

**MAINS iMPACT 2025****23-11-2025**

JUVENILE JUSTICE SYSTEM

SYLLABUS:

GS 2 > Vulnerable Sections > Children

REFERENCE NEWS:

- As per the recently released first-of-its-kind study 'Juvenile Justice and Children in Conflict with the Law: A Study of Capacity at the Frontlines', published by **the India Justice Report (IJR)**, more than **half (55%) of the 1,00,904 cases before 362 Juvenile Justice Boards remained pending**, despite a **decade of the Juvenile Justice Act, 2015**.
- The pendency rate varies widely, from **83% in Odisha to 35% in Karnataka**.

Juvenile Justice Boards (JJBs) are statutory bodies under the Juvenile Justice (Care and Protection of Children) Act, 2015 that adjudicate cases involving children in conflict with the law through a child-friendly, reformative, and non-penal approach.

HIGHLIGHTS OF THE IJR STUDY:

- **Wide Coverage but Weak Functionality:**
 - 92% of India's 765 districts have constituted JJBs, indicating strong coverage on paper.
 - However, one in four JJBs (24%) is not fully staffed, lacking key members required under the JJ Act, 2015.
- **No Centralised, Public Data System:**
 - Unlike regular courts (which use the NJDG), there is no central or public data repository for JJBs.
 - This forced IJR to rely on over 250 RTIs to gather basic information from 21 States.
- **Heavy Workload and Capacity Constraints**
 - Each JJB handles an average of 154 pending cases per year, straining their capacity.
 - Vacancies in child care institutions and missing probation services weaken rehabilitation efforts.
 - 30% of JJBs lack a legal services clinic, limiting access to free legal aid for children.
- **Weak Transparency and Data-Sharing Culture**
 - **From 500+ RTI responses:**
 - 11% rejected,
 - 24% no reply,
 - 29% transferred to districts,

- Only 36% gave substantive responses.
 - This indicates a poor culture of transparency, weak record-keeping, and irregular data transfers.
- **Juvenile Crime Pattern Shows High-Risk Age Group**
 - As per Crime in India 2023 data, 40,036 juveniles were apprehended in 31,365 cases.
 - More than 75% were 16–18 years old, the age segment most impacted by preliminary assessment and “trial as adult” provisions.
- **Systemic Gaps in the Juvenile Justice Architecture**
 - **Despite a decade since the JJ Act, 2015, the study finds:**
 - Poor inter-agency coordination between police, WCD, SCPS, and SLSA.
 - No regular information flow from ground-level child protection units to higher authorities.
 - Data scattered and inconsistent, making supervision weak and episodic.

THE JUVENILE JUSTICE SYSTEM IN INDIA:

- The Juvenile Justice System in India is a specialised legal framework aimed at protecting the rights and welfare of children, **focusing on rehabilitation and reintegration rather than punishment**. Governed by the **Juvenile Justice (Care and Protection of Children) Act** and related guidelines, it operates on the **doctrine of *parens patriae***, empowering the **state to act as a guardian** for children who cannot care for themselves.
- As one of the most progressive systems, it seeks **to reform children in conflict with the law and provide care and protection to vulnerable or unprotected** children through child-friendly procedures and dedicated institutions.

EVOLUTION OF THE JUVENILE JUSTICE SYSTEM IN INDIA:

- The Juvenile Justice System in India has evolved through major legislative and structural reforms, each reflecting a deeper understanding of the unique needs and vulnerabilities of children in conflict with the law.
- In **1920**, the first juvenile court was established in Bombay under the **Children Act, 1920**, formally recognising that individuals below 16 years required a separate judicial approach focused on protection and guidance rather than punishment.
- A major shift came in **1986** with the enactment of the **Juvenile Justice Act, 1986**, which replaced the 1920 law. This legislation emphasised that juvenile offenders were not typical criminals but children needing care, protection, and rehabilitation. It introduced **Juvenile Welfare Boards** and **observation homes** for temporary care during legal proceedings.
- The **2000 amendment** aligned Indian law with the **UN Convention on the Rights of the Child**, raising the definition of a juvenile to **below 18 years** and reinforcing rehabilitation and reintegration as core principles.
- Another landmark reform occurred in **2015**, following the Nirbhaya case, allowing juveniles aged **16–18** to be tried as adults for **heinous offences**, while retaining the broader rehabilitative ethos for other offences.
- The **2021 amendment** further strengthened the system by expanding provisions for **foster care and adoption**, enhancing rehabilitation measures, and empowering **Juvenile Justice Boards** and **Child Welfare Committees** with greater decision-making authority.

JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015:

- The **Juvenile Justice (Care and Protection of Children) Act, 2015** is India's primary law governing the juvenile justice system, replacing the 2000 Act. It lays down the framework for the **care, protection, rehabilitation, and legal handling of children**, including both *children in need of care and protection* and *children in conflict with the law*.
- The Act also mandates the creation of **juvenile police units, Juvenile Justice Boards (JJBs), and Child Welfare Committees (CWCs)** to ensure a child-friendly justice process.
- The Act defines a **child or juvenile** as any person below 18 years of age and provides for **observation homes, special homes, and place-of-safety facilities** for their care and rehabilitation. Every district must have a **Juvenile Justice Board**, which decides outcomes for children in conflict with the law, such as probation, community service, or placement in a special home for up to three years.

DEFINITION OF CHILD AND JUVENILE:

Under the **JJ Act, 2015**, a **child** is anyone **under 18 years**. The Act differentiates between:

- **Child in Conflict with Law** – a child below 18 accused of an offence
- **Child in Need of Care and Protection** – a child requiring safety, shelter, or support

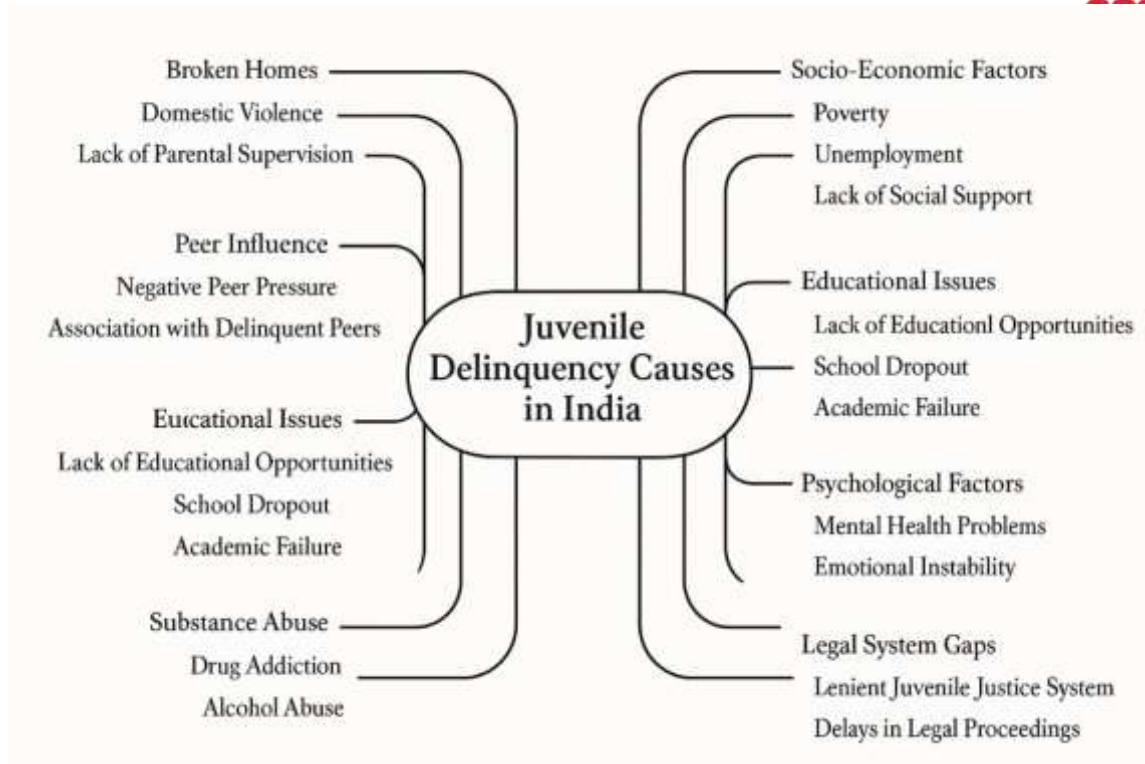
Other laws define "child" differently. For instance:

- **Indian Penal Code (IPC)**: child below 12 years
- **POCSO Act, 2012**: child below 18 years, matching the JJ Act

Thus, the definition varies depending on the purpose of each law, **but the JJ Act is the primary reference for juvenile justice.**

United Nations Convention: The UN Convention on the Rights of the Child, 1989 defines that a "child" means a human being below the age of eighteen years unless the law applicable to the child provides that majority is attained earlier.

CAUSES OF JUVENILE DELINQUENCY:



ISSUES OF THE JUVENILE JUSTICE SYSTEM IN INDIA:

- **High Pendency Before JJBs:**
 - The most serious issue is the **huge case backlog**.
 - As per the India Justice Report's first-of-its-kind study "*Juvenile Justice and Children in Conflict with the Law*", **55% of the 1,00,904 cases** before **362 JJBs** were pending as of **31 October 2023**.
 - Pendency varies starkly—**83% in Odisha** versus **35% in Karnataka**—despite 92% of districts having JJBs. On average, **each JJB handles 154 pending cases annually**, limiting the ability to conduct child-friendly, individualised inquiries.
- **Incomplete Staffing and Weak Legal Aid:**
 - **24% of JJBs are not fully constituted**, lacking mandatory members, and **30% have no legal services clinic**, leaving many children without proper legal aid.
 - For example, **Justice Madan B. Lokur** highlighted that vacant JJB benches and understaffed Child Care Institutions directly harm children's cases. Similarly, the **Kerala High Court recently issued 15 directives** to fix staffing gaps in JJBs, CWCs and CCIs after finding widespread non-compliance.
- **Poor Data Systems and Weak Coordination:**
 - Unlike regular courts, JJBs have **no central data platform** like the NJDG. IJR had to file **250+ RTIs** across 21 States to gather basic data.
 - Of **500+ RTI responses**, **11% were rejected**, **24% unanswered**, and only **36% substantive**, showing weak transparency and poor data culture. There is also **poor inter-agency coordination** among the Police, WCD, SCPS and SLSA, weakening referral, monitoring, and rehabilitation processes.
- **Rising Juvenile Crime in the 16–18 Age Group:**
 - As per **Crime in India 2023**, **40,036 juveniles** were apprehended in **31,365 cases**, and nearly **79% were aged 16–18**.

- For instance, in Pune, “**koyta gangs**” of minors have shown how social media-driven visibility fosters group violence among adolescents, indicating deeper socialisation and vulnerability issues.
- **Challenges in Preliminary Assessment (16–18 Tried as Adults):**
 - Section 15 of the JJ Act, 2015 allows children aged **16–18** accused of **heinous offences** to be tried as adults after a preliminary assessment.
 - In practice, JJBs often lack **trained psychologists or standard tools**, making assessments inconsistent and subjective.
 - Rights groups such as **HAQ: Centre for Child Rights** argue this risks criminalising children and contradicts the rehabilitative philosophy of juvenile justice.
- **Weak Rehabilitation and Aftercare Mechanisms:**
 - Reform institutions like observation homes and special homes remain **understaffed, poorly monitored and resource-deficient**.
 - For example, media reports about certain juvenile homes in Mumbai describe poor living conditions, lack of counselling, and even drug availability, turning some institutions into **spaces that escalate criminal behaviour**, not reform it. Probation services—expected to be central—remain thinly staffed and ineffective.
- **Socio-Economic Vulnerability and Uneven Prevention Efforts:**
 - Juvenile crime is strongly linked to **poverty, school dropout, and lack of community support**.
 - For example, Chandigarh Police found most juveniles apprehended came from urban fringes and were dropouts, but structured interventions—counselling, skill training, and “gully cricket” programmes—helped **significantly reduce juvenile crime in 2024**, showing the power of preventive community work. Yet such initiatives are **inconsistent and not institutionalised**.
- **Fragmented Legal Definitions and Low Awareness:**
 - While the **JJ Act defines a child as under 18**, other laws differ—e.g., **IPC treats under-12 differently**, whereas **POCSO defines child as under 18**. This leads to confusion among frontline police and legal officers. iPleaders notes that poor awareness of child-friendly procedures means children are still sometimes interrogated or produced before JJBs in adult-like, adversarial ways—contradicting the philosophy of *parens patriae*.

WAY FORWARD: STRENGTHENING THE JUVENILE JUSTICE SYSTEM IN INDIA:

- **Uniform and Effective Implementation of the JJ Act:** While the JJ Act, 2015 is one of India’s most progressive child-rights legislations, its impact depends on **consistent state-level implementation**. A **national monitoring framework** must evaluate JJB sittings, staffing, infrastructure, and case processing timelines. States must be mandated to meet monthly sittings norms—Childline India notes that **only 13 States/UTs have JJBs sitting 20+ days**, signalling a gap that requires immediate compliance mechanisms.
- **Data, Research, and Accountability Systems:** India needs a **National Juvenile Justice Data Grid**, similar to the NJDG.
 - The IJR’s reliance on **250+ RTIs** reveals the lack of a digital record system.
 - Regular audits, open data, and research-backed policy updates will improve transparency.
 - 71% of states have a Juvenile Justice Fund—utilisation must be tracked.

- **Continuous Policy Reforms:** Juvenile justice policy must evolve with social realities. Stakeholders—including juveniles, families, NGOs, and community groups—should be part of consultations to ensure that reforms remain connected to ground needs.
- **Strengthening Institutional Infrastructure:** Observation homes, special homes, and child care institutions need urgent upgrading. Several states—such as **Bihar and Uttar Pradesh**—have been flagged for **poor sanitation, inadequate health services, lack of counsellors, and weak educational facilities**. Ensuring minimum standards through surprise inspections, digital audits, and independent child-rights monitors can prevent substandard living conditions.
- **Capacity Building and Sensitisation of Stakeholders:** Police, JJB members, CWCs, prosecutors, probation officers, and social workers must receive **regular training** in child psychology, trauma-informed care, UNCRC norms, POCSO procedures, and behavioural assessment techniques. Sensitisation is essential to avoid adult-centric interrogation methods, which iPLEaders and other analyses highlight as a recurring problem.
- **Strengthening Rehabilitation and Reintegration Mechanisms:**
 - Rehabilitation must be seen not as a “post-order activity” but as the **core purpose** of juvenile justice
 - Vocational training must be standardised—several homes in **Jharkhand and West Bengal** currently lack functional programmes.
 - Reintegration support should facilitate school re-admission, bridging courses, and livelihood options.
 - Community-based rehabilitation models, such as those tried in **Chandigarh** (counselling + sports + skill training), can significantly reduce recidivism.
- **Adoption of Restorative Justice Practices:**
 - India must move toward **restorative rather than retributive** approaches:
 - Victim-offender mediation,
 - Restitution agreements,
 - Family Group Conferences (like **New Zealand’s** model), can help juveniles understand the harm caused, promote healing, and reduce relapses. Evidence from **Norway** and **Germany** shows that restorative approaches lead to **higher reintegration and lower recidivism**.
- **Diversion and Early Intervention Programmes:**
 - Diversion keeps juveniles away from the formal justice system for minor offences. Diversion options may include:
 - community service,
 - counselling,
 - educational courses,
 - family-based interventions.
 - Countries like **Germany** and **Australia (Indigenous Diversion)** show success by using community-driven alternatives instead of institutionalisation.
- **Strengthening Coordination Among Agencies:** Given the systemic gaps, stronger coordination between **Police, WCD, SCPS, SLISA, JJBs, and CWCs** is crucial. Joint digital case-tracking portals, shared counselling services, and district-level Juvenile Justice Coordination Committees can ensure seamless referral and monitoring.
- **8. Focus on Mental Health and Therapeutic Support:** Large numbers of children entering the system come from trauma, abuse, or severe deprivation.

- JJ institutions must have in-house psychologists,
- access to therapy,
- crisis intervention services,
- certified counsellors trained in trauma-informed practices.

Countries like **Japan** and **Sweden** emphasise long-term probation and aftercare, which India must replicate.

- **Public Awareness and Community Participation:** To address stigma, community organisations, schools, and youth clubs must run awareness programmes. Reintegration becomes difficult when society marks juveniles as “criminal”—for example, **several Mumbai cases** show juveniles failing to re-enter schools or employment due to stigma

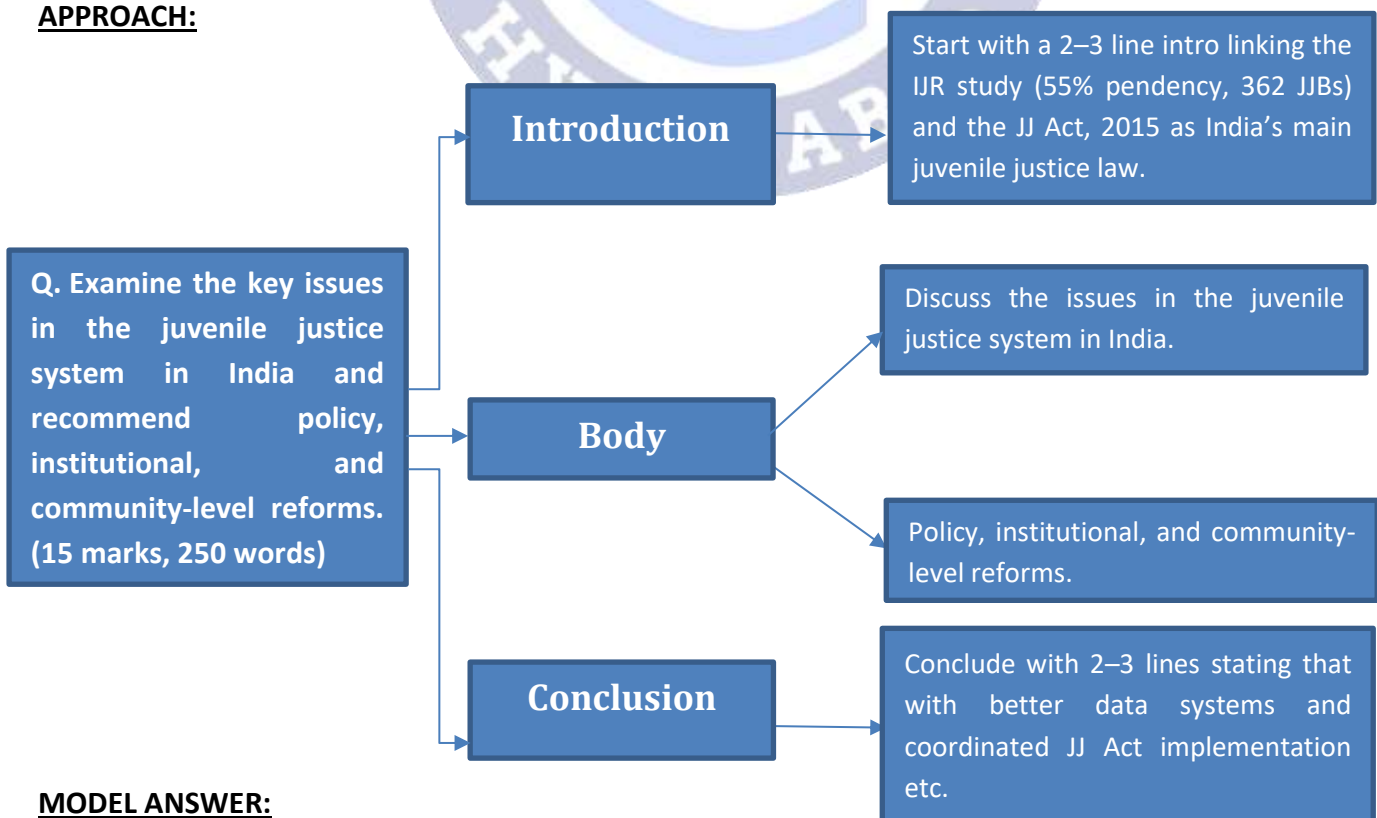
CONCLUSION:

- The Juvenile Justice System in India is at a decisive turning point. The IJR’s findings—55% pendency, staffing gaps, weak infrastructure, and fragmented coordination—show that the system is still far from realising the JJ Act’s core promise of acting in the child’s best interest.
- India’s framework is progressive and rooted in *parens patriae*, yet implementation remains its weakest link. The way forward lies in shifting from punitive responses to rehabilitation and restorative justice, as demonstrated by global models in Norway, New Zealand, Germany, Japan, and others.
- With uniform enforcement of the JJ Act, stronger rehabilitation and reintegration mechanisms, and coordinated support from State agencies and communities, India can create a juvenile justice system that not only reforms behaviour but **restores childhood, protects dignity, and prevents future offending**.

PRACTICE QUESTION:

Q. Examine the key issues in the juvenile justice system in India and recommend policy, institutional, and community-level reforms. (15 marks, 250 words)

APPROACH:



MODEL ANSWER:

The *first-of-its-kind* India Justice Report (IJR, 2025) on “*Juvenile Justice and Children in Conflict with the Law*” reveals that **55% of 1,00,904 cases before 362 Juvenile Justice Boards (JJBs) remain pending**, with pendency ranging from **83% in Odisha to 35% in Karnataka**. Despite the **Juvenile Justice (Care and Protection of Children) Act, 2015** providing one of the world’s most progressive child-centric legal frameworks, operational and systemic gaps continue to undermine its rehabilitative intent.

Issues in the Juvenile Justice System in India:

1. High Pendency and Overburdened JJBs

Despite 92% districts having JJBs, each Board handles **154 pending cases annually**, limiting individualised inquiry. Pendency consistently delays rehabilitation.

2. Incomplete Staffing and Weak Legal Aid

24% of JJBs are not fully constituted, and **30% lack a legal services clinic**, denying children access to proper representation. Kerala HC had to issue **15 corrective directives** due to widespread staffing gaps.

3. Poor Infrastructure in CCIs and Observation Homes

States like **Bihar and Uttar Pradesh** report sanitation gaps, no counsellors, and inadequate healthcare—conditions that push juveniles toward further vulnerability instead of reform.

4. Weak Data Systems and Transparency

With **no central data repository**, IJR had to file **250+ RTIs**, of which only **36% received substantive replies**. Poor record-keeping and fragmented data impede supervision.

5. Rising Juvenile Crime Among 16–18 Age Group

Crime in India 2023 shows **79% juveniles apprehended were 16–18 years old**. Cases such as Pune’s “koyta gangs” show peer influence and social-media-driven delinquency.

6. Deficient Rehabilitation, Aftercare, and Probation Services

Probation officers are understaffed; several states (Jharkhand, West Bengal) lack functional vocational programs. Stigma prevents school re-entry, as seen in many Mumbai slum cases.

Reforms Needed:

A. Strengthening Governance and Legal Framework

- **Uniform Implementation of the JJ Act, 2015** with monthly mandatory JJB sittings; only **13 States/UTs** meet the current benchmark.
- Establish a **National Juvenile Justice Data Grid** on the lines of NJDG.
- Regular audits of Juvenile Justice Funds—**71% states have it but utilisation remains poor**.

B. Institutional Upgradation and Coordination

- Upgrade sanitation, healthcare, counsellor availability, vocational facilities in CCIs and observation homes through independent inspections and digital audits.
- Create **District Juvenile Justice Coordination Committees** linking Police–WCD–SCPS–SLSA–JJB–CWC for seamless referrals and follow-ups.

C. Capacity Building and Sensitisation

- Mandatory training in child psychology, trauma-informed care, UNCRC norms for police, JJB members, prosecutors, probation officers, and social workers.
- Standardised behavioural assessment tools for Section 15 preliminary assessments.

D. Rehabilitation, Reintegration, and Aftercare

- Make rehabilitation the central objective:
 - Standardise vocational training, counselling, bridging education, and livelihood pathways.
 - Establish community-based rehabilitation similar to **Chandigarh's counselling + sports + skill training model**.

E. Restorative and Diversionary Approaches

- Adopt victim–offender mediation, restitution agreements, and family group conferences (New Zealand model).
- Expand diversion: community service, counselling, family interventions, and educational modules (Germany, Australia).

F. Community Awareness and Mental Health Support

- In-house psychologists and trauma counsellors in every CCI.
- Community campaigns to reduce stigma and enable school/employment reintegration.

Case Study: Chandigarh Police Model (2024): Juveniles from urban fringes were rehabilitated through **counselling, sports-based engagement (gully cricket), and skill training**, leading to a **significant reduction in juvenile crime**, proving the impact of community-centred approaches.

The IJR findings show that India's juvenile justice system is progressive on paper but weak in implementation. By investing in **data systems, institutional capacity, restorative justice, and community-driven rehabilitation**, India can build a juvenile justice framework that not only corrects behaviour but **restores childhood, dignity, and long-term social reintegration**.