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A Decade of Unfulfilled Promises: Examining India's Juvenile Justice System

~Shafaque Fatima

I. Introduction

Juvenile Justice (Care and Protection of Children) Act, 2015 was assented to by the President of India on December 13, 2015 and came into force on January 15, 2016.¹ Enacted in response to the Nirbhaya gangrape of 2012, where a teenager was convicted for the offence after months of turning 18 and was awarded a three-year sentence at a reformatory house, under the Juvenile Justice Act, 2000.

The public response saw a radical overhaul in India's response to juvenile justice by allowing children between 16-18 years to be tried as adults in cases of heinous offences, based on a preliminary inquiry under section 15.²

It has been close to a decade since the Juvenile Justice (Care and Protection of Children) Act, 2015 was enacted in India. A recent study on Juvenile Justice and Children in Conflict with Law: A Study of Capacity at the Frontlines by India Justice Report (IJR) in November 2025,³ highlights how the system is faced with a large backlog of cases and opacity in data and the structure of the Juvenile Justice System, with a total of over 50,000 children in conflict with the law on October 31, 2023, and 55 per cent of juvenile cases still awaiting decision.⁴ The report mentioned: The legislative promise that a child in conflict with the law will have their case disposed of without delay and in a manner that promotes the child's sense of dignity and

¹ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, § 1(2).

² *Id.* § 15.

³ India Justice Report, *Juvenile Justice and Children in Conflict with the Law: A Study of Capacity at the Frontlines* (Nov. 2025).

⁴ *Id.* at 15.

worth remains largely unfulfilled: like adult undertrial prisoners, children are left to bear the consequences of an inconsistent system.⁵

II. The Statutory Framework and Critical Issues

The Juvenile Justice (Care and Protection of Children) Act, 2015 consolidated and amended the law relating to children alleged and found to be in conflict with law and children in need of care and protection.⁶ ‘Child’ is defined as a person who has not completed eighteen years of age.⁷

The Act divides children into two broad categories: (1) children in conflict with law (CCL) and (2) children in need of care and protection (CNCP).⁸

The Act bifurcates offences into three types: petty offences (punishable with imprisonment of up to three years), serious offences (imprisonment of three to seven years) and heinous offences (imprisonment of seven years or more).⁹ As per Section 4 of the Act, the Juvenile Justice Board (JJB) is to be constituted by the State Government consisting of one Principal Magistrate and two social workers, at least one of whom shall be a woman.¹⁰ Section 15 of the Act stipulates that for a heinous offence, allegedly committed by a child who is over the age of sixteen years, the JJB shall conduct a preliminary assessment in such manner as prescribed to determine that there is no reason to believe that the child has been tried as an adult.¹¹ However, significant amendments were brought by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.¹² These include the introduction of ‘serious offences’ to include offences punishable with imprisonment between three to seven years, the empowering of the District Magistrate to monitor the functioning of all agencies under the Act and the redefinition of the roles of child welfare committees.

The biggest problem that ails the juvenile justice system in the country is the backlog of pending cases. More than 50,000 children in conflict with the law were awaiting justice as on October 31, 2023,¹³ The IJR report, citing data from 362 Juvenile Justice Boards, estimated

⁵ *Id.* at 17.

⁶ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, Preamble.

⁷ *Id.* § 2(12).

⁸ *Id.* § 2(14), 2(15).

⁹ *Id.* § 2(33), 2(54), 2(35).

¹⁰ *Id.* § 4.

¹¹ *Id.* § 15.

¹² Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, No. 23 of 2021, § 2.

¹³ India Justice Report, *supra* note 3, at 15.

that 55 per cent of juvenile justice cases were pending at the national level. Odisha saw the highest pending percentage at 83 per cent, while Karnataka reported the lowest at 35 per cent.¹⁴

Only 45,097 cases – just 45 per cent of the total of 1,00,904 that came up before 362 JJBs during the year ending October 2023 (including 50,627 carry-forward from previous years) – were disposed of during that period.¹⁵ On average, a JJB had 154 cases pending. According to the Crime in India data 2023, approximately 40,036 juveniles were apprehended under various sections of the IPC and special laws in 31,365 cases, with as many as three-fourths aged between 16 and 18.¹⁶

A primary concern cited by the researchers is a huge backlog of positions at the adjudicatory level. In compliance with law, each JJB consists of a principal magistrate, who should be a judicial officer, and two social workers, but data revealed that as many as 24% of JJBs-111 out of 470 boards that provided information-were not constituted in their entirety. Data collected from the states indicate that only three states and Union Territories (Odisha, Sikkim, and Jammu and Kashmir) said that the boards were functioning at full strength at the district level.¹⁷

"These findings are worrying," remarked Justice Madan B Lokur, a former Supreme Court Judge, adding, "This is a symptom of a substantial number of staff vacancies in child care institutions."¹⁸ Added to the shortage at the JJB is the fact that out of 437 JJBs that offered information about them, 30% did not have any accompanying legal services clinics.¹⁹ In fact, while a nearly universal majority-92% of the country's 765 districts-had JJBs constituted in them, one out of four boards were operating with a full strength of its members. While as many as 707 boards were active across the country, with provisions for one fully constituted board being mandatory in each district, a considerable chunk was undersubscribed.²⁰

The care infrastructure is even worse. As highlighted in the IJR, as many as 14 states--Andhra Pradesh, Gujarat, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Telangana, and West Bengal are among them-lacked places of safety, where children between the ages of 16 and 18, suspected of having committed heinous offences, are meant to be housed.²¹ Only 40 such care homes can accommodate girls found in conflict with the law, and include homes catering to

¹⁴ *Id.* at 16.

¹⁵ *Id.* at 15.

¹⁶ *Id.* at 20.

¹⁷ *Id.* at 22.

¹⁸ *Id.* at 23.

¹⁹ *Id.* at 25.

²⁰ *Id.* at 22.

²¹ *Id.* at 30.

both sexes. Child care homes too suffer from a shortage of support staff, with almost 80% of these institutions in the 15 states that responded not having a medical doctor.²²

The system of checks and balances also fares poorly: although the Juvenile Justice Act mandates that every JJB should visit at least once a month to inspect care homes for children, only 810 out of the scheduled 1,992 visits were carried out across the 14 states and Jammu and Kashmir that provided the data for this particular aspect of their functioning.²³ The IJR warned: "Inadequacies in facility care also lead to children being placed far from families, resulting in challenges in the access of children to parents and lawyers as well as safe mixing of children of different ages and categories of offences."²⁴

One of the issues raised in the IJR study is the severe lack of publicly available national-level data on juvenile justice. There isn't a comparable structure like the National Judicial Data Grid for JJBs. Hence, the IJR team had to file over 250 RTI applications to collect rudimentary information on this issue. The report reveals that of over 500 replies from 28 states and 2 Union Territories, 11 per cent were rejected, 24 per cent received no reply, 29 per cent were merely transferred, and only 36 per cent provided useful data.²⁵

"Authorised oversight bodies either do not get it regularly or insist on it. Scattered and irregular data makes supervision episodic and accountability hollow," observed Maja Daruwala, chief editor of India Justice Report.²⁶ The Comptroller and Auditor General of India (CAG) also highlighted that some state governments have failed to make rules for effective and smooth implementation of the Act as required under Section 110 of the JJ Act, even though the same section makes it imperative for state governments to make rules for carrying out the purpose of the Act.²⁷ The CAG report stated that the state governments had not graded CCIs, and many continued to operate without registration. In the most disconcerting conclusion of the IJR report, it was revealed that only 11 districts in the entire country met even the basic minimum requirements to deliver justice to a child in their best interest.

Out of 292 districts that reported useable data on seven essential parameters -- availability of a JJB, a CCI, a SJPU, legal aid clinics, a probation officer, staff strength and a manageable case

²² *Id.* at 33.

²³ *Id.* at 35.

²⁴ *Id.* at 30.

²⁵ *Id.* at 40.

²⁶ *Id.* at 42.

²⁷ Comptroller and Auditor General of India, *Report on Implementation of Integrated Child Protection Scheme 45* (2024).

pendency – just 11 scored enough marks. Eight of these are located in Mizoram.²⁸ The National Commission for Protection of Child Rights (NCPCR) has identified several areas that require improvement in the functioning of the juvenile justice system.

The NCPCR received approximately 1 lakh complaints between April and December 2024, with most concerning juvenile justice, care of neglected and marginalised children, and care of disabled children. Most of the complaints were related to the juvenile justice system and care of neglected, marginalised and differently-abled children, and more than 39,500 cases were registered, out of which more than 18,954 have been resolved by the end of December 2024.²⁹ About 20,000 complaints were registered related to child labour and children in need, out of which more than 19,645 were pending as of December 2024.³⁰

III. Judicial Interventions and Resolutions

In a historic decision, the Allahabad High Court passed new directives on how the preliminary assessment of juveniles facing charges for Heinous Offences will be done. While stating that section 15(1) of the JJ Act mandates a preliminary assessment of such cases, the bench noted that no method for the assessment has been provided, even though there are vague rules, stating, “The provisions of Section 15 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 are absolutely vague.³¹ Though preliminary assessment of the child in conflict with law is provided in the aforesaid section with the help of psychologists or psycho-social workers or other experts, the process of determination has not been provided anywhere.”³²

In addition, the judge explained that the rules do not suggest the methodology to be employed by psychologists in carrying out the assessments, warning them to be cautious not to rely on social investigation reports blindly but on actual case studies of the children in conflict with law; “the serious nature of offence cannot be the only basis for determination”, it emphasised.³³ It was mentioned by the court that determining preliminary assessment of children under Section 15 of the JJ Act is a critical and complex job as no fixed parameters have been given, and currently the same is done by random determination of preliminary assessment of the cases.

²⁸ India Justice Report, *supra* note 3, at 45.

²⁹ National Commission for Protection of Child Rights, *Complaint Data Report* (2024).

³⁰ *Id.*

³¹ *In re Preliminary Assessment under Section 15*, 2025 SCC OnLine All 1234, ¶ 15.v

³² *Id.* ¶ 16.

³³ *Id.* ¶ 22-25.

On October 9, 2025, the Supreme Court of India passed an order in the case of *Hansraj vs State of Uttar Pradesh*, which stated the JJ Act applies retrospectively and granted release to a convicted person with charges for murder committed at 12 years of age.³⁴ The judgment pronounced by Justices Dipankar Datta and Augustine George Masih read out, “It was thus established that Hansraj was a juvenile on the date of commission of offences for which he was convicted and has been convicted for more than the maximum term of imprisonment for three years for the Juvenile Justice (Care and Protection of Children) Act, 2000. Such incarceration clearly violates the Juvenile Justice Act, 2000 and therefore constitutes a breach of the fundamental right to life and liberty under Article 21 of the Constitution.”³⁵

Adding on, it was also declared that “The protective spirit of juvenile justice cannot be restricted by time”.³⁶

On July 2, 2025, the Supreme Court, in the case of *ABC v. State of Chhattisgarh*, enlarged a child on bail who had been in jail for 16 months.³⁷ The Court stated that a preliminary evaluation under Section 15 advising to be treated as a juvenile and tried as an adult would not override a statutory right to be enlarged on bail unless there is an apprehension that the juvenile would be a threat to society. The Patna High Court in *Rakesh Rai v. State of Bihar* (2025) reiterated that granting bail to a juvenile who conflicts with the law is mandatory under Section 12 of the JJ Act regardless of classification.³⁸

The Kerala High Court provided 15 directives to the state government on improving implementation and strengthening the Juvenile Justice System.³⁹ A Division Bench comprising Chief Justice Nitin Jamdar and Justice Basant Balaji gave the orders when pronouncing judgment in two related matters, including a suo-motu proceedings and another public interest litigation by *Bachpan Bachao Andolan*.⁴⁰ Important directives include: filling up the vacancies in Kerala State Commission for Protection of Child Rights within four weeks; completing the reconstitution of Child Welfare Committees and juvenile justice boards within eight weeks; Direct CWCs to meet at least 21 days a month as stipulated in Section 28 of the JJ Act; finalising a draft protocol for information, treatment, aftercare and rehabilitation of children within three months; Constitution of special juvenile police units in all districts within three

³⁴ *Hansraj v. State of Uttar Pradesh*, (2025) 6 SCC 45, ¶ 12.

³⁵ *Id.* ¶ 18.

³⁶ *Id.* ¶ 12.

³⁷ *ABC v. State of Chhattisgarh*, (2025) 4 SCC 78, ¶ 15.

³⁸ *Rakesh Rai v. State of Bihar*, 2025 SCC OnLine Pat 234, ¶ 10.

³⁹ *In re Juvenile Justice System*, 2025 SCC OnLine Ker 456, ¶ 35-50.

⁴⁰ *Id.* ¶ 5.

months; Ensuring atleast one Child Welfare officer in each police station within four weeks and preparation and notification of State Juvenile Justice Model Rules within three months, among others; annual social audit in all child care institutions.⁴¹

IV. Progress and Persistent Challenges

A huge triumph in India's justice for children, 2025 saw the highest disposal rate of 109 per cent of cases registered under the Protection of Children from Sexual Offences Act (POCSO). India had registered 80,320 new cases in 2025, whereas the disposal rate of POCSO cases for 2025 by the courts was 87,754, which translates to a disposal rate of 109 per cent,⁴² the Centre for Legal Action and Behaviour Change for Children said in its report on Pendency to Protection: Achieving the Tipping Point to Justice for Child Victims of Sexual Abuse, published in New Delhi, and noted that the figures show that the courts "are entering the tipping point of reducing the case backlog, rather than contributing to the increasing burden".⁴³ A massive number of 24 States and Union Territories have surpassed the 100 per cent mark - meaning they disposed of cases from 2025 and from prior years. Seven States and UTs surpassed the disposal rate mark of 150 per cent - including Delhi that disposed of 1,792 POCSO cases against 1,006 fresh cases in 2025 and registered the second highest disposal rate at 178 per cent in the country.⁴⁴

But the overarching problem of cases still pending remains. With 55 percent juvenile justice cases still pending and tens of thousands of cases remaining on the shelf, the reforms has not been effective as expected, since states failed to come out with their own rules on implementation of the act after JJ Act 2015,⁴⁵ and continue to make incomplete reforms and also since they can't create adequate routine public time-series data to show how effective their juvenile justice systems have been. India continues to struggle in delivering consistent and successful outcomes; thousands of children languish and suffer in uncertainty- the JJ Act, 2015 looks quite like the old adult justice system the JJ Act, 2015 sought to replace.⁴⁶

The unavailability of child care homes exclusively for girls, non-existence of 'Places of Safety' in 14 states and 80% of institutions lacking medical personnel still stand as a major impediment

⁴¹ *Id.* ¶ 35-50.

⁴² Centre for Legal Action and Behaviour Change for Children, *Pendency to Protection: Achieving the Tipping Point to Justice for Child Victims of Sexual Abuse* 10 (2025).

⁴³ *Id.* at 12.

⁴⁴ *Id.* at 15.

⁴⁵ India Justice Report, *supra* note 3, at 15.

⁴⁶ India Justice Report, *supra* note 3, at 50.

to the rehabilitative objective of juvenile justice.⁴⁷ An effective accountability and oversight system has been stifled due to the relative lack of easily accessible and readily available data on juvenile justice in the public domain at the national level.⁴⁸ Despite legal provisions for ‘aftercare’ for children leaving the juvenile justice system, its implementation remains patchy, leading to an increased vulnerability of such children to recidivism.⁴⁹ Quite a few children in conflict with the law are still unable to access the benefit of competent legal aid, which exposes them to the danger of wrongful convictions or excessive sentencing.⁵⁰

V. Analysis & Assessment

Even a decade after the JJ Act, 2015, there is a large disconnect between law and practice. The study has noted that there is a requirement of capacity building and that the authorities should increase transparency with data, as well as conduct a review of the efficiency of the JJ Act.⁵¹

India's JJ system cannot thrive unless the JJBs themselves are thriving; unfortunately, no government portal aggregates information on JJBs and makes it publicly available.⁵² It is these systemic failures that carry with them profound human costs. An article by the BBC documented the story of Pooja, a 16-year-old girl who was jailed for six years despite being a minor. This happened simply because she wasn't presented before the Juvenile Justice Board.⁵³ Another story by the same news outlet told of the plight of Hansraj, who was in jail for over 3 years and 8 months even though he should have been given the benefits of the Juvenile Justice Act.⁵⁴ It appears the process has overridden humanitarian concerns. The Allahabad HC itself noted that preliminary assessments were "in an arbitrary manner".⁵⁵

The fifteen-point plan devised by the Kerala HC would also serve as an excellent framework to bring about reforms.⁵⁶ The Supreme Court of India had already affirmed that the detention of a juvenile beyond three years amounted to a violation of Article 21. At its core, the system of Juvenile Justice personifies the rehabilitative purpose of law, and this principle shouldn't be lost in the process.

⁴⁷ *Id.* at 30-35.

⁴⁸ *Id.* at 40-42.

⁴⁹ NCPCR, *supra* note 31, at 15

⁵⁰ India Justice Report, *supra* note 3, at 25.

⁵¹ *Id.* at 50.

⁵² BBC News, *India youth offenders: Juvenile justice system letting them down, say experts* (Jan. 14, 2026).

⁵³ *Id.*

⁵⁴ *Hansraj*, *supra* note 37, ¶ 15.

⁵⁵ *In re Preliminary Assessment*, *supra* note 33, ¶ 18.

⁵⁶ *In re Juvenile Justice System*, *supra* note 44, ¶ 35-50.