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IMPLEMENTATION CHALLENGES IN JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

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ABSTRACT:

The Juvenile Justice (Care and Protection of Children) Act, 2015 was mainly established to provide the protection and rehabilitation to the child in conflict with law and child in need of care and protection to the children. Even though it works properly but it faced a lot of challenges, this article mainly focuses on the challenges which affect the proper implementation of the act. This paper mainly focused on the three main challenges such as, lack of infrastructure, challenges in adoption, lack of awareness. This article follows the doctrinal based methodology, which evaluates the already existing articles, reports etc. it finally ends with the proper conclusion.

Key words: *JJ act, implementation challenges, lack of infrastructure, lack of awareness, adoption*

INTRODUCTION:

The JJ Act 2000 was replaced by the JJ act, 2015, this act mainly dealt with the two matters one is child in conflict with law and another one is child in need of care and protection. The main institutional framework under this act is juvenile justice board which deals with the child in conflict with law and child welfare committee which deals with the matter of child in need of care and protection. Child in conflict with law means, who are all committing under the age of 18. Child in need of care and protection means, who are all under age of 18, abandoned child, sexually abused child, run away child, begging child etc. this act also covers the institutional care, non-institutional care and adoption through CARA. This act also provides rehabilitation

for child. It made a lot of benefit to child who need protection apart from that it faces a lot of challenges in adoption and procedures. This article mainly focusses on the main challenges such as lack of infrastructure, challenges in the adoption and lack of awareness. The main aim of this research is to examine the JJ Act and identify the challenges.

LACK OF INFRASTRUCTURE:

The main challenges faced in the implementation of the JJ act is lack of infrastructure, such as lack of JJ board, observation home, special homes, place of safety, legal aid clinic, and healthcare leads to some challenges.

More than 50,000 cases were bending before the juvenile justice board in relation to child in conflict with law, this because of the lack of infrastructure. In the year of 30th October 2023, the juvenile justice board handled over 1,00,904 cases. 45% of cases (45, 097) were disposed of, 55% of cases (55,816) were pending before the Board. 362 juvenile justice board was functioning across 18 states and 2 union territories. Approximately 24% of the juvenile justice board not properly functioning which means not having full bench. 30% of the board lacks the legal aid for children. The pendency of cases was high in Odisha and Karnataka. In Odisha 83% of the cases were pending and in Karnataka 35% of cases were pending.

Another major problem is lack of place of safety; 14 states and Jammu and Kashmir had no place of safety and only 319 observation homes for 765 districts are there but it lacks the inadequate institutional facilities. There were 171 Child care institution only 19 had doctors and only 70 had counsellor this lack of doctors and counsellors leads to inadequate health care facilities, 30% of the JJB did not have the legal service clinic¹.

In the year of 2023-2024 there were most of the district not has the JJB:

1. In Andhra Pradesh the coverage of JJB is 13/26. The district not has the JJ. Board includes Aluri Sitharama Raju, Anakapalli, Annamayya, Bapatla, BR Ambedkar Kanaseema, Eluru, Kakinada, Nandyal, NTR, Palnadu, Parvathipuram, Manyam, Sri Sathya and Tirupuri.
2. In Arunachal Pradesh the coverage of JJB is 26/28. District with no JJB includes Bicham and Keyi Panyar.

¹ India Justice Report, More than 50,000 Children in Conflict with law still await justice, 2025, https://indiajusticereport.org/files/IJR_JJ%20Report_Press%20Release_20%20November%202025.pdf

3. In Assam the coverage of JJB is 32/35. District with no JJB is Bajali, West Karbi Anglong and Tamulpur.
4. In Bihar the coverage of the JJB is 37/38. District with no JJB is Arwal
5. In Chhattisgarh the coverage is 28/33. District with no JJB includes Garuella- Pendra-Marwahi, Khairagarh, Manendragarh-Chimiri-Bharatpur, Mohla-Manpur-Ambagarh Chouki, Sakti, Sarandrah-Bilaigarh.
6. In Delhi the coverage of JJB is 7/11. District with no JJB includes South Delhi, New Delhi, West Delhi and South East Delhi.
7. In Himachal Pradesh the coverage of JJB is 11/12. District with no JJB include Lahaul and Spiti.
8. In Madhya Pradesh the coverage of JJB is 51/55. District with no JJB include Maunganj, Maihar, Niwari and Pandhurma.
9. In Maharashtra the coverage of JJB is 34/36. District with no JJB include Mumbai Suburban.
10. In Sikkim the coverage of JJB is 4/6. District with no JJB include Pakyong and Soreng.
11. In Rajasthan the coverage of JJB is 34/41. District with no JJB include Balotra, Beawar, Deeg, Didwana Kuncham, Khairthal-Tijara, Kotpuli- Behror and Phalodi.
12. In Telangana the coverage of JJB is 10/33. District with no JJB include Bhadradi Kothaudem, Hanumakonda, Jagital, Jangaon, Jayshankar, Jogulamba Gadwal, Kamareddy, Kumaram Bheem, Mahbubabad, Medak, Mancherial, Medchal-Malkajgiri, Mulugu, Nagarkurnool, Narayanpet, Nirmal, Peddapalli, Rajanna Sircilla, Siddipet, Suryapet, Vikarabad, Wanaparthy, Yadadri Bhuvanagiri.

in relation to vacancies in JJB is also leads to the lack of members, in the year of 2023

1. In Andra Pradesh – 26.9% of social workers were remains vacant
2. In Arunachal Pradesh- 3.8% of social workers remains vacant
3. In Assam – vacancy in relation to principal magistrate is 3.8%, in relation to social workers is 6.3%
4. In Bihar – vacancy in relation to social worker is 36.5%
5. In Delhi – vacancy in relation to social workers is 50.0%
6. In Goa – Vacancy in relation to social workers is 25.0%
7. In Gujarat – vacancy in relation to social workers is 3.0%
8. In Himachal Pradesh – vacancy in relation to social workers is 27.3%
9. In Jharkhand – vacancy in relation to social workers is 20.8%

10. In Kerala – vacancy in relation to social workers is 39.3%
11. In Madhya Pradesh – vacancy in relation to social workers is 30.4%
12. In Rajasthan – vacancy in relation to social workers is 23.5%
13. In Telangana – vacancy in relation to social workers is 25.0%

The percentage of JJ board that had a legal service clinic, in some of the state has low number legal service clinic, in the year of 2023

1. In Jammu and Kashmir – 55.0%
2. In Goa – 50.0%
3. In Haryana – 50.0%
4. In Tamil Nadu – 50.0%
5. In Assam – 37.5%
6. In Punjab – 30.4%
7. In Manipur – 0%
8. In Nagaland – 0%

India has 765 districts, but only 319 observations home only there, in case of special home only 41 and in relation to place of safety 40. In India 14 states and union territories had no place of safety. And also, most of observation homes are overcrowding².

CHALLENGES IN ADOPTION:

The adoption was deal by CARA, under there were two types of adoption one is in-country adoption another one is inter-country adoption.

1. In the year of 2015 – 16, in-country adoption total -3011, inter-country adoption total- 666, total- 3677
2. In the year of 2016-17, in-country adoption total- 3210, inter- country adoption total – 578, total-3788
3. In the year of 2017-18, in-country adoption total- 3276, inter-country adoption total- 651, total – 3927
4. In the year of 2018-19, in-country adoption total-3374, inter-country adoption total- 653, total-4027

² India Justice Report, Juvenile Justice and Children in Conflict with Law, Pg. No – 38, 44, 47, 2025, https://indiajusticereport.org/files/IJR_JJ%202025_Main%20Report_.pdf

5. In the year of 2019-20, in-country adoption total- 3351, inter-country adoption total- 394, total -3745
6. In the year of 2020-21, in-country adoption total – 3142, inter-country adoption total- 417, total- 3559
7. In the year of 2021-22, in-country adoption total -2991, inter-country adoption total- 414, total- 3405
8. In the year of 2022-23, in-country adoption total- 3010, inter-country adoption total- 431, total- 3441
9. In the year of 2023-24, in-country adoption total – 3580, inter-country adoption total- 449, total- 4029
10. In the year pf 2024-25, in country adoption total- 4155, inter country adoption total – 360, total – 4515
11. In the year of 2025-26, in-country adoption total- 4603, inter-country adoption total- 419, total- 5022³.

The CARA, had achieve the large number of adoptions in both in-country and inter-country adoption but it has some challenges in relation to adoption.

the delay in home study report in relation to adoption, which is one of the procedures in adoption, once the application of adoption is done by the adoptive parents, the home study report must be completed within 60 days, and it must be passed to the designated portal, by the special adoption agency. But the delay has been happening in relation to completion of the home study report as per the regulation 10(8) of Adoption Regulation, 2022. This delay may cause the adoption process⁴.

According to the Adoption regulation, 2022, the specialised adoption agencies are designed to fulfil the task arranging the medical test, for all children admitted to its home for adoption. The medical examination done by the paediatrician or one doctor within one month from the child admitted to its home and the medical examination report must be submitted to the designated portal within 10 days. But this procedure cause delay such as, inadequate medical examination

³ Central Adoption Resource Authority, Adoption Statistics, 2026, https://cara.wcd.gov.in/resource/adoption_Statistics.html

⁴ Central Adoption Resource Authority, Office Memorandum – Pendency of Home Study Report, Pg. No-1, 2026, <https://cara.wcd.gov.in/upper%20tab%20menu/circular.html>

report and other health related documents like, lab report, medical related grievance are increasing on the portal⁵.

Another challenge is that the refund of the adoption fee in case of disruption / dissolution. According to the committee meeting of CARA in the year of 04/06/2026, tin case any adoption fails or disruption/dissolution has been happened, the adoption fee will not be refunded. It may affect the adoption. The main reason behind that is there is no provision in relation to adoption fee in the Adoption regulation 2022⁶.

LACK OF AWARENESS:

The major challenges in relation to the implementation of the juvenile justice act was the awareness among the people. The lack of awareness among the children and their families and even some stakeholders is one of the main challenges in implementation. The main role of the child welfare committee and juvenile justice board to provide legal proceeding and provide support to them. The awareness is aggravated by poverty, low literacy level, rural isolation and misinformation⁷.

In India has 472 of millions of children, in this population the crime against children were increased by 13.6% between the year of 2015 to 2016. 111, 569 children were missing in 2016, and from this only 55,944 were traced. There were 33 million children between aged 5-18 were engaged in child labour⁸. This mainly arise by the lack of awareness of the child protection laws. As a result, children often fail to access legal aid, counselling, institutional care for the child in need of care and protection, and rehabilitation services. The lack of awareness was increased in the matters related to inquiry procedures, rehabilitation provision, free legal aid, the role of child welfare committee, juvenile justice board. the lack awareness mainly remains in marginalized group of people, because of low literacy level, limited schooling, lack of parental support, misinformation and fear⁹.

⁵ Central Adoption Resource Authority, Office Memorandum, Medical Examination of Children Residing in SAAs & CCIs, Pg. No – 1, 2026, <https://cara.wcd.gov.in/upper%20tab%20menu/circular.html>

⁶ Central Adoption Resource Authority, Office Memorandum, Adoption Fee, Pg. No -1, 2026, <https://cara.wcd.gov.in/upper%20tab%20menu/circular.html>

⁷ Suchitra Chaudhary, Juvenile Justice and Legal Literacy: Bridging the Awareness Gap in Indian's Legal Aid Framework, vol.7, issue 5, IJLLR, Pg. No- 5779, 2025

⁸ National Gender Centre, Juvenile Justice Act 2015, A Handbook for Field Administrators, Pg. No – 10, 2017, https://www.lbsnaa.gov.in/storage/uploads/pdf_data/1740378396_Final%20JJ%20Handbook.pdf

⁹ The Juvenile Justice Committee, Orissa High Court, Sishu Surakhya, 2023, https://www.orissahighcourt.nic.in/uploads/ac/jjc_events/1747819164.pdf

CONCLUSION:

The main aim of the juvenile justice act, 2015 is to provide the protection and rehabilitation of the child. But it faces the lots of challenges such as lack of infrastructure, pendency of cases, lack awareness etc. to tackle this we need a proper infrastructure with full bench and must establish the JJB to the districts were not having the juvenile justice board, to provide the awareness about the procedure to the marginalized people and need a proper adoption procedure without any delay which leads to the proper implementation of the juvenile justice act,2015.