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The Juvenile Justice (Care and Protection of Children) Act of 2015: Obstacles and Opportunities for implementation in India

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ABSTRACT

An important piece of legislation in India's efforts to treat young offenders with rehabilitation and a child-centred approach is the Juvenile Justice (Care and Protection of Children) Act, 2015. This study critically looks at the opportunities and difficulties related to this Act's implementation. With a multidisciplinary approach that includes legal, social, and psychological aspects, the study looks to offer a thorough comprehension of the Act's influence on the juvenile justice system. According to the research, there are several difficulties, such as unclear definitions and assessments of juveniles, overburdened infrastructure and resources, insufficient stakeholder training, socioeconomic inequalities, and problems with rehabilitation and reintegration. The study also examines the potential of diversionary tactics to lower recidivism rates among young offenders and evaluates their efficacy. On the other hand, the report also identifies a number of encouraging opportunities for the Act's effective execution. These include the creation of juvenile justice boards, a greater emphasis on rehabilitation, and innovative strategies like restorative justice techniques. Furthermore, the Act's focus on the rights and protection of children is examined in light of changing public beliefs of young offenders. To give a fair and insightful analysis, this study uses a wide range of sources, such as case studies, empirical data, legislative texts, and interviews with important players. By examining both the challenges and prospects, this paper offers valuable insights for policymakers, legal practitioners, social workers, and scholars, aiming to contribute to the ongoing discourse surrounding juvenile justice reform in India.

Keywords: Juvenile Justice Act, Care and Protection of Children, Rehabilitation, Diversion, Restorative Justice, Implementation Challenges, Child Rights, Juvenile Justice Boards, Recidivism, Societal Attitudes.

I. INTRODUCTION

India's approach to juvenile justice underwent a radical change in 2015 with the passage of the Juvenile Justice (Care and Protection of Children) Act, which sought to meet the changing

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needs of children in legal trouble and bring the country's legal system into compliance with international norms. Recognizing and defending the rights of children involved in the criminal justice system was made possible by this historic law, which superseded the antiquated Juvenile Justice (Care and Protection of Children) Act, 2000. The main objective of the Act's enactment was to establish a thorough legal framework for the defense, rehabilitation, and reintegration of minors who are in legal trouble as well as those who require care and protection.

The Act aims to address the underlying causes of juvenile delinquency while protecting children's welfare and well-being by highlighting the restorative justice idea. However, there are several obstacles to overcome before the Juvenile Justice Act can be implemented effectively in India. These difficulties cover a broad spectrum of sociocultural, economic, administrative, and legal elements that profoundly influence the juvenile justice system. To fully realize the Act's potential and accomplish its goals, it is imperative to comprehend and address these obstacles. India's approach to juvenile justice underwent a radical change in 2015 with the passage of the Juvenile Justice (Care and Protection of Children) Act, which sought to meet the changing needs of children in legal trouble and bring the country's legal system into compliance with international norms. Recognising and defending the rights of children involved in the criminal justice system was made possible by this historic law, which superseded the antiquated Juvenile Justice (Care and Protection of Children) Act, 2000.

The main goal of the Act's enactment was to establish a thorough legal framework for the defence, rehabilitation, and reintegration of minors who are in legal trouble as well as those who require care and protection. The Act's legislative amendments, the creation and operation of Juvenile Justice Boards (JJBs), and the incorporation of restorative measures into the juvenile justice system are the main topics of this study. This essay will also examine the socioeconomic elements that could help or impede the Act's implementation, as well as the part that stakeholders—such as the government, non-governmental organisations, and the judiciary—play in guaranteeing its effectiveness. To sum up, this study aims to clarify the dynamic interactions among laws, the sociocultural setting, and administrative systems that contribute to the implementation of juvenile justice in India. By critically assessing the challenges and prospects of implementing the Juvenile Justice (Care and Protection of Children) Act, 2015, this study aims to contribute to the ongoing discourse on the rights and protection of children in the Indian legal system.

II. HISTORICAL CONTEXT

One important turning point in India's juvenile law system is the Juvenile Justice (Care and Protection of Children) Act, 2015. This law was passed in order to address the growing complexity of juvenile justice in the nation and bring it into compliance with international norms, replacing the outmoded Juvenile Justice Act of 2000. It is crucial to examine the historical background that influenced the creation of this Act in order to comprehend the difficulties and opportunities associated with its implementation.

Before Independence

India inherited a colonial legal system before to independence that failed to make a sufficient distinction between adults and minors in the criminal justice system. Children were frequently punished in the same ways as adults because there was little to no juvenile justice system as a distinct entity.

Post-Independence Period (1947-2000)

Juvenile justice initiatives were dispersed and lacked a cohesive legal framework in the early years following independence. One of the first initiatives to offer some protection to young criminals was the Children Act of 1960. However, rather than concentrating on a separate juvenile justice system, it mostly addressed child welfare and neglect. A major step toward acknowledging children in legal trouble was taken with the Juvenile Justice Act of 1986, which allowed for the creation of Juvenile Boards and Observation Homes. However, this Act's narrow focus and insufficient rehabilitation efforts drew criticism. Concerns regarding how minors are treated in the criminal justice system grew during the next ten years. This led to India ratifying the United Nations Convention on the Rights of the Child (UNCRC) in 1992, which emphasised a child-centric approach to justice.

Juvenile Justice Act of 2000

A more thorough Juvenile Justice Act that took into consideration the UNCRC's tenets was passed in 2000. In accordance with international norms, this Act established the age of criminal culpability at 18 years old and coined the phrase "juvenile in conflict with the law." Notwithstanding these developments, the Act was criticized for emphasizing institutionalization over rehabilitation, which prompted a review of the juvenile justice system. In response to India's changing juvenile justice demands, the Juvenile Justice Act of 2015 was created. It included a number of significant adjustments, such as a focus on rehabilitation, diversionary programs, and harsher penalties for serious offenses. It also

acknowledged the rights of children who require protection and care.

The 2015 Juvenile Justice Act

In response to India's changing juvenile justice demands, the Juvenile Justice Act of 2015 was created. It included a number of significant adjustments, such as a focus on rehabilitation, diversionary programs, and harsher penalties for serious offenses. It also acknowledged the rights of children who require protection and care. India's adherence to the UNCRC and determination to provide a more comprehensive approach to juvenile justice were reflected in this Act. India's juvenile justice system has changed throughout time, moving away from punitive tactics and toward a more child-centered and restorative approach. The result of these efforts is the Juvenile Justice Act of 2015, which attempts to strike a balance between children's rights and the requirement for accountability. However, its implementation faces a myriads of challenges, including resource constraints, socio-cultural factors, and the need for capacity-building. Understanding this historical context is crucial in assessing the Act's effectiveness and identifying areas for improvement in the care and protection of children in conflict with the law.

III. KEY PROVISIONS OF THE JJ ACT 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act 2015) is an important legislation in India that aims to provide for the care, protection, treatment, development, and rehabilitation of neglected and delinquent juveniles. Below are the salient features of the JJ Act 2015, including provisions related to age determination, rehabilitation, adoption, and aftercare:

Juvenile: According to the JJ Act, a juvenile is an individual who has not reached the age of 18.

Juvenile Welfare Board and Special Juvenile Police Unit: The Act requires that each district set up a juvenile welfare board and special juvenile police unit to handle issues involving minors.

Age Determination: The Act establishes methods for figuring out a juvenile's age, emphasizing the use of the benefit of doubt when there is uncertainty.

Juvenile Justice Boards (JJB): The Act calls for the creation of JJBs in every district. These boards are made up of two social workers, at least one of whom must be a woman, and a Metropolitan Magistrate or Judicial Magistrate First Class.

Child Welfare Committees (CWC): The Act requires that Child Welfare Committees be

established in each district. These committees must include four members, including a chairperson, and at least one member must be female.

Distinguishing Delinquent and Neglected Children: The Act places a strong emphasis on keeping juvenile criminals (delinquent children) apart from institutionally cared-for children who have been neglected or abandoned

Rehabilitation and Social Reintegration: The Act places a strong emphasis on helping children get back on their feet and reintegrate into society through a variety of initiatives, including as education, skill development, counseling, and vocational training.

Adoption: When other possibilities for rehabilitation or reintegration are not practical, the JJ Act of 2015 promotes the legal adoption of children as a last resort

Foster Care: Foster care, which offers a family-like setting, is acknowledged by the Act as a good substitute for the protection and care of children in need.

Non-Institutional Care: In order to give kids a loving environment, the Act encourages non-institutional care models such family care and sponsorship.

Aftercare Services: After children leave institutional care, the Act offers aftercare services to help and ease their reintegration into society.

Sensitivity and Non-Stigmatization: The Act forbids the use of disparaging language or actions that could stigmatize children and highlights the importance of being sensitive when interacting with them.

Child Participation: The Act allows for the consideration of children's perspectives and acknowledges their right to take part in choices that impact them.

Prohibition of Child Labor: The Act works to guarantee that children obtain an education and are not exposed to exploitative labor practices, while also reinforcing the ban on child labor.

Penalties and Offenses: The Act specifies consequences for persons found guilty of a number of offenses against children, including as abuse, abandonment, and kidnapping. Given the circumstances, the JJ Act 2015 offers a thorough legislative framework for the care and protection of children in India, with a strong emphasis on their rights, rehabilitation, and reintegration into society. It aims to establish a setting in which kids can reach their greatest potential.

IV. CHALLENGES IN IMPLEMENTATION

Insufficient Resources and Infrastructure: Inadequate rehabilitation centres, observation

homes, and special homes, A shortage of rehabilitation centres, observation homes, and special homes plagues several Indian states. Overcrowding results from this, impeding successful rehabilitation initiatives.

Delayed Judicial Procedures

Juvenile justice courts and boards are overworked, Prolonged trial proceedings are a result of the excessive caseload that juvenile justice boards and courts must deal with. This has a negative impact on the adolescents' rehabilitation and general well-being in addition to taxing the system.

Age Determination Issues

Absence of standardised and trustworthy techniques for age assessment, it might be difficult to precisely figure out a juvenile's age, which is important when choosing how to treat them under the Act. Inconsistencies in how juveniles are treated may result from the lack of trustworthy techniques. Difficulties in confirming the age of undocumented children: It is more difficult to ascertain the age of youngsters who lack the necessary paperwork. This may result in incorrect case handling and misclassification.

Ineffective interdepartmental coordination amongst stakeholders:

The judiciary, social welfare departments, and law enforcement agencies must all work together seamlessly in order for the Act to be implemented effectively. This coordination is frequently absent.

Limited procedures for monitoring the Act's implementation, It is challenging to evaluate the Act's true impact and compliance at the local level in the lack of strong monitoring systems. This may result in uneven enforcement in various geographical areas

Discrimination and Stigma - Juveniles who run afoul of the law are stigmatized by society: Prejudice from society frequently affects juvenile offenders, which can make it difficult for them to reintegrate into society at large. A cycle of marginalization and reoffending could result from this stigma.

Discrimination in accessing education and employment opportunities: The stigma associated with juvenile offenders can limit their access to education and employment opportunities, hindering their chances of leading a productive and lawful life.

V. PROSPECTS OF IMPROVEMENT

More Funding and Resource Allocation: Increasing funding for staff and counselor training

programs, as well as for the construction and upkeep of rehabilitation centers.

Simplifying Judicial Procedures: Putting policies in place to speed up trial times and cut down on the backlog of cases in courts and juvenile justice boards.

Creation of Standardized Age Verification Protocols: Setting up trustworthy and uniform techniques for determining an individual's age, as well as particular rules for handling children without legal status.

Improved Coordination and Monitoring: Putting in place efficient interdepartmental coordination systems and conducting frequent audits and assessments to keep an eye on how the Act is being applied.

Sensitisation and Awareness Campaigns: Educating the public about inclusive policies for juvenile offenders' education and employment and working to lessen the social stigma associated with them. By addressing these challenges and focusing on these prospects, India can work towards a more effective and compassionate juvenile justice system in line with the Juvenile Justice (Care and Protection of Children) Act 2015.

VI. PROSPECTS FOR EFFECTIVE IMPLEMENTATION

Growth and Enhancement of Rehab and Care Facilities Prospect:

Investing in the construction and renovation of care facilities and rehabilitation centers may result in a more favorable setting for the rehabilitation and reintegration of young offenders.

Difficulties: It can be difficult to obtain funds and guarantee that resources are distributed fairly among regions. Training Courses for Staff Members Associated with Juvenile Justice Management

Prospect: Skilled professionals, such as judges, attorneys, social workers, and law enforcement officers, can guarantee that the Act is applied successfully and with a focus on children

Difficulties: It may be logistically challenging to maintain continuous training initiatives and contact staff in isolated or underprivileged locations.

Creation of Specialised Juvenile Courts

- **Prospect:** Children's matters can be handled with the tact and knowledge needed to safeguard their rights and best interests thanks to specialised courts
- **Difficulties:** There may be administrative obstacles in allocating funds for the creation of these courts and making sure they run well.

Fast-Track Juvenile Case Procedures

- Prospect: For kids involved in the legal system, accelerated procedures can avoid excessive delays and protracted times of uncertainty.
- Difficulties: It might be difficult to strike a balance between expediency and careful due process while making sure that children's rights are not violated in the name of efficiency.

Standardizing Age Determination Methods

Investigation and Creation of Trustworthy Age Assessment Methods

- Prospect: Accurate classification of children within the juvenile justice system can be guaranteed by using scientifically sound techniques for determining age
- Difficulties: Creating techniques that are precise, non-invasive, and culturally aware can be a challenging scientific undertaking.

Medical Professionals' Education on Age Estimation Techniques

- Prospect: Skilled medical personnel can help ensure that age measurements are accurate and trustworthy.
- Difficulties: It could be logistically difficult to guarantee that medical personnel have access to the newest methods and tools, particularly in isolated locations.

Creating Coordinating Multi-Agency Task Forces

- Prospect: The Act may be implemented and enforced more successfully if different parties work together.
- Difficulties: It may be necessary to have strong leadership and open lines of communication when coordinating across agencies with maybe competing goals.

Conducting Frequent Audits and Assessments of the Act's Execution

- Prospect: Constant monitoring and assessment can guarantee adherence to the Act's terms and point out areas for improvement
- Difficulties: Putting in place a system for impartial, consistent review and implementing the results may call for institutional adjustments as well as a dedication to openness.

Campaigns for Community-Based Awareness of Children's Rights

- Prospect: Increasing community awareness can aid in establishing a conducive

atmosphere for young offenders' rehabilitation and reintegration

- Difficulties: It can take a while to maintain awareness efforts and make sure they reach all facets of society, particularly underserved communities

Instruction on Child-Friendly Practices for Law Enforcement Agencies

- Prospect: With the correct training, law enforcement personnel may engage with children in a way that upholds their rights and fosters their welfare
- Difficulties: It might be logistically difficult to guarantee that training is uniform, current, and successfully applied at all law enforcement levels.

In conclusion, there are encouraging chances for success even if there are major obstacles in India's implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015. By addressing these issues with focused tactics, the Act's efficient implementation and the defense of children's rights within the Indian legal system can be guaranteed.

VII. CASE STUDIES ON CHALLENGES IN IMPLEMENTING THE JJ ACT 2015: REGIONAL PERSPECTIVES

In order to guarantee the care and rehabilitation of young offenders, India passed the historic Juvenile Justice (Care and Protection of Children) Act, 2015, also referred to as the JJ Act 2015. However, there have been a number of obstacles to this act's effective application in diverse locations and situations. Case studies that highlight the challenges faced in particular domains are presented in this article.

Case Study 1: Urban Centers - Delhi, India

Background:

Because of its dense population, varied demography, and intricate socioeconomic dynamics, Delhi, India's capital, presents particular difficulties in putting the JJ Act into practice.

Challenges:

Overcrowded Rehabilitation Facilities: Delhi's juvenile detention centers frequently overcrowd, which results in subpar monitoring and care.

Delayed Legal Proceedings: Long detention terms are sometimes the consequence of delayed legal proceedings brought on by the heavy backlog of juvenile cases in urban areas like Delhi

Lack of Vocational Training: Many young people in Delhi have few options for rehabilitation and skill-building programs, even though the JJ Act has provisions for skill development and

vocational training.

Case Study 2: Tribal Areas - Jharkhand, India

Background:

Because of its distant and economically underprivileged areas, Jharkhand, a state with a large tribal population, poses difficulties in putting the JJ Act into practice.

Problems:

Limited Access to Legal Resources: Tribal communities often struggle to obtain legal aid, which leaves young people who are in legal trouble without representation.

Cultural Sensitivity: Finding a balance between cultural sensitivity and the rule of law can be difficult when customary laws and practices clash with the JJ Act's provisions.

Limited Rehabilitation Resources: It might be challenging to offer juvenile offenders comprehensive care and protection in remote tribal areas since these places sometimes lack sufficient rehabilitation facilities.

Case Study 3: Conflict-Affected Regions - Jammu and Kashmir, India

Background:

Because of the unstable security environment, implementing the JJ Act is particularly difficult in Jammu and Kashmir, a territory known for political upheaval and conflict.

Challenges:

Disruption of Legal Processes: Prolonged legal proceedings resulting from frequent conflicts can interfere with the prompt adjudication of juvenile cases.

Psychosocial Impact: Children and adolescents living in areas affected by war may endure higher levels of trauma and psychological suffering, necessitating specialized rehabilitation services.

Inadequate Infrastructure: The security situation may make it more difficult to set up and run rehabilitation centers, depriving young offenders of the proper safety and treatment. The JJ Act 2015's implementation is a vital undertaking to protect juvenile offenders' rights and welfare.

However, as the case studies from Delhi, Jharkhand, and Jammu and Kashmir show, certain contextual and regional issues can make it difficult for the act to be carried out smoothly. To ensure the successful implementation of the JJ Act worldwide, addressing these issues calls for a sophisticated and context-specific strategy that involves cooperation between

governmental entities, non-governmental organizations, legal experts, and communities.

VIII. CONCLUSION

One of the most important steps in defending the rights and welfare of children who are in legal trouble in India has been the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015. This law recognises young people's vulnerabilities and seeks to give them a rehabilitative atmosphere as opposed to a punitive one. But it's crucial to understand that putting this act into practice effectively presents a few opportunities as well as its own set of difficulties. Establishing and supporting the juvenile justice system requires the right infrastructure and resources, which is one of the biggest obstacles. Given its size and diversity, India has regional differences in the accessibility of infrastructure and skilled workers. It is still exceedingly difficult to guarantee that each state and union territory can carry out the act's provisions. Furthermore, a major obstacle is the backlog of cases involving minors and the problem of overworked courts. This impedes the prompt rehabilitation and reintegration of juvenile offenders into society and delays the administration of justice. The success of the act's implementation is also greatly influenced by socioeconomic considerations. The main reasons of juvenile delinquency are often poverty, illiteracy, and restricted access to essential services.

To deter future transgressions and guarantee a comprehensive approach to rehabilitation, it is imperative to address these underlying problems. Positively, the act creates opportunities for cooperation and community involvement. A more inclusive and thorough structure for the care and protection of children in legal trouble is produced by placing a strong emphasis on involvement from Child Welfare Committees, NGOs, and other stakeholders. The act also promotes a change in viewpoint in favour of a justice system that is more restorative and rehabilitative.

This strategy has the potential to improve juveniles' reintegration into society by lowering recidivism and encouraging a sense of accountability and responsibility. In conclusion, there are clear difficulties in putting India's Juvenile Justice (Care and Protection of Children) Act, 2015 into practice, but there are also a lot of opportunities. There is a significant chance to develop a more efficient and compassionate juvenile justice system with coordinated efforts to close infrastructure gaps, hasten legal procedures, and address socioeconomic issues. India can set the path for a better and more promising future for its young people who are in legal trouble by emphasising rehabilitation over punishment.

IX. REFERENCES

1. Mishra, A. K. (2016). Juvenile Justice (Care and Protection of Children) Act, 2015: A Step Towards a Progressive Juvenile Justice System. *Indian Journal of Criminology and Criminalistics*, 37(2), 74-84.
2. Sarkar, S. (2019). Juvenile Justice System in India: Implementation and Challenges. *Journal of the Indian Law Institute*, 61(3), 348-362.
3. National Commission for Protection of Child Rights (NCPCR). (2019). Status of Implementation of Juvenile Justice (Care and Protection of Children) Act, 2015. Retrieved from <http://ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=2020&lid=1623>
4. UNICEF India. (2018). Juvenile Justice: A Handbook for Stakeholders. Retrieved from https://www.unicef.org/india/sites/unicef.org.india/files/2018-11/juvenile_justice_handbook.pdf
5. Government of India. (2015). Juvenile Justice (Care and Protection of Children) Act, 2015. Retrieved from <http://www.wcd.nic.in/acts/juvenile-justice-care-and-protection-children-act-2015>
6. Bhattacharya, S. (2018). Implementation of the Juvenile Justice Act in India: Challenges and Solutions. *International Journal of Social Work and Human Services Practice*, 6(1), 24-31.
7. Ramesh, A. (2017). Juvenile Justice (Care and Protection of Children) Act, 2015: A Paradigm Shift. *NLIU Journal of Indian Law Studies*, 3(1), 161-186.
8. National Legal Services Authority (NALSA). (2019). Manual on Juvenile Justice Act, 2015. Retrieved from http://nalsa.gov.in/sites/default/files/manual_on_juvenile_justice_act_2015.pdf
9. Rao, D. S., & Prasad, P. (2016). Implementation of Juvenile Justice (Care and Protection of Children) Act, 2015: A Study in the State of Andhra Pradesh. *Social Welfare: Interdisciplinary Approach*, 63(6), 43-61.
