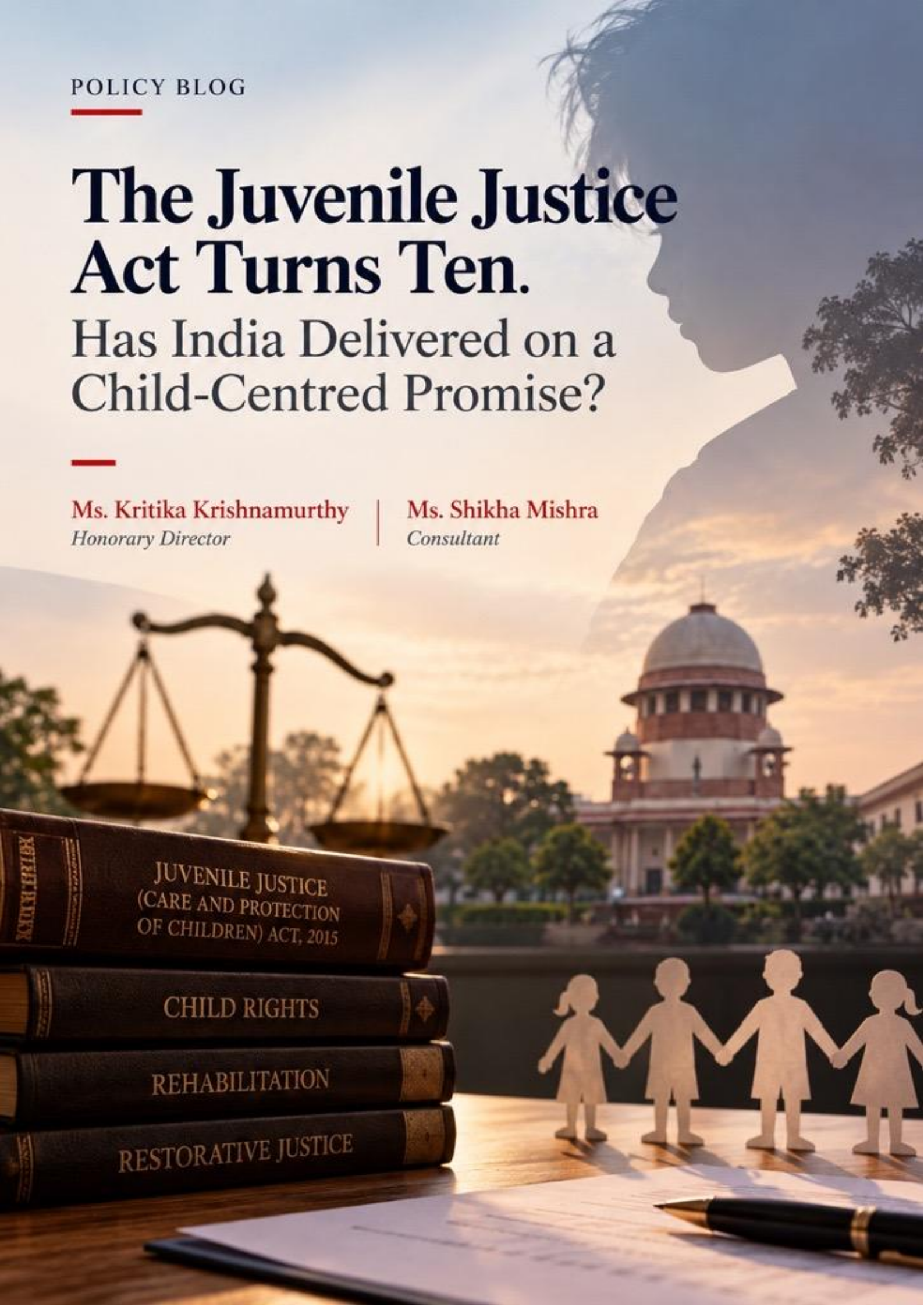
POLICY BLOG

The Juvenile Justice Act Turns Ten.

Has India Delivered on a Child-Centred Promise?

Ms. Kritika Krishnamurthy
Honorary Director

Ms. Shikha Mishra
Consultant



Ten years after the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015, India finds itself confronting an uncomfortable but necessary question: has the country succeeded in building a justice system that genuinely places children at its centre? The Act was envisioned as a transformative framework that would shift the focus from punishment to rehabilitation, recognising that children in conflict with the law require support, care, and opportunities for reintegration rather than merely legal sanction. Yet a decade later, the gap between legislative intent and institutional reality remains substantial.

A Law Born from Contradictions

The Juvenile Justice Act of 2015 emerged at a moment of national reckoning. Public outrage following the 2012 Delhi gang rape case led to calls for greater accountability for older adolescents accused of serious offences. The new legislation responded by introducing the possibility of trying children aged 16 to 18 as adults in cases involving heinous crimes after a preliminary assessment conducted by a Juvenile Justice Board **("JJB")**.[1] Simultaneously, however, the law reaffirmed the foundational principles of child rights, rehabilitation, restorative justice, and the "best interests of the child."[2]

This dual character has shaped the trajectory of the Act over the last decade. On one hand, it expanded accountability mechanisms of child-care institutions. On the other, it reinforced the state's responsibility to ensure that children are not absorbed into the punitive culture of the adult criminal justice system. The success of the legislation therefore rests not merely on legal provisions but on whether institutions are capable of implementing them in a child-sensitive manner.

Legislative Ambition and the Institutional Capacity Deficit

On paper, India's juvenile justice framework is comprehensive. The Act envisages a network of Juvenile Justice Boards, Special Juvenile Police Units, Child Care Institutions, probation officers, legal aid services, and district child protection mechanisms working in coordination. Each institution is assigned a distinct role within a larger rehabilitative ecosystem.

However, the institutional capacity has failed to keep pace with legislative ambition. The problem is not a lack of laws but a lack of functioning systems. Missing personnel, incomplete records, uneven monitoring, and weak administrative coordination have produced a situation where many children continue to experience the same procedural delays and institutional neglect that characterise the wider justice system.

[1] Section 15, Juvenile Justice (Care and Protection of Children) Act, 2015. Available at: https://cara.wcd.gov.in/pdf/jj%20act%202015.pdf

[2] Section 2(9), Juvenile Justice (Care and Protection of Children) Act, 2015. Available at: https://missionvatsalya.wcd.gov.in/public/pdf/children-related-law/JJAct_2015.pdf

The result is a contradiction. While the law promises specialised justice tailored to children's developmental needs, implementation often mirrors conventional criminal justice processes, marked by backlog, resource shortages, and inconsistent oversight.[3]

Juvenile Justice Boards: The System's Weakest Link?

Juvenile Justice Boards were intended to function as specialised forums capable of balancing legal scrutiny with social understanding. Their composition, involving a Principal Magistrate and social workers, reflects the recognition that children require decisions informed by both legal and developmental considerations.

Yet evidence suggests significant institutional fragility. Nearly one-quarter of responding JJBs were functioning without a full complement of members. In several states, vacancies among social worker positions were particularly high, reducing the diversity of perspectives envisioned by the Act. Moreover, juvenile justice responsibilities are frequently treated as an additional assignment for magistrates, limiting the time available for hearings and delaying case resolution.[4]

The workload data paints a troubling picture. More than 100,000 cases were handled by 362 JJBs[5] during the assessment period, with fewer than half reaching disposal. Pendency continues to rise despite statutory expectations of timely inquiry and resolution. For children, delay is not a neutral administrative issue. For children who remain in institutional care during proceedings, prolonged pendency can extend institutionalisation. Even where a child is not detained, lengthy proceedings can disrupt education and increased emotional and social uncertainty.

From a child-rights perspective, the persistence of lengthy delays raises important questions about whether procedural justice is being meaningfully delivered.

Rehabilitation Infrastructure Remains Uneven

The juvenile justice framework assumes the availability of appropriately designed institutions that support rehabilitation rather than detention. Observation Homes, Special Homes, and Places of Safety are expected to provide education, counselling, healthcare, vocational opportunities, and psychosocial support tailored to children's needs.[6] Nationally, there are 319 Observation Homes, 41 Special Homes, and 40 Places of Safety, yet 14 states do not have a single Place of Safety. These facilities currently accommodate 8,241 children in Observation Homes, 496 children in Observation-cum-Special Homes,

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[3] India Justice Report, *Juvenile Justice and Children in Conflict with the Law: A Study of Capacity at the Frontlines* (2025), Available at: https://indiajusticereport.org/files/IJR_JJ%202025_Main%20Report_.pdf

[4] India Justice Report, *Juvenile Justice and Children in Conflict with the Law: A Study of Capacity at the Frontlines* 15, 41 (2025), Available at: https://indiajusticereport.org/files/IJR_JJ%202025_Main%20Report_.pdf

[5] India Justice Report, *Juvenile Justice and Children in Conflict with the Law: A Study of Capacity at the Frontlines* 15, 42-43 (2025), Available at: https://indiajusticereport.org/files/IJR_JJ%202025_Main%20Report_.pdf

[6] Juvenile Justice (Care and Protection of Children) Model Rules, 2016, Rule 26 & 29. Available at: https://cara.wcd.gov.in/PDF/english%20model%20rule.pdf

389 children in Special Homes, and 781 children in Places of Safety, reflecting the scale of reliance on institutional care.[7]

In practice, infrastructure remains uneven and insufficient. Many states continue to lack a complete range of facilities, forcing children to be transferred across districts or housed in mixed arrangements that compromise the specialised categorisation mandated by law.[8] Particularly concerning is the limited availability of facilities for girls, highlighting persistent gender disparities within the system.

Equally problematic are staffing deficits. A large proportion of institutions operate without medical personnel, while counsellors and mental health professionals remain scarce. This is significant because many children entering the system have histories of trauma, neglect, abuse, or socio-economic vulnerability. Without specialised support services, institutions risk functioning as custodial spaces rather than centres of rehabilitation.

The absence of transparent and publicly accessible data on institutional quality further complicates accountability. Without reliable information, it becomes difficult to assess whether children's rights and developmental needs are being adequately addressed.

Legal Aid and Probation: Critical Yet Overlooked

The Juvenile Justice Act recognises that legal representation and probation services are essential safeguards within a child-centred framework. These mechanisms are intended to ensure that children understand proceedings, access their rights, and receive support throughout their interaction with the justice system.

In *Barun Chandra Thakur v. Master Bholu* (2022), the Supreme Court underscored that assessing a child's capacity is a sensitive exercise with significant implications for the right to a fair trial. The 2023 Guidelines[9] sought to strengthen this process by mandating legal aid, grounding assessments in social investigation and background reports, clarifying the role of experts, ensuring confidentiality, excluding confessional statements, and requiring reasoned orders to be communicated to the child and family. However, implementation remains uneven. Although Juvenile Justice Boards are expected to have access to legal services clinics and trained lawyers, many districts continue to depend on general legal aid panels with limited expertise in child rights and juvenile justice. As a result, the quality

[7] India Justice Report, *Juvenile Justice and Children in Conflict with the Law: A Study of Capacity at the Frontlines* 17 (2025), Available at: https://indiajusticereport.org/files/IJR_JJ%202025_Main%20Report_.pdf

[8] 'Highly Vulnerable Youth, Fall Into Poverty Cycle': Rajasthan High Court In PIL Over Difficulties Faced By CCLs After Leaving Shelter Homes, Livelaw, 2 June 2025. Available at: https://www.livelaw.in/high-court/rajasthan-high-court/rajasthan-high-court-hearing-suo-motu-pil-government-aid-child-care-institutions-294016

[9] National Commission for Protection of Child Rights, 2023. Guidelines for Conducting Preliminary Assessment under Section 15 of the Juvenile Justice Act, 2015. Available from: https://ncpcr.gov.in/uploads/16813797786437d1c2bea2a_guidelines-for-conducting-preliminary-assessment.pdf

of legal representation often varies across jurisdictions and depends more on individual initiative than on institutional capacity.

Probation services face similar challenges. Legal-cum-Probation Officers are expected to conduct social investigations, prepare rehabilitation plans, monitor children's progress, and facilitate reintegration. However, workload data indicates that officers routinely manage hundreds of cases simultaneously, making sustained engagement almost impossible. In states such as Delhi and Odisha, case burdens reached levels that undermine the very purpose of probation as a rehabilitative intervention.[10]

When officers lack the time and resources to understand a child's circumstances, rehabilitation risks becoming a procedural formality rather than a meaningful process.

Accountability Deficits and the Data Problem

Perhaps the most revealing indicator of systemic weakness is the poor quality of monitoring and information management. The juvenile justice system depends upon regular inspections, coordinated reporting, and continuous oversight.

Mandatory inspections by Juvenile Justice Boards frequently fall short of required standards. Many institutions receive far fewer visits than prescribed, while documentation of inspections remains incomplete. Similar weaknesses are visible in district-level monitoring, where data gaps make it difficult to ascertain whether institutions are complying with statutory requirements.[11]

Information that should routinely be available at state and district levels often remains fragmented, inaccessible, or unverified. The heavy reliance on RTI applications to obtain basic administrative information points to weaknesses in mandated data collection and reporting systems. Between October 2022 and November 2023, the India Justice Report (IJR) submitted over 250 RTI applications across 28 states and 2 Union Territories, seeking responses to 16 questions related to the capacity and functioning of the juvenile justice system. Requests made to nodal authorities were frequently transferred to district-level offices, which in many cases provided incomplete or inconsistent information. This suggests that oversight bodies themselves may lack consolidated and up-to-date records, undermining transparency, accountability, and effective monitoring of the system.[12]

For a child-centred justice system, this is more than an administrative concern. Weak information systems reduce transparency, obscure accountability, and hinder evidence-based policymaking.

Has India Delivered Its Promise?

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[10] Dipul Yadav, *Is India Equipped to Rehabilitate Its Juveniles?* (Mar. 24, 2026),Available at: https://idronline.org/article/rights/is-india-equipped-to-rehabilitate-its-juveniles/

[11] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, Section 8(3)(j), (2015).Available at: https://www.megsocialwelfare.gov.in/acts/JJ_care_protection_children_act_2015.pdf

[12] India Justice Report, *Juvenile Justice and Children in Conflict with the Law: A Study of Capacity at the Frontlines* 20 (2025), Available at: https://indiajusticereport.org/files/IJR_JJ%202025_Main%20Report_.pdf

A decade after the Act's enactment, the answer is best understood as one of partial achievement. India has succeeded in constructing an ambitious legislative and institutional framework. The country has moved significantly beyond earlier welfare models, incorporating rights-based approaches, specialised institutions, and stronger procedural safeguards for children. These developments represent meaningful progress.[13]

However, the promise of a truly child-centred justice system remains only partially fulfilled. Institutional vacancies, growing pendency, inadequate rehabilitation facilities, overstretched probation services, weak legal aid specialisation, and fragile oversight mechanisms continue to undermine outcomes for children. The fundamental challenge is no longer legislative design but implementation capacity. The architecture exists; the infrastructure required to make it effective remains incomplete.

Recommendations

1. Strengthen Existing Institutional Capacity

Before creating new infrastructure, priority should be given to addressing critical staffing shortages that hinder the functioning of the juvenile justice system. Ensuring adequate numbers of judges, superintendents, probation officers, counsellors, and legal aid lawyers in existing institutions would significantly improve service delivery and case outcomes.

2. Harness Technology for Efficient Case Management

Technology can be used to streamline processes across the juvenile justice system. Develop Integrated but privacy-protective database connecting police, courts, and child care institutions can facilitate information sharing, while automated scheduling and compliance-monitoring tools can strengthen accountability without requiring additional personnel.

3. Institutionalise Continuous Capacity Building

Training should move beyond occasional workshops and evolve into structured, competency-based programmes. Regular interdisciplinary training involving police officials, JJBs, probation officers, legal aid lawyers, Child Care Institution **("CCI")** staff, and civil society organisations can improve coordination and professional competence. Such programmes should focus on key areas such as age determination, bail procedures, child psychology, trauma-informed care, rehabilitation and non-institutional alternatives.

4. Establish Robust Monitoring and Independent Evaluation

Periodic and independent evaluations should be implemented to assess the effectiveness of juvenile justice institutions. Alongside statutory evaluations, regular audits by

[13] Sampurna Behura v. Union of India, Writ Petition (Civil) No. 473 of 2005 (India). Available at: https://patnahighcourt.gov.in/jjs/PDF/UPLOADED/128.PDF

universities, schools of social work, management institutions, and multidisciplinary committees that include civil society representatives can promote transparency, identify gaps, and encourage continuous improvement.

5. Promote Accountability Through Performance-Based Incentives

A results-oriented accountability framework can improve compliance and institutional performance. Recognition and incentives for districts, institutions, and officials that meet statutory timelines and maintain prescribed standards can encourage best practices.

Conclusion

As the Juvenile Justice Act enters its second decade, the debate should move beyond whether the law is adequate and focus on whether the state possesses the capacity and political commitment to implement it. The future of juvenile justice in India will depend less on introducing new provisions and more on strengthening institutions, filling vacancies, improving monitoring systems, investing in rehabilitation services, and ensuring transparent accountability.

Ultimately, the measure of success is not how many institutions have been created, but whether children who come into conflict with the law emerge from the system with greater opportunities, dignity, and support. Ten years on, India has established the framework for that vision. Delivering on its child-centred promise remains a work in progress.