

# COMPREHENSIVE ANALYSIS OF THE FUNCTIONING OF JUVENILE JUSTICE INSTITUTIONS IN INDIA: INSTITUTIONAL PERFORMANCE, PROCEDURAL GAPS, AND REFORM IMPERATIVES

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## **Abstract**

*This paper focuses on the examination of the functioning of juvenile justice institutions in India within the framework of the “Juvenile Justice (Care and Protection of Children) Acts”, 2000 and 2015. The paper uses the method of doctrinal legal analysis and qualitative review of secondary sources, to analyse the roles, functioning, and performance of the Juvenile Justice Boards (JJBs), Child Welfare Committees (CWCs), and District Child Protection Units (DCPUs). The paper brings forth the contention that despite India’s Juvenile Justice framework being aligned with the principle of rehabilitative justice, the institutional functioning faces serious challenges in the form of procedural delays, inadequate capacity, and weakened stakeholder co-ordination on ground. The proposed paper posits a central hypothesis that though India’s Juvenile Justice system is theoretically sound and grounded in normative approach of rights-based rehabilitation, its practical manifestation suffers from ‘systemic institutional deficits’. The paper draws on various statutory provisions, policy reports to reflect on the paradox between the reformatory and rehabilitative philosophy of the Juvenile Justice Act, and its practical implementation on the ground. The paper adds to the existing literature by providing a qualitative analysis of the institutional functioning and policy-backed recommendations aimed at strengthening the rehabilitative and child-oriented justice delivery in India. The proposed study reveals that the main shortcoming of India’s Juvenile Justice system is with regard to ‘systemic institutional deficits’ such as procedural delays, infrastructural gaps and weak inter-agency coordination. All of these combined have a negative impact on the system.*

*Keywords:* juvenile justice, child protection, juvenile justice boards, child welfare committees, india, rehabilitation

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## Introduction

The Juvenile Justice system in India has transitioned away from colonial “punitive-logic” to a “right-based framework” which keeps the “best interest of the child” in centre (Bajpai, 2017; Chakraborty et al., 2024). This philosophy is grounded on two major contentions. Firstly, that children have a higher potential for reform due to their “developmental immaturity and psychological plasticity”. Second, that children need to be removed from the subjection of “adult-centric punitive measures” (Dash Ray & Choudhary, 2025; Rukhsana, 2023). Juvenile Justice encompasses a critical position at the convergence of rehabilitative justice, child rights, welfare, and the debate on human rights.

Drawing distinction from the standardised adult criminal justice system, the Juvenile Justice system holds its ground on the principle of assumption that children are “developmentally distinct, morally less culpable, and more amenable to reform” (Scott & Steinberg, 2008). The constitution of India highlights special provisions for children both in the chapter on Fundamental Rights under Articles 15(3), 23,24 and the Directive principles under Articles 39(e) and (f). The “Juvenile Justice (Care and Protection of Children) Act, 2015” highlights its aim is to ensure “care, protection, development, treatment and social reintegration of children in a child-friendly manner” (Government of India, 2015).

However, scholars have critically argued that the efficacy of the Juvenile Justice hinges less on the legislative frameworks and more on institutional functioning (Bajpai, 2016). Despite the various reforms in the legislative frameworks in India, children within the Juvenile Justice system are often entangled with the institutional deficiency such as “bureaucratic inertia, infrastructural deficits, and limited rehabilitative support (NCRB, 2022). Scholars have highlighted the “Capacity paradox: a significant disjunction between a conceptually sound legislative framework and a fragmented operational reality” (Bajpai, 2019; India Justice Report, 2025).

The proposed paper deconstructs both the normative framework and institutional dimensions of the Juvenile Justice system in India. The maiden section outlines the theoretical and philosophical underpinnings of the Juvenile Justice system, with special emphasis on concepts such as “*parens patriae*”,

the best-interest standard, rehabilitative justice, etc. The next section provides a detailed account of the evolution of the Juvenile Justice system in India. It not only traces its evolution but also situates it in the legislative and socio-legal landscape of the country. The third section contains a thematically arranged review of the existing literature, which situates the proposed study at the intersection of raging academic debates on Juvenile Justice and Child Welfare in India. The fourth section throws light on the research methodologies employed in the proposed study. The subsequent sections examine the mandate and actual functioning of the institutional architecture in the field of the juvenile justice system in India. Some of the institutions discussed in the paper are, namely, Juvenile Justice Boards (JJBs), Child Welfare Committees (CWCs), District Child Protection Units (DCPUs), etc. The last section contains a forward-looking and structured reform agenda which focuses on fixing the legislative and governance loopholes. This paper aims to unfold the working of the Juvenile Justice institutions (Juvenile Justice boards, Child welfare committees, and District child protection officers, and explore their success in translating the child centric legislations into meaningful lived outcomes.

### **Literature Review**

The academic discourse on Juvenile Justice in India has undergone significant evolution over the years. It has shifted away from a “welfare-oriented framework” to a more “rights-based framework”. Earlier, the concept of Juvenile Justice was seen through the prism of state paternalism. Its primary emphasis was on care, protection and custodial rehabilitation (Kumari 2016). However, lately, the discourse around the concept of Juvenile Justice has pivoted towards identifying children as individuals with certain unalienable rights. Ved Kumari (2019) and others have critically examined this shift, arguing that the shift has taken place only in the legal framework, whereas the actual implementation remains suboptimal. Similarly, Bajpai (2016) underlines the “institutional deficit” within the Juvenile Justice system of India where progressive legislative provisions are overshadowed by other systemic constraints such as weak administrative capacity, inadequate infrastructure and lack of trained personnel. This points out a growing divide between normative standards on the one hand and practical on-ground realities on the other. And this divide is amply captured by the contemporary scholarship on the subject.

The comparative perspective further enriches our understanding of the subject matter. Goldstone (2011) highlights a constant tussle between the welfare oriented Juvenile Justice system and punitive aspects of legal architecture. This tussle is unfolding itself in Indian context as well following the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015. The act has provisions for trying children aged 16-18 years as adults in certain categories of offences. It translates into dilution of the welfare aspect of child-welfare and strengthening of the punitive aspect of juvenile justice (Bajpai 2016).

Another set of literature, which primarily includes policy-oriented literature on the subject, highlights empirical insights into the functioning of Juvenile Justice institutions in India. For example, reports by UNICEF (2018), the National Commission for Protection of Child Rights (NCPCR, 2021), and the India Justice Report (2022) revolve around actual functioning of the institutions. These reports regularly divulge crucial information about challenges faced by the Juvenile Justice institutions. Some of the frequently cited challenges include procedural delays, infrastructural inadequacies, lack of standardised practices, and weak inter-agency coordination. However, one critical shortcoming of this literature is that it examines and analyses these institutions in silos, ignoring the intersectionality concern in the Juvenile Justice governance framework.

The proposed paper aims to enrich the existing body of literature on the subject by undertaking nuanced institutional analysis, analysing how the institutional architecture of the Juvenile Justice system in India collectively addresses the problem of juvenile delinquency in India and examining various other aspects of child-welfare. By connecting doctrinal analysis with empirical evidence, the proposed study attempts to bridge the gap between theory and institutional practice in the context of juvenile justice in India.

### **Methodology and Research Design**

This paper adopts a legal doctrinal analysis and qualitative research of secondary sources of socio-legal and policy research. The paper heavily draws from judicial legislations, books, journal articles, and policy reports. Content analysis is used to identify recurring “recurring institutional patterns, normative tensions, and implementation gaps” within juvenile justice institutions. The paper does not present any primary data. It relies on secondary data, synthesizing empirical findings to analyse and present an “institution-focused evaluation”,

which is right for examining legal frameworks and “institutional functioning across jurisdictions” (Bajpai, 2016; Scott & Steinberg, 2008).

The proposed study employs qualitative research methodology to examine the working of Juvenile Justice institutions in India. It also undertakes a systematic analysis of statutory provisions, including the Juvenile Justice (Care and Protection of Children) Act, 2015, other rules, and judicial pronouncements of constitutional courts. The study refers to authentic secondary sources such as academic articles, policy reports, government publications, etc. It also adopts thematic content analysis as the central analytical method to better understand issues, challenges, and loopholes in the Juvenile Justice system in India.

The proposed study makes use of thematic content analysis to analyse patterns and trends related to institutional functioning, issues and challenges plaguing the Juvenile Justice system in India. Thematic content analysis is seconded by secondary sources to corroborate new theoretical insights. It should be mentioned that the proposed study takes the Indian judiciary’s role as interpretative and not legislative. As mentioned above, the study relies heavily on the secondary data. While lesser reliance on primary data may be considered a limitation, the proposed study bypasses this limitation by undertaking a policy analysis route to examine and understand institutional architecture of the Juvenile Justice system in India.

## **Findings**

### **Interpreting Juvenile Justice: From Adjudication to Norm-Setting**

Juvenile justice in India has seen its evolution in the form of continuous judicial interpretation and re-interpretation, highlighting the rehabilitative principle and exposing the institutional shortcomings. Various judgements have extended the scope of the Juvenile Justice in India, simultaneously preventing the shaking of its fundamental principles. In “*Salil Bali v. Union of India* (2013)”, the Supreme court categorically rejected the demand to lower the age of the Juvenility, holding the assumption that treating children as adults would be “contrary to the spirit of the Constitution and India’s international obligations under the UN Convention on the Rights of the Child”. The court explicitly stated that Juvenile Justice should flow free from the bias of the popular public opinion and highlighted that “developmental immaturity” be treated as the normative basis for differential treatment of children contrary to the adults.

However, the legal enactment of the “Juvenile Justice Act (2015)” reflected a shift from the judicial position highlighted in the *Salil Bali v. Union of India* (2013) judgement. The court in “*Dr. Subramanian Swamy v. Raju* (2014)”, recognised the concern of the growing heinousness of the juvenile crimes, and yet urged to uphold the principle of rehabilitative justice upon dealing with children. The introduction of assessing children aged between 16-18 years accused of “heinous crimes” under the Juvenile Justice Act 2015 highlighted the paradoxical nature of “welfare vs retributive rationalities”. This debate was further worsened by the Nirbhaya gang rape case 2012, which shook the nation to its core and brought to the forefront the need to revisit Juvenile Justice in India. Scholarly works have scrutinised the legislative shift arguing that it gives discretionary powers in the hands of Juvenile Justice Boards, “making institutional competence and child-sensitive expertise central to justice outcomes” (Bajpai, 2016).

Judicial legislations have also failed to highlight the need for strong institutional functioning and procedural safeguard for increasing the effectiveness of the Juvenile Justice in India. The Supreme court in its pronouncements in the “*Sheela Barse v. Union of India* (1986)”, highlighted how the state institutions have failed in the prevention of “abuse, neglect, and prolonged detention” of children in custodial settings. Courts have reinforced the idea that observation homes must function as “rehabilitative spaces rather than sites of punitive confinement”, thus abiding by the practice of constitutional morality and child rights jurisprudence (Mehta, 2014).

The above judicial standpoints, highlight an important paradox. Despite the courts reiterating the principle of rehabilitative justice and a child-centric jurisprudence, they constantly bring focus to the efficacy of the institutions for the realisation of these principles. The essence and the success of the Juvenile Justice hinges upon the efficient working of the various institutions such as the Juvenile Justice Boards, Child Welfare Committees, probation services, and childcare institutions. The challenges in the form of lack of proper infrastructure, less focus on capacity-building, and weak administrative co-ordination undermines the aim of human rights, justice, and welfare as laid out in the Juvenile Justice in India.

Furthermore, considering the development of Juvenile Justice in India, an analysis of the functioning of the institutions becomes indispensable. To bridge the gap between law and practice, it is imperative to examine and critically analyse how Juvenile Justice institutions interpret, implement, and practice judicial legislative mechanisms. This paper thus takes an analytical lens to reflect how the future of Juvenile Justice in India, is highly dependent not only on “progressive jurisprudence” but also on the capability and capacity of institutions to internalise and operationalise the rehabilitative spirit affirmed by judicial interpretation and codified legal norms.

### **Evolution of Juvenile Justice Legislation in India**

The trajectory of evolution of Juvenile Justice legislation in India is traced through the shift from “custodial control to rights-based child protection”. Laws under the colonial powers such as the “Reformatory schools Act (1897), treated children who committed offences as “subjects of discipline” rather than individuals who had rights (Chakrabarti, 2019). It was the “Juvenile Justice (Care and Protection of Children) Act, 2000” that brought Indian legislation on children in tandem with the “United Nations Convention on the Rights of the Child (UNCRC)” emphasizing “rehabilitation, social reintegration, and institutional care as a measure of last resort” (Mehta, 2014).

The enactment of the “Juvenile Justice Act, 2015”, stands for two major things. First, it retained the “welfare-oriented framework” which called for rehabilitation of children. Second, it brought reformation allowing children aged between 16-18 years accused of heinous offenses to be tried as adults, “subject to the preliminary assessment by the Juvenile Justice Board” (Government of India, 2015). Scholars have highlighted this shift as a “penal turn within a welfare statute” (Bajpai, 2016), arguing that this legislation is critical in understanding the influence of societal anxieties on juvenile offences. Critics argue that such provisions have a tendency to dilute the “rehabilitative ethos of juvenile justice and conflict with international child rights standards” (UNICEF, 2018).

### **Philosophical Foundations of Juvenile Justice**

The foundation of the Juvenile Justice can be traced to the philosophical foundation of the principle of “Parens Patriae” meaning “best interest of the child”, which is echoed in the “Juvenile Justice Act (2000, 2015)” in India

as well. This doctrine “legitimizes state intervention” for children who lack the means to protect their own interests (Goldstein et al., 1996). The “United Nations convention on rights of the child” reiterate the same principle that “the best interests of the child shall be a primary consideration in all actions concerning children (Article 3).

Scholars have highlighted the triangulation of juvenile justice legislation which is a combination of the triad of “welfare, rights, and limited accountability” (Bose, 2020). Despite the legislation’s foundation of the principle of rehabilitation, the institutional functioning seems to oscillate between the ideas of “care and control”. This overlap between care and control, is highly evident in cases of heinous crimes involving children, “where public discourse tends to favour deterrence over reform” (Raghavan, 2017). This paper draws upon this tension to critically examine the ground level functioning of the various Juvenile justice Institutions.

Nonetheless, critical scholars warn that the philosophical consistency of juvenile justice frequently disintegrates during implementation. Juvenile justice institutions throughout the world operate within a “hybrid paradigm”, where the conflicting values of “welfarism and punitive measures” are at the forefront (Barry Goldson, 2011). In the Indian context, the second category of children as laid out in the Juvenile Justice Act, as “Children in conflict with law”, face serious stereotypes labelling them as “dangerous offenders” rather than as young children in need of care and protection. Scholars have pointed out to this phenomenon as the “criminalisation of childhood vulnerability” (Ved Kumari, 2016). The conceptual underpinnings of juvenile justice exhibit a persistent conflict between rehabilitation and retribution, care and control, as well as rights and risk management. Although legislation frameworks express a child-centered and reformatory vision, institutional actions are frequently influenced by societal concerns, moral panics, and administrative limitations.

Furthermore, despite various judicial decrees reiterating child-centric justice, there is a huge gap in the implementation of the various pronouncements. The Supreme Court despite reiterating the need for “speedy inquiry, child-friendly procedures, and rehabilitation-oriented outcomes”, evidence highlights the deficiency of the various institutions reflecting a greater problem within the implementation of the law to serve the best interest of the children.

## **Institutional Framework of Juvenile Justice in India**

### ***Juvenile Justice Boards (JJBs)***

The Juvenile Justice Boards are the “primary adjudicatory bodies” who deal with the second category of children i.e., “Children in conflict with the law”. These boards are setup under the Section 4 of the Juvenile Justice Act, 2015. The board is a three-member body, comprising of a judicial magistrate and two social workers, whose area of expertise is welfare of children. The JJB is mandated to function in a “child friendly manner”, in order to analyse the “social investigation reports”, and mandate appropriate measures of rehabilitation for ensuring that justice is accorded to the children (Government of India, 2015).

Furthermore, various studies highlight that Juvenile justice boards have a crucial role in ensuring that the objective of JJ Act is upheld, but their everyday functioning is obstructed by “heavy caseloads, inadequate infrastructure, and lack of specialized training” (India Justice Report, 2022). Scholars have pointed out that many JJB’s function “more like criminal courts in miniature than welfare-oriented forums”, leading to the sabotage of the principle of reformation as laid out in the Juvenile Justice Act (Bajpai, 2016). Furthermore, the initial assessment procedure draws heavy criticism for its “subjective nature and lack of standardized psychological tools” (UNICEF, 2018).

Major challenges faced by the Juvenile justice boards includes “prolonged enquiries and case resolutions”, despite legal mandate of catering to the enquiries within a stipulated time of four months as per the Section 14 of the Juvenile Justice Act, 2015. The institutional functioning of the boards is constrained by “procedural delays” which violate the principle of immediate relief to the child, and results in negatively impacting the “children’s reintegration prospects, often resulting in prolonged institutionalisation in observation homes” (NCPCR, 2021). Scholars have emphasized how such delays lead to compromise in the “rehabilitative tenets of juvenile justice” (Goldson, 2011).

### ***Child Welfare Committees (CWCs)***

Child welfare committees are “quasi-judicial bodies”, working specifically for the first category of children i.e., “child in need of care and protection”, as

mandated by the Juvenile Justice Act 2000. Section 27 of the act mandates the authority of the child welfare committee to determine required and appropriate “rehabilitation and restoration measures” as per the “best interest of the child”. The CWC has under its jurisdiction areas concerning “institutional placement, foster care, sponsorship, and adoption referrals”.

Scholars has referred to the child welfare committees as the “moral core of the juvenile justice system”, whose work has translated the legal legislations into “concrete welfare decisions” for ensuring justice to the child who has come into contact with the system (Mehta, 2014). Despite their efforts of rehabilitation and restoration of justice, the efficacy of CWC’s is highly uneven across India. Various challenges cropping up include “frequent vacancies, lack of gender-sensitive training, and poor coordination with police and NGOs” (NCPCR, 2021). These challenges result in extended institutionalization of the child, which has socio-psychological implications on the children.

Furthermore, the Child welfare committees face heightened criticism related to their “quality of enquiry and decision-making” processes. Scholars have highlighted how the functioning of the CWC’s are often “informal and poorly documented”, leading to poor rehabilitation plans (Kumari, 2019). Analysis of various case-studies shows that, the decisions of CWC’s ignore “of family-based or community-based alternatives”, thus violating the principles of social integration of the child in the society. These procedural lapses underplay the child-centric intent of the Juvenile Justice Act and risk the CWC’s as mere “administrative clearance bodies”, rather than welfare institutions established for the betterment of the child. The CWC’s thus need to focus on greater stakeholder co-ordination and capacity building to fulfil their role as justice enablers for the children.

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

Another institution associated with the implementation of the Juvenile Justice Act in India is the District Child Protection Unit. It functions as the “administrative and coordinating arm” of the Juvenile Justice system at the district level. DCPU’s were established initially under the ICPS (Integrated Child protection scheme) and later “Mission Vatsalya”. Their key responsibilities include data-management, stakeholder co-ordination, monitoring childcare

institutions, and supporting other institutions catering to the children as mandated by the Juvenile Justice Act, 2015.

One of the key responsibilities of the DCPU's making it an important institution in realising rehabilitation of the children is its critical role in "ensuring convergence among multiple stakeholders". However, despite this, the body faces severe constraints in terms of "limited staffing and financial resources" (NCPCR, 2021). Scholars have pointed out how the efficacy of the Juvenile Justice institutions is heavily dependent upon the effectiveness of the DCPU, making them a "missing link" in child protection efforts (Bose, 2020).

Research findings have brought to the forefront two major challenges to the functioning of DCPU. First, is the institutional instability, and second, is its ambiguous role. DCPU faces frequent delay in "salary disbursement, and unclear delineation of responsibilities between DCPUs and line departments such as police, health, and education" (Kumari, 2019). This overlap of duties and less clarity of the roles and responsibilities weaken the institutional functioning and hampers both institutional and non-institutional care measures for child protection.

DCPUs maintain district level databases for both "Children in need for care and protection" and "children in conflict with law", but the "the absence of standardized digital platforms and analytical capacity limits their effectiveness" (UNICEF, 2021). These shortcomings reduce the functioning of the DCPU's as mere "passive administrative units", reducing the efficiency of the Juvenile Justice system. Various reports regarding the functioning of District Child Protection Units have highlighted the issues of "understaffing, irregular fund utilisation, and weak inter-departmental coordination". These shortcomings reinforce how, despite being nodal co-ordination bodies under the Integrated Child Protection Scheme (ICPS) and Mission Vatsalya, DCPU's "continue to function below their intended capacity".

## **Key Challenges in the Functioning of Juvenile Justice Institutions**

### ***Infrastructure and Human Resource Constraints***

Some general and other very particular constraints plague Juvenile Justice Institutions in India. General constraint can be understood as the hardware part

of the problem. The hardware includes inadequate infrastructure of observation homes and counselling centres and lack of basic amenities therein (India Justice Report, 2022). Other particular constraints constitute the software part of the problem, which includes human resource shortages (specially psychologists and trained social workers). Collectively, these constraints hamper the effectiveness of the Juvenile Justice Institutions in India (UNICEF, 2018). These problems are further aggravated by differential policies adopted by various states and districts. For instance, different states and districts allocate varying amounts of budget for the Juvenile Justice Institutions, highlighting the attitude of convenience. Similarly, these institutions are also plagued by “weak administrative oversight”. As a result, a number of ‘Child Care Institutions’ operate in temporary make-shift arrangements, brazenly flouting the minimum standards prescribed under the JJ Model Rules, 2016. The concerned scholars have pointed out that such policy neglect of Juvenile Justice Institutions in India reeks of “wider institutional marginalisation of the juvenile justice system within the overall criminal justice system”. In other words, the act of policing and the institutions of prisons are prioritised over and above the child-centric services (Kumari, 2019).

### ***Procedural Delays and Case Pendency***

The golden rule of any juvenile justice system is the “availability of timely intervention”. Yet, data reveal that this golden rule is flouted more often than not. The high level of pendency before JJBs and CWCs corroborate it (NCRB, 2022). It not only defeats the basic purpose of reformative institutions like JJBs and CWC, but it also normalises the horrifying custodial experiences of the juveniles (Chakrabarti, 2019).

With regard to the Indian Juvenile Justice system, empirical evidence brings forth two major constraints namely “procedural delays” and “pendency”. For instance, the NCRB 2022 report highlights that the rate of disposal of cases involving children in conflict with the law remains disproportionately high relative to the general case disposal rate in India. This greater proportion of pendency of cases reflects a larger issue of the “systemic delays in inquiry and disposal”. The report also highlights the greater influx of cases, contributing to increased pendency, reflecting a greater issue of systematic incapacity to

rehabilitate children in conflict with the law into society. Furthermore, the numbers bring forth the failure to comply with Section 14(2) of the Juvenile Justice Act 2015, which requires completion of the inquiry within a period of four months. From a child rights perspective, the increased pendency prolongs into greater institutionalization, leading to delayed rehabilitation of the children, violating the principles of “timely justice” and “best interest of the child”.

One of the main reasons behind increasing pendency is poor coordination between police, probation officers, legal services authorities and child welfare institutions. There are other reasons for the rising pendency - inadequate documentation, delayed social investigation reports, frequent adjournments etc. The case of rising pendency and procedural delays sing a tale of violation of the Articles 21 and 39(f) of the Indian constitution which guarantees a child the “right to dignity and development”. When analysed from “child-rights perspective”, these problems do not appear as mere administrative lapses, but rather as gross violation of principles of substantive justice.

### ***Institutional Challenges***

The India Justice Report (2022) brings forth the two deficits of the juvenile justice institutions in India. It highlights the “infrastructural deficit” and “lack of human resources” as the twin issues delaying justice to children in conflict with law. The report further delves into the shortage of “trained social workers, psychologists, and probation officers”, and the failure of many states to set up fully functional institutions such as the “Juvenile Justice Boards and Child Welfare Committees” as directed in the Juvenile Justice Act 2015. These institutional deficiencies highlight a “structural governance gap rather than isolated administrative inefficiencies”.

### **Conclusion**

The juvenile justice system in India, although is continuously evolving with the contemporary legislation requirements, its operation remains highly fragile. Despite undergoing amendments, frequent debates strengthening its institutional framework, the efficacy of the institutional functioning remains highly uneven. There is a huge gap between the legal legislations and the ensuring of justice and rehabilitative measures, as underlined in the objective of the Juvenile justice philosophy in India.

Critical analysis showcases that the Juvenile Justice System in India is oscillating between a “progressive normative framework” and “uneven institutional realities”. Despite the Juvenile Justice Act 2015 demonstrating a rehabilitative and a rights-based vision, the ground reality showcases constraints in the form of “structural and administrative limitations”. This paper reinforces the “institutional deficit thesis”, highlighting how institutional limitations are the primary impediments to effective rehabilitation of children in conflict with law in India. This impediment is further highlighted by the data from the National Crime Records Bureau (NCRB, 2022) where “emphasis is put on pendency of cases at the initial reporting, leading to delayed response in inquiry and disposal of cases”.

When analysed thoroughly, the above mentioned empirical trends corroborate the argument that the Juvenile Justice system in India oscillates between two contrasting themes namely welfare and control (Goldson, 2011). In a developing country like India, this contrast is more stark because of public sensitivities around the topic of juvenile delinquency. This public perception pushes the government to come up with specific kinds of legislation around the concept of juvenile crime and also shapes how existing institutions function. Bajpai (2016, 2019), in his scholarly analysis of Juvenile Justice system in India, captures this contrast by showcasing the simultaneous existence of a modern, progressive and forward-looking legal framework with regressive and fragmented institutional reality. In a similar way, Kumar (2016) critically examines the Juvenile Justice institutions in India for not being able to move from a welfare-based approach to a right-based rehabilitation approach.

Moreover, the study highlights the crucial difference between how courts have actively interpreted the law and how administrative bodies have poorly carried out those interpretations. Several landmark judgements, such as *Sampurna Behura v. Union of India* (2018), have highlighted the pressing need for effective implementation of child welfare schemes and fixing accountability of the concerned institutions. However, impediments such as infrastructural deficits, procedural delays and inconsistent practices point out that judicial activism alone is not enough to address the problem of juvenile delinquency in the absence of robust institutional mechanism.

The paper argues for the need to bring reforms focused on strengthening institutional working at the ground level. There is a need to shift the focus away from legislative reforms towards greater investment in “capacity building, standardisation of procedures, digitisation of case management systems, and enhanced inter-agency coordination”. India can utilize community based “non-institutional care mechanisms” to expedite the rehabilitation of the children in conflict with law into the society.

The success and effectiveness of the Juvenile Justice system depend upon two major values of the institutional functioning. First, is the focus on improving the quality of institutional practice of various bodies mandated under the Juvenile Justice Act, 2015. Second, is the focus on greater societal engagement, challenging the stereotypical mindset of the people, and ensuring greater focus on rehabilitation of children in the society. The frequently identified challenges of lack of staff, lack of co-ordination among stakeholders needs to be worked upon through measures of capacity building, workshops, training programs about the mandate of the Juvenile Justice act. Greater focus needs to be put upon the idea of “substantive care” over “procedural punitive measures” to cater to the best interest of the child.

Other measures include “strengthening community-based alternatives, enhancing aftercare and reintegration support, and embedding evidence-based decision-making” to ensure sustainable outcomes for children. Juvenile justice needs to be reaffirmed as a critical component of “social justice and child protection governance” in India. A broad-based vision is required to ensure that Juvenile Justice is seen as an “instrument of reintegration” in the society.

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