the High Court erred by overlooking the independent request made by the Appellant. It is undisputed that the Appellant was only 14 years old at the time the offence was committed. The 2015 Act requires a more expansive interpretation. There is no evidence contradicting the Appellant's assertion of juvenility, a claim he has consistently maintained at every stage of the proceedings. This situation represents a significant miscarriage of justice, underscored by the lack of proper adjudication, which entitles the Appellant to immediate release. To support this argument, the Learned Senior Counsel has referenced the following precedents:

*(i) Section 9(2) of the Juvenile Justice Act, 2015 remains applicable even following the final resolution of a case. (Ram Narain v. State of Uttar Pradesh, (2015).)*

*(ii) Beneficial and retrospective applicability of change in law post the dismissal of the Curative Petition.*

*(iii) Claim of juvenility can be raised and considered even after the President has exercised powers under Article 72, Constitution of India (Kehar Singh v. Union of India, 1989)*

### **Observations made by the supreme court**

The supreme court has made various observations regarding the landmark case of Om Prakash

V. Union of India.

i) The Court unequivocally determined that there was no contention regarding the appellant's age; he was 14 years old at the time of the offence.

ii) The court also implied upon the duty of the Courts in the Interpretation of Section 9(2) of the Juvenile Justice Act. An expansive interpretation of Section 9(2) of the Juvenile Justice Act, 2015, was supported. This allows claims about being a juvenile to be made at any point in the legal process, even after a conviction.

iii) The Supreme Court stated a clear principle: no one should have to bear the consequences of a mistake made by the court. They emphasized that if a mistake is obvious and everyone agrees it happened, it shouldn't prevent someone from receiving what they rightfully deserve.

iv) Limited Judicial Review of Presidential Orders : The authority to grant pardons under Articles 72 and 161 of the Constitution is considered sovereign and subject to limited judicial scrutiny. However, the Court has determined that an independent application under Section 9(2) of the Juvenile Justice Act must be evaluated based on its individual merits.

v) Judicial Responsibility and the Quest for Truth: The Court emphasized its role in seeking the truth and stated that justice should go beyond strict procedures and focus on fairness. The Court decided that following procedural rules should not prevent the truth from being discovered, especially in cases involving young people, where fairness and sensitivity are crucial.

"The truth should be the guiding star in the entire judicial process. Truth alone has to be the foundation of justice. The entire judicial system has been created only to discern and find out the real truth. Judges at all levels have to seriously engage themselves in the journey of discovering the truth. That is their mandate, obligation and bounden duty. Justice system will acquire credibility only when people will be convinced that justice is based on the foundation of the truth."

The Supreme Court highlighted key articles of the Constitution, specifically Articles 14, 15(3), and 39(e)(f). These articles make clear that the State must protect children and look after their well-being. In line with international agreements like the UN Convention on the Rights of the

Child (UNCRC), the Court stated that laws for young people should focus on helping them recover and reintegrate into society instead of punishing them.

"The Supreme Court has decided that a child living in a discriminatory environment deserves fair treatment based on Article 14 of the Constitution of India, 1950. Article 15(3), along with Articles 39(e) and (f), 45, and 47, shows the importance of giving special care to children as part of Fundamental Rights and the Directive Principles of State Policy."

### **Aftermath of the case**

The Court criticized the trial and High Courts for rejecting the appellant's claim about being a juvenile. They based their decision on irrelevant factors, like having a bank account, which did not relate to the appellant's age. This showed a failure to follow proper procedures under juvenile laws.

The Supreme Court's ruling in Om Prakash's case is a landmark in juvenile justice jurisprudence. It sends a clear message: procedural errors and judicial oversights cannot stand in the way of substantive justice, especially for children. The judgment not only corrects a historical wrong but also strengthens the legal framework for the protection, rehabilitation, and reintegration of juvenile in conflict with the law. This case involved several legal issues, including the retrospective application of juvenile justice laws, the evidentiary standards for determining juvenility, systemic lapses in judicial accountability and procedural compliance, the constitutional and human rights dimensions of juvenility protection, and the judicial interpretation of "any stage" under Section 9(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Court observed that these issues underscored the necessity of prioritizing substantive justice over procedural rigidity and re affirmed the judiciary's role in safeguarding the rights of juvenile.

The Court criticized the trial and High Courts for dismissing the appellant's juvenility claim based on irrelevant considerations, such as the possession of a bank account, which had no bearing on the appellant's age. This reflected systemic negligence and a lack of adherence to procedural safeguards under juvenile laws. Referring to *A.R. Antulay v. R.S. Nayak*, the Court emphasized that judicial errors must be rectified to prevent miscarriages of justice.

The Supreme Court has re affirmed the evidentiary significance of school certificates and

ossification tests, highlighting their reliability in determining juvenility. In its ruling, the Court referenced (*Mohan Singh v. State of M.P.*), to emphasize the importance of evidence-based adjudication, ensuring that claims of juvenility are assessed fairly and accurately.

The custody certificate shows that the Appellant has been in prison for nearly 25 years. During this time, society has changed a lot, and the Appellant may not be aware of these changes, which could make it hard for them to adjust.

The Supreme Court asked the Uttarakhand State Legal Services Authority to take an active role in finding any government welfare programs that can help the Appellant rebuild his life after his release. This should focus on ensuring he has access to work, housing, and basic needs, as protected by Article 21 of the Constitution.

The Court noted significant systemic failures, including the improper dismissal of juvenility claims despite corroborative evidence. It emphasized the retrospective applicability of juvenile laws and their rehabilitative nature.

### **Importance of the Judgment**

The judgment is of significant importance, as it carries essential implications for the juvenile justice system within the country.

The ruling highlights the important role of the judiciary in protecting vulnerable groups, especially young people. This is done through a legal principle known as (*parens patriae*), which means that the State can step in to safeguard those who cannot protect themselves. The judgment also referred to earlier cases, such as (*Sheela Barse v. Union of India*), where the Supreme Court stressed the importance of treating young people with compassion and care.

The judgement highlights an important ruling from the (*Bandhua Mukti Morcha v. Union of India* case), which underscores the government's responsibility to ensure the well-being of children. It references key constitutional provisions that safeguard children's rights and address their needs. Rather than emphasizing punishment, this ruling advocates for the rehabilitation and reintegration of young individuals into society.

The judgement is of great significance as it provides:

1. Strengthening juvenile rights: The decision enhanced legal protections for minors, preventing unjust adult penalties.
2. Importance of procedural safeguards: Lower courts must verify age in cases involving young offenders.
3. Establishment of a precedent: The ruling highlights the need for addressing age-related pathways for re-examination and relief in legal cases.

This case stands out because it interprets the law in a way that allows individuals to claim they are juvenile at any point during legal proceedings, even after a conviction has occurred. This is important because it ensures that mistakes or oversights in the legal system don't stop young people from asserting their rights. The decision emphasizes the role of the courts in correcting wrong judgments, especially if there's good evidence, like school records or medical reports, to support these claims.

The ruling highlights the importance of helping young people rehabilitate rather than just punishing them. It encourages courts and lawmakers to focus on the well-being and reintegration of juvenile into society. This approach is in line with constitutional rights and international agreements aimed at protecting children. Going forward, this case could serve as a guide for improving how courts handle cases involving claims of juvenility from the very beginning of legal proceedings.

## **Conclusion**

The Supreme Court's ruling in the case of Om Prakash represents a transformative moment in the field of juvenile justice jurisprudence. This landmark decision delivers a powerful message: procedural errors and judicial oversights should never obstruct the path to substantive justice, particularly when it involves the rights and well-being of children. The court's judgment not only addresses and rectifies historical injustices faced by juvenile but also fortifies the legal framework designed for their protection, rehabilitation, and reintegration into society. By emphasizing the necessity of a fair and compassionate approach to juvenile cases, the ruling advocates for systemic reforms that prioritize the needs of young individuals in conflict with the law, ensuring they receive the support and guidance essential for their development and prospects.

## **Bibliography**

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- \* Kehar Singh V. State of Uttar Pradesh
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- \* Section 20 of juvenile justice act, 2000.
- \* Rule 12 of juvenile justice act, 2000.

### **Web Resources**

- \* Indian Kanoon
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