

# A Study of Juvenile Justice in India

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## ABSTRACT

Over the past few decades, India's juvenile justice system has experienced substantial changes in response to changing social demands, global commitments, and an increase in juvenile criminality. With an emphasis on the Juvenile Justice (Care and Protection of Children) Act, 2015, and its revisions, this research paper critically analyzes the evolution, application, and difficulties of juvenile justice in India. It looks at striking a balance between punitive and rehabilitative methods, particularly in light of laws that permit minors between the ages of 16 and 18 to face adult trials for serious offenses. Along with the function of the National Commission for Protection of Child Rights (NCPCR), the study examines institutional mechanisms like the Integrated Child Protection Scheme (ICPS), Juvenile Justice Boards (JJBs), and Child Welfare Committees (CWCs). The report analyzes implementation gaps, infrastructure deficiencies, and the need for psychological and social rehabilitation services by reviewing legislation requirements, case law, and contemporary scholarly research. The results highlight the value of a child-centered, restorative justice approach that puts systemic change, reintegration, and mental health above retaliation. Suggestions are made for judicial, administrative, and policy changes to guarantee a more efficient and compassionate juvenile justice system in India.

## INTRODUCTION

*"The hallmark of culture and advance of civilization consists in the fulfillment of our obligation to the young generation by opening up all opportunities for every child to develop its personality and rise to its full stature, physical, mental, moral and spiritual. It is the birth right of every child that cries for justice from the world as a whole"*

Justice V. R. Krishna Iyer<sup>1</sup>

Since children are the "supremely national asset" and the future of the country rests on how its children develop, child welfare is a vital endeavour in all civilised societies. The country with the greatest number of children is India. In the world, with almost one in five children residing in India. Approximately 43 million children between the ages of 0 and 18 live in challenging situations, with 40% of them experiencing abuse, trafficking, forced labour, or lack of family support.<sup>2</sup>

Constitution of India has made the nation a welfare state. Constitution mandate has given top priority to child welfare programmes<sup>3</sup>. Article 15(3) states nothing shall stand in the way of the State making any special provision for the welfare of children, although the provision is construed to be discretionary. Article 24 makes provision for prohibition of child labour in factories, to the effect that "no child under the age of fourteen years shall not be employed to work in any factory or mine or used in

<sup>1</sup> Jurisprudence of Juvenile Justice: A Preambular Perspective

<sup>2</sup> The planning Commission Government in India, "Report of the working Group on Child Rights for the 12<sup>th</sup> Five Year Plan (2012- 2017) p. 15

<sup>3</sup> Constitution of India, Part III, Fundamental Rights and Part IV, Directive Principles of State Policy

any other hazardous employment". The Article 39(e) enforces duty over State so that the children of tender age shall not be ill-treated and that they shall not be compelled by reason of economic necessity to take up avocations unsuitable to their age or strength. Article 39(f) of Constitution added to the Constitution 42<sup>nd</sup> Amendment Act (1976) with the purpose to stress the positive role in safeguarding children. It mandates that state shall make their policy so that children belonging to tender age are not exploited and "that children are given opportunities and facilities to develop in a healthy manner and in conditions of liberty and dignity and that childhood and adolescence are safeguard from exploitation and from moral and material abandonment". Article 45 mandates that "the State shall endeavour to provide free and compulsory education for all children until they complete the age of fourteen years within a period of ten years from the date of enforcement of Constitution".

The term 'child' represents a person dependent upon others for satisfaction of his needs and decision regarding the right and wrong act. Mind of a child is immature to recognize the nature and results of their act. They depend upon the adults for all their needs. Physical and mental immaturity and dependency on others are the prime characteristics of childhood. The child is frequently exploited and abused due to his or her physical and mental immaturity. Mental maturity gained by the family and surroundings of the child. Children are secured by their parents and their physical and mental growth relies on the healthy, social and cultural environment. The Juvenile justice system has been adopted as an integral and important part of the criminal justice system. Application of the traditional law process to address 'juvenile in conflict with law' is catastrophic for juvenile and also for the society. The criminal justice system is interested in the how best to safeguard the values of society and whose behaviours are to be criminalized and what sanctions ought to be provided by the law for addressing those who commit crime. The criminal justice systems is the manner in which the offenders are brought before the court, procedure employed in presenting the evidence, establishing the guilt or innocence of the accused and determining the sentence to be applied to convicted. The aim of traditional criminal justice system is to provide equality, fairness and equity in law enforcement process, prosecution, sentencing and handling of criminals. On the other hand the juvenile justice system is premised on the principles of reformation, socialization and rehabilitation of 'juvenile in conflict with law' in society.<sup>4</sup>

### **Concept of Juvenile Justice**

The phenomena of juvenile justice addresses issues with juveniles' socialization, rehabilitation, and reform. The term "juvenile justice" describes the treatment of "children in need of care and protection" and "juveniles in conflict with the law." The social, cultural, and economic factors that contribute to deviance are also addressed by the juvenile justice system. The living conditions of the juveniles are the cause of their suffering. Instead of punishment, young offenders should get treatment, rehabilitation, and discipline. The so-called "juvenile in conflict with law" lacks the maturity to comprehend what is right and wrong, to intend to commit a crime, or to understand what the consequences of their actions will be.<sup>5</sup> Methods for socializing delinquent youth, preventing crime, and rehabilitating society. Giving a specific concept of the juvenile justice system is quite challenging. The policies, tactics, laws, processes, and practices pertaining to minors who have reached the age of criminal responsibility are all referred to by

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<sup>4</sup> Asha Bajpai, *Child Rights in India: Law, Policy, and Practice* 73 (2d ed. 2006)

<sup>5</sup> Kumari Ved: *The Juvenile Justice System in India From Welfare to Right*, 2004, Oxford University Press, New Delhi, p.11

this generic phrase. The juvenile justice system is a procedure and set of guidelines for providing minors with justice. The term "juvenile justice system" refers to the entirety of the actions done on behalf of minors. It differs from the conventional legal system.

The phrase "juvenile justice" refers to social, ethical, and legal justice, and it aims to give neglected and delinquent children social and legal justice by using the code, police, courts, and residential institutions. For youngsters in both groups, those who are committing crimes, and those who are close to committing crimes<sup>6</sup>. The word "justice" refers to what is best for everyone. It is a social standard offering advice for individuals to made relation with one another. Instead of focusing on punitive repression, the primary goals of juvenile justice should be rehabilitation, restoration, and reintegration. Assisting children in comprehending the repercussions of their actions is the primary goal of contemporary juvenile justice. The juvenile justice system aims to provide care, protection, welfare, education, treatment, rehabilitation, and social reintegration in the family and society. Juvenile justice requires accountable and reasonable institutions, processes, and results. Therefore, a youngster is not looked at, prosecuted, or decided in the same manner as an adult. Children who are in legal trouble should also be given the opportunity to start over in society without being permanently stigmatized. Juvenile justice's fundamental tenet is that children shouldn't be taken into as a criminal, but ought to be viewed as an individual who requires particular attention, affection, safety, and therapy for their issues.

## LEGAL FRAMEWORK AND HISTORICAL EVOLUTION

India's juvenile justice system has gradually but significantly changed from a punitive model from the colonial era to a framework that is child-centric and reformative. The Indian juvenile justice system has changed its focus from punishment to rehabilitation in response to domestic socio-legal needs and the global expansion of child rights. This section charts the evolution of India's juvenile justice laws over time, emphasizing significant statutes, legislative initiatives, judicial rulings, and cultural factors that have molded the current system.

India's first attempt to establish a unified legal framework for minors nationwide was the **Juvenile Justice Act of 1986**<sup>7</sup>. It combined state legislation and offered a methodical approach to handling children in need of care and protection as well as young people in legal trouble.

Key Features of the Act:-

1. A guy under 16 and a female under 18 are considered juveniles.
2. established observation homes and juvenile courts.
3. Introduced the terms "neglected juvenile" and "delinquent juvenile."
4. Centered on institutionalization, monitoring, and custody.

### Criticism:

1. Age differences by gender.
2. Institutionalization is prioritized over rehabilitation.
3. noncompliance with international standards for child rights, particularly the UNCRC.

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<sup>6</sup> Srivastava S.P: Juvenile Justice in India (Policy Program and Perspective), 1989, Ajanta Publications (India) Delhi, p. 5

<sup>7</sup> Juvenile Justice Act, 1986

Notwithstanding its flaws, the 1986 Act was a major advancement since it replaced laws based on colonial rule with one that was more welfare-oriented.

### **UNCRC and the Requirement for Change**

India established an international commitment to amend its juvenile justice legislation in conformity with child rights principles in 1992 when it adopted the United Nations Convention on the Rights of the Child (UNCRC)<sup>8</sup>. The UNCRC requires a child-centered strategy that emphasizes, on non-discrimination, the child's best interest. Child's right to development, survival, life and respect for child's opinions. A number of these principles were violated by the 1986 Act, which sparked intense criticism and necessitated legislative revision.

### **Act of 2000 on Juvenile Justice (Care and Protection of Children)**

India made a significant change in vocabulary and mindset when it passed the Juvenile Justice (Care and Protection of Children) Act, 2000<sup>9</sup>, in response to the UNCRC and growing domestic lobbying for child rights.

Important clauses: It made 18 as the uniform age of juvenility for both boys and girls. Established two classifications of children: Children in Need of Care and Protection (CNCP) and Children in Conflict with the Law (CCL). Formed Child Welfare Committees (CWCs) and Juvenile Justice Boards (JJBs). It placed a focus on social reintegration and rehabilitation. Also introduced substitute policies including as probation, group counselling, and community service.

Strengths:

Bringing India's legal system into compliance with the UNCRC.

Replaced derogatory phrases (such "delinquent") with kid-friendly ones.

Encouraged community-based treatment and deinstitutionalization.

Even though it was progressive, implementation issues like inadequate infrastructure, a shortage of qualified personnel, and case delays continued.

### **The Gang Rape Case in Delhi in 2012 and Public Pressure**

An important turning point in Indian juvenile justice history was the Nirbhaya case (2012). A 17-year-old was one of the defendants in the vicious gang rape and killing of a 23-year-old lady in Delhi. Even though he was deemed the "most brutal," he was only given a three-year term in a reform home under the 2000 Act. Because of the public's perception that this punishment was insufficient, there was a national push to review the juvenile age limit, particularly for serious crimes<sup>10</sup>. The Justice Verma Committee (2013)<sup>11</sup> was established in response. The law was changed as a result of public and political pressure, even though it cautioned against reducing the age of juvenility.

### **Act of 2015 on Juvenile Justice (Care and Protection of Children)**

One of the most contentious modifications to Indian juvenile law was brought about by the Juvenile Justice Act of 2015, which superseded the Act of 2000. Heinous Offence Clause was added Subject to a JJB

<sup>8</sup> Convention on the Rights of the Child, Nov. 20, 1989

<sup>9</sup> the Juvenile Justice (C&P) Act, 2000

<sup>10</sup> See Justice J.S. Verma et al., *Report of the Committee on Amendments to Criminal Law* (Jan. 23, 2013)

<sup>11</sup> Justice Verma Comm., *Report of the Committee on Amendments to Criminal Law* (Jan. 23, 2013)

evaluation, this clause permits minors between the ages of 16 and 18 to be tried as adults for heinous crimes carrying sentences of seven years or more. It Simplified Adoption Procedure, legislative entity is the Integrated Central Adoption Resource Authority (CARA). Made more stringent rules for childcare facilities (CCIs). It emphasized mental health assistance and kid-friendly practices. The act had various criticism also, it viewed as a shift to a punitive model from the reformatory approach. Critics contend that it infringes against the UNCRC's and the Constitution's guarantees of equality and rehabilitation. According to studies, young people who commit horrible crimes frequently come from homes where there is abuse, poverty, or neglect.

### **The 2021 Juvenile Justice Amendment Act**

The juvenile justice system was significantly improved by the 2021 amendment by giving District Magistrates the authority to oversee child welfare operations and issue adoption orders. Reclassifying several offences in order to increase prosecution effectiveness and clarity .Despite being designed to simplify procedures, questions still surround the administrative authorities' capacity to manage delicate child protection matters.

A persistent conflict between rights and obligations, reform and retaliation, and welfare and control may be seen in the historical evolution of juvenile justice in India. From reformatory laws from the colonial era to the current juvenile justice system, India's path has followed international patterns, particularly in terms of conforming to UNCRC and other child rights agreements. However, by incorporating adult-style punishment mechanisms into a child-centric system, the 2015 Act signalled a significant change. The evolution shows how media pressure, political narratives, and societal perceptions impact juvenile justice policymaking in addition to legal progress.

## **STRUCTURAL AND INSTITUTIONAL SETUP IN INDIA'S JUVENILE JUSTICE**

India's juvenile justice system functions according to a clearly defined framework intended to preserve the values of protecting, caring for, and rehabilitating children who are in legal trouble as well as those who require care and protection. The Juvenile Justice (Care and Protection of Children) Act, 2015<sup>12</sup> and its 2021 modification have shaped this institutional structure, which is further enhanced by federal and state laws, policies, and initiatives. These systems seek to apply a restorative justice model by handling juvenile issues in a non-adversarial, kid-friendly manner<sup>13</sup>. The institutional and structural elements that operationalise juvenile justice in India are discussed in detail in this section, along with their makeup, functions, and difficulties.

### **Juvenile Justice Board (JJBs)**

**Objective and Structure-**The foundation of the juvenile justice system is the Juvenile Justice Board. Every district is required to have a JJB, which is in charge of managing matters involving children in conflict with the law (CCL), in accordance with Section 4 of the JJ Act, 2015. Every JJB constitutes of -A presiding officer is either a Metropolitan Magistrate or a Judicial Magistrate (First Class). Two social workers, at least one of them needs to be female. JJBs' duties include looking into crimes committed by minors, assure the youngster of legal assistance and psychological support, determine if a juvenile (ages 16 to 18) should

<sup>12</sup> Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016

<sup>13</sup> Hira Singh, 'Foreword' in Operations Manual for children Act, National Institute of Social, Defence Ministry of Welfare, New Delhi, 1982, p. 5



face adult charges in egregious situations, issue directives for community service, counselling, rehabilitation, or institutional care.

Initial Evaluation (Section 15)-The 2015 Act has a contentious clause that permits the JJB to perform an initial evaluation of the child's mental and physical potential to commit a serious crime. The matter may be sent to the Children's Court for an adult trial if it is judged appropriate (Section 18).

### **Child Welfare Committee (CWCs)**

Section 27 of the JJ Act created CWCs as quasi-judicial entities to handle Children in Need of Care and Protection (CNCP). This covers victims of abuse, runaways, orphans, and youngsters involved in human trafficking.

Every CWC is made up of - A chairperson, who typically has experience in child welfare. At least one woman and a specialist in child psychology, education, or law are among the four members. Functions of CWC includes, making enquiries about CNCPs' condition, identify a child's legal status (orphaned, abandoned, or relinquished). Put kids in foster care, shelter houses, or institutions. Advocate for repatriation or adoption. Supervise rehabilitative programs and keep an eye on childcare facilities. Additionally, CWCs have the authority to instruct police and District Child Protection Units (DCPUs) to track down families and, if feasible, assist in reuniting<sup>14</sup>.

### **Institutions of Child Care (CCIs)**

Government-run or NGO-supported facilities that accommodate and care for minors in accordance with the Act are known as child care institutions<sup>15</sup>.

CCI types includes:

1. observation homes which provide short-term lodging for minors while JJB investigations are ongoing. Special Homes: For juvenile offenders incarcerated.
2. Places of Safety: For kids who need safe custody or are prosecuted as adults.
3. Children home: CWCs look after CNCPs in Children's Homes.
4. Open shelters and shelter homes: they are available for drop-in help or temporary protection.

Basic necessities, education, career training, psychiatric counselling, and recreational amenities are all required of these establishments. However, many come under fire for their poor facilities, lack of employees, and disregard for the mental health and rehabilitation requirements of kids.

### **District Child Protection Units (DCPU)**

At the district level, DCPUs are responsible for carrying out child protection services. They were set up under the Integrated Child Protection Scheme (ICPS), and among their duties are: coordinating JJB, CWC, and CCI operations, creating care plans for each individual, checking foster and adoptive parents' backgrounds, ensuring that children are produced on time to the appropriate authority, keeping an eye on and overseeing child protection services<sup>16</sup>.

### **State and Central Level Institution**

The State Child Protection Society-To supervise the execution of state-level child protection programs,

<sup>14</sup> Ministry of Women & Child Development, *Guide for Child Welfare Committees*, Govt. of India (2018)

<sup>15</sup> National Commission for Protection of Child Rights (NCPCR), *Social Audit of Child Care Institutions in India* (2018)

<sup>16</sup> Ministry of Women & Child Development, *Integrated Child Protection Scheme (ICPS): Operational Guidelines* (2014)

each state must establish a SCPS. It facilitates communication between the district administrations and the Centre and guarantees: enhancing the abilities of child protection professionals, monitoring and distribution of funds, compliance and data management.

#### **Authority for Central Adoption Resources (CARA)**

Adoption procedures are regulated and overseen by CARA<sup>17</sup>, a statutory entity under the Ministry of Women and Child Development that guarantees accountability and transparency. It collaborates with adoption agencies and CWCs.

#### **National Commission for the Protection of Child Rights (NCPCR)**

The NCPCR<sup>18</sup> was created in accordance with the Commissions for Protection of Child Rights Act of 2005 and serves as a watchdog for: Keeping an eye on and assess regulations pertaining to children, make policy and legal reform recommendations, examine daycare centres, respond to complaints and take suo moto action when there are abuses of children's rights.

### **KEY CHALLENGES IDENTIFIED IN JUVENILE JUSTICE IN INDIA**

Despite being among the most well-organised in the developing world, India's juvenile justice system has a number of issues that limit its efficacy. Systemic inefficiencies, a lack of resources, and a lack of uniformity continue to plague the execution of juvenile justice notwithstanding progressive laws, institutional processes, and a rights-based approach. This section lists the main legal, structural, operational, and sociopsychological obstacles that prevent children in need of care and protection (CNCP) and children in conflict with the law (CCL) from receiving justice and rehabilitation<sup>19</sup>.

#### **Ambiguity in the Law and Policy Inconsistencies**

Juvenile Adult Trial-Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015, which permits minors between the ages of 16 and 18 to be tried as adults for serious crimes, is one of the most contentious amendments. Although the goal was to deal with significant transgressions committed by older teenagers, this goes against the fundamental idea that change should come before punishment and presents the following issues:

It violates the UNCRC<sup>20</sup>'s prohibition on exposing minors under the age of 18 to adult criminal proceedings. It jeopardises minors' right to reintegration and exposes them to stigmatisation. It disregards neuroscientific studies that show the judgement and impulse control of teenage brains are still developing.

Disparities Among States-Despite the Act being central legislation, states execute juvenile justice, which results in notable differences in how child care institutions (CCIs), juvenile justice boards (JJBs), and child welfare committees (CWCs) operate. While some states lack basic infrastructure and skilled personnel, others have strong systems.

#### **Infrastructure and Institutional Difficulties**

Child Care Facilities (CCIs) With Poor Maintenance-Adequate amenities for housing, food, education,

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<sup>17</sup> Commissions for Protection of Child Rights Act, No. 4 of 2006 Central Adoption Resource Authority (CARA), Ministry of Women & Child Development

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<sup>19</sup> Krishnadas Rajagopal, Supreme Court Seeks Centre's Reply on Juvenile Justice Law, THE HINDU (Apr. 11, 2022)

<sup>20</sup> Convention on the Rights of the Child, Nov. 20, 1989

vocational training, and healthcare are lacking in many CCIs managed by the government and non-governmental organisations. Reports from several organisations, including the National Commission for Protection of Child Rights (NCPCR), have discovered: Lack of recreational areas, filthy surroundings, and overcrowded quarters. Neglect is caused by high child-to-caregiver ratios. Absence of facilities that are gender-sensitive or age-appropriate, particularly for females.

### **Lack of Trained Personnel and Understaffing**

Professionals with the necessary training, such as social workers, psychologists, probation officers, and counsellors, are in dire need. The lack of qualified staff leads to: Inadequate evaluations of the social and mental backgrounds of minors. Inadequate planning and implementation of rehabilitation programs. After being released from institutions, there is little follow-up.

### **Infrastructure and Institutional Difficulties**

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### **Functional and Procedural Problems**

Adjudication Delays-Even though juvenile enquiries are meant to be a quick and informal process, they frequently take a lengthy time because of: overworked CWCs and JJBs.

Case documentation is lacking. Absence of parents or child welfare officers. These delays lengthen the period of uncertainty and institutionalisation for the child and have an effect on their psychological health.

Insufficient Initial Evaluations-The JJB is required to perform an initial evaluation of the mental and physical maturity of minors between the ages of 16 and 18 who are accused of serious crimes. These evaluations are unreliable and susceptible to prejudice, though, because the majority of JJBs do not have access to qualified child psychologists or forensic specialists.

Inadequate Accountability and Monitoring-State and district monitoring agencies frequently perform subpar work. Even in severe examples of mismanagement or abuse, there are inadequate inspections, inadequate record-keeping, and no remedial action. District Inspection Committees are one example of a mechanism that is either ineffective or non-existent.

### **Challenges in Socioeconomics and Culture**

The Connection Between Juvenile Crime and Poverty-A sizable fraction of young people who run afoul of the law originate from abusive, dysfunctional, or economically poor homes. Among the elements that

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<sup>21</sup> National Commission for Protection of Child Rights (NCPCR), *Social Audit of Child Care Institutions in India* (2018)

<sup>22</sup> Ministry of Women & Child Development, *Report on Implementation of Juvenile Justice Act, 2015* (2019),



lead to adolescent delinquency are: unable to obtain work and education, exposure to gang activities, drug misuse, or domestic violence, societal isolation and peer pressure<sup>23</sup>. The juvenile justice system frequently concentrates on punitive measures or basic institutional care rather than addressing these underlying problems.

Disparities Based on Gender-Despite the gender-neutral nature of the law, in reality: Girls are more prone to experience forced labour, sexual abuse, or human trafficking. There are few programs for rehabilitation and care that are gender-sensitive. Institutional facilities are frequently constructed with boys in mind, ignoring the unique needs of girls, including emotional support, privacy, and reproductive health.

## RECOMMENDATION

The Juvenile Justice (Care and Protection of Children) Act, 2015, and the institutions that support it, demonstrate India's dedication to safeguarding and rehabilitating children who are at risk. However, enduring problems have weakened the system's efficacy, ranging from inconsistencies in the law to inadequate infrastructure and a shortage of qualified specialists. Reforms must be comprehensive, multifaceted, and based on social realities and human rights in order to guarantee that children in need of care and protection (CNCP) and children in conflict with the law (CCL) obtain justice in the fullest sense of the word.

Under the legal, structural, procedural, and community-based elements, this section presents specific reform recommendations.

### Reforms at the Legal and Policy Level

Re-examine the Juvenile Adult Trial Provision (Section 15)<sup>24</sup>-The 2015 Act's provision permitting minors between the ages of 16 and 18 to face adult trials for serious offences is among its most contentious features. The following justifies a reexamination of this clause:

Adolescents' developing brains in the domains of moral judgement and impulsive control are confirmed by neuroscience<sup>25</sup>. The United Nations Convention on the Rights of the Child (UNCRC)<sup>26</sup>, which India has adopted, is in conflict with the practice of trying minors as adults.

For juveniles, reformatory justice must take precedence over retributive justice.

It is suggested that Section 15 be repealed or substantially amended to guarantee that all adolescents receive treatment within a framework that is tailored to their individual needs and is centred on reform. Raise Awareness and Harmonise Laws-Law enforcement and the judiciary are sometimes confused by the overlap or contradiction of various statutes that impact minors, such as the POCSO Act, IPC, and JJ Act. Suggestion: Establish a unified legal guide to address offences involving children. Provide frequent training on child-specific laws and their interpretation to probation officers, police officers, and judges.

### Reforms in Procedure and Function

Simplify Initial Evaluations-Juveniles accused of serious crimes must have their mental and physical maturity evaluated impartially by professionals.

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<sup>23</sup> Asha Bajpai, *Child Rights in India: Law, Policy, and Practice* 321–30

<sup>24</sup> Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016

<sup>25</sup> Ministry of Women & Child Development, *Model Guidelines for Foster Care*, 2016

<sup>26</sup> United Nations Office on Drugs and Crime (UNODC), *Handbook on Restorative Justice Programmes* (2d ed. 2020)

Suggestions: Require forensic behavioural specialists and child psychologists to participate in the evaluation process. Provide uniform policies and procedures that JJBs must adhere to. JJB members should receive instruction on how to evaluate psychological tests.

Assure Prompt Case Resolution-The goal of the juvenile justice system is undermined when investigations and rehabilitation are delayed.

Suggestions: Establish statutory deadlines for every phase of the investigation and recovery process. To monitor case status, implement digital case management systems in CWCs and JJBs. Promote fast-track procedures and mobile courts in districts with a large backlog.

### **Reforms in Rehabilitation and Reintegration**

Emphasis on Individual Care Plans (ICPs) Rehabilitation needs to be tailored to each child's history, needs, and potential.

Suggestions: All children in CCIs should be required to complete ICPs, and implementation should be monitored through regular reviews. Connect kids with apprenticeships, open schools, and vocational training. Collaborate with corporations and NGOs to provide post-institutional assistance such as mentorship and job placements. Create Aftercare Committees in every district to keep an eye on and support kids between the ages of 18 and 21 as they grow up. Offer stipends, temporary housing, and access to jobs or further education. Create programs for community integration and peer support networks.

**Public Awareness and Education**-Only with the community's cooperation can juvenile justice be successful.

Suggestions : Incorporate child rights and juvenile justice into school curricula to foster empathy and awareness early on. Start multi-media campaigns to inform children, families, and communities about the legal system and their rights. Educate media outlets about the legal and ethical requirements for covering juvenile cases.

### **CONCLUSION AND WAY FORWARD**

India's continuous battle to strike a balance between the necessity for social protection and the moral and constitutional duty to rehabilitate law-abusing youngsters is reflected in the development of the juvenile justice system in that nation. The progression from colonial-era reformatory techniques to the contemporary, rights-based Juvenile Justice (Care and Protection of Children) Act, 2015, demonstrates a change in viewpoint from institutionalisation to reintegration and from punishment to reform.

Legal difficulties, underfunded institutions, a shortage of skilled staff, lax oversight, and insufficient rehabilitation efforts are only a few of the system's problems, despite the progressive legal framework. The contentious clause that permits minors between the ages of 16 and 18 to face adult trials for serious crimes has sparked moral and legal questions and called into question the fundamental ideas of juvenile law<sup>27</sup>.

Juvenile Justice Boards (JJBs), Child Welfare Committees (CWCs), District Child Protection Units (DCPU), and Child Care Institutions (CCIs) comprise the heart of the broad and clearly defined institutional and structural system on paper<sup>28</sup>. But because of inadequate infrastructure, a lack of human

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<sup>27</sup> Justice J.S. Verma et al., *Report of the Committee on Amendments to Criminal Law* (Jan. 23, 2013)

<sup>28</sup> National Commission for Protection of Child Rights (NCPCR), *Social Audit of Child Care Institutions in India* (2018)

resources, and inadequate training, these organisations' efficacy varies greatly between states. The goal of giving every child an equal chance at correction and reintegration is compromised by this contradiction. Children's rehabilitation and reintegration continue to be weak points. Numerous children who are in legal trouble originate from vulnerable, socioeconomically marginalised families where abuse, neglect, and exploitation are frequent occurrences. These kids are at a significant risk of recidivism or more abuse if they don't receive effective intervention and aftercare assistance. This negates the goal of juvenile justice, which is reformation rather than retaliation.

The commercial sector, local communities, and civil society all play vital roles. Without grassroots understanding, sensitisation, and inclusive social development, laws by themselves cannot provide a secure and equitable environment for kids. De-stigmatizing children in legal trouble and treating them as unique people in need of assistance rather than punishment is urgently needed.

Restorative justice, diversion programs, and non-institutional care are considerably more effective than models centred on punishment or incarceration, according to international best practices<sup>29</sup>. To ensure that these techniques are applied fairly and morally, India must modify them to fit its particular sociocultural and economic circumstances.

Essentially, a multifaceted approach is the way forward for juvenile justice in India:

legal change that balances the values of justice and children's rights. Institutional bolstering via accountability, infrastructure improvements, and capacity growth. Solutions rooted in the community that encourage reintegration and deter criminality. Participation of children, guaranteeing that their opinions are heard on issues that impact them.

Lastly, India needs to restate its dedication to the fundamental principle that no kid is born a criminal. Every child deserves the opportunity to recover, develop, and flourish, regardless of their history. A really just society is one that gives its children opportunity, dignity, and hope rather than punishing them.

## REFERENCES

### BOOKS:

1. **Adenwalla. Maharukh:** Child Protection and Juvenile Justice System for Juvenile in Conflict with Law, Childline India Foundation Mumbai 2006, NHRC
2. **A.D. Attar:** Juvenile Delinquency: A Comparative Study, Popular Prakashan, Bombay, 1964
3. **Asha Bajpai:** Child Rights in India: Law Policy and Practice, Oxford University Press 2nd Edn, 2006
4. **A.M. Bagulia:** Child and Crime, SBS Pub & Distributors, New Delhi, 2006 **B.N. Mishra:** Juvenile Delinquency and Justice System, Ashish Publication House New Delhi 1991 (NHRC)
5. **Iram Fatima:** Juvenile Justice System and the Rights of the Child New Delhi, 2007 NHRC
6. **Jaishree Jaiswal:** Human Rights of Accused and Juveniles, Kalpaz Publication Delhi 2005, (NHRC)

### ARTICLES:

1. **Ratnavelu:** Scanning the Power of Juvenile Justice Board in the Session Case under the Juvenile Justice Care and Protection of Children Act 2000. Criminal Law Journal, 2004
2. **Rajeshri Gijare:** Juvenile Justice Administration and Protection of Human Rights, Journal of the Institution of Human Rights 1999
3. **Bishnu Prasad Dwivedi:** Neglected Juveniles: The Law and Laxity, Indian Bar Review, Vol. XVI, 1989

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<sup>29</sup> Sustainable Development Goals, Goal 16: Peace, Justice and Strong Institutions, UNITED NATIONS

4. **Bhavani Prasad Panda:** The Criminal Justice Administration, The Criminal Law Journal, Vol. 02, (Sept. 1996)
5. **Claude Noriega:** Stick a Fork in It: Is Juvenile Justice Done, 16 New York, Law School Journal of Human Rights, Spring, 2000
6. **D.V. Kulkarni:** Children in Need: A Retrospect of Laws, The Indian Journal of Social Work, Vol. XIV, (March 1951)

## WEBSITES:

1. [www.Manupatra.Com](http://www.Manupatra.Com)
2. [www.Google.Com](http://www.Google.Com)
3. [www.Indianlaw.Com](http://www.Indianlaw.Com)