

**EFFECTIVENESS OF JUVENILE JUSTICE BOARDS IN INDIA: LEGAL FRAMEWORK VS GROUND  
REALITY.**

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**Abstract**

*The Juvenile Justice (Care and Protection of Children) Act, 2015 is an ideal depiction of the rehabilitation-oriented and child-friendly approach followed by the country's juvenile justice regime. The Juvenile Justice Board (JJB), being one of the key components of this justice system, provides a platform where cases related to juvenile offenders are heard and tried with the main focus on rehabilitation instead of punishment. However, at the same time, it cannot be denied that there is scope for serious discussion about the efficiency of these institutions.*

*This research article critically analyses the discrepancy between the statutory scheme of JJBs and the actual functioning of the bodies. This paper will include an intensive analysis of the situation in the state of Rajasthan. The argument will be presented in this paper that the problems faced by JJBs are not because of any shortcomings in legislation, but due to their inefficiency in implementing the law as it should be.*

*The research proves that institutional obstacles like pending cases, inadequacies in board membership, inefficiencies in rehabilitation measures, and lack of coordination at the administrative level significantly jeopardise the purpose for which the juvenile justice system was established.*

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*The research, however, proposes a shift from mere compliance to a more accountable form of implementation, emphasising such features as transparency, capacity, and timelines. Without making such changes, the goals of the juvenile justice system in India may continue to be valid from a normative standpoint, but not effective in reality.*

**Keywords:**

*Juvenile Justice Boards, Juvenile Justice Act 2015, Rajasthan, Child Rights, Institutional Failure, Juvenile Justice*

**I. INTRODUCTION**

The history of juvenile justice development in India is characterised by an obvious shift from the punitive approach in criminal law to that based on rehabilitation and protecting children's rights. Perhaps the best example of this change would be the Juvenile Justice (Care and Protection of Children) Act, 2015 (henceforth the JJ Act), which provides a balanced combination of domestic standards, constitutional provisions, and international requirements, with particular emphasis on the UN Convention on the Rights of the Child. The primary principle underpinning this legislation is the recognition of a child who committed an offense not as a delinquent requiring punishment but as a human being in need of care and protection.<sup>3</sup>

Institutionally, this ideology takes shape through the establishment of Juvenile Justice Boards (JJBs). The JJBs are special tribunals that operate outside regular criminal courts. As per Section 4 of the JJ Act, the JJBs are to be multi-disciplinary platforms comprising a Judicial Magistrate

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<sup>3</sup> *Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 3, India Code (2016).*

and two social workers, wherein there would be at least one woman among them.<sup>4</sup> This type of construction could be viewed as an attempt to incorporate society into legal considerations, making sure that the judgment would be based not only on the legal aspect but also on psychological and socioeconomic factors affecting juveniles. Theoretically, this approach implies that there will be a significant deviation from a purely criminal adversarial process.

However, the existence of a progressive statutory framework alone cannot ensure its effective execution. According to recent findings from organizational experience, Juvenile Justice Boards (JJBs) face several institutional challenges, such as delay in adjudication, insufficient institutional membership, poor coordination among all relevant parties, and irregularity in the application of statutory protection measures. In this context, there is a rise of a critical question: Can the juvenile justice system, despite its strong normative foundation, fail to develop the necessary institutional capacity to achieve its desired goals.

The basis of this research is that the key challenge to juvenile justice in India does not lie in the drafting of laws, but in their implementation. While the Juvenile Justice (Care and Protection of Children) Act provides for a well-developed system based on rights, its actual working is contingent upon the state of affairs in which it is implemented. Where the state of affairs is inadequate, there is a danger that the law will be merely aspirational rather than functional. The study is guided by the following research question:

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<sup>4</sup> Id. § 4.

**To what extent are Juvenile Justice Boards in India, particularly in Rajasthan, effective in fulfilling their statutory mandate under the JJ Act, 2015?**

The reason for choosing Rajasthan as the focal area of the study does not revolve around any notion of outstanding failure; rather, the state serves as an exemplary example of what happens across the nation. Rajasthan illustrates the growing burden on the juvenile justice system, lack of space, and inconsistent implementation at the national level, while it simultaneously provides enough evidence that makes it possible to consider the practical implications of the problem.

The thesis statement of this article is that the constraints in JJBs may be comprehended as deriving from a lack of structural coherence between the goals of laws and the capabilities of the institution. The framework of justice as defined by the Juvenile Justice (Care and Protection of Children) Act implies that adequate manpower, proper administration, and effective rehabilitation structures should be available to ensure implementation. In situations where such elements are not present, enforcement of the law may become inconsistent and, at times, dysfunctional.

This paper takes into consideration both an approach that is doctrinal and empirical at the same time. In particular, the paper will examine the statute on juvenile law in India, Juvenile Justice (Care and Protection of Children) Act (JJ Act) as well as case laws relating to this statute, while considering data from national as well as Rajasthan-based reports and observations to assess performance within this institution. The attempt is not just to highlight deficiencies but also to consider the reasons behind such deficiencies in terms of structure.

To begin with, section II highlights the basic legal architecture of JJ Act along with highlighting its rehabilitation-focused and procedural features. Section III discusses the practical functioning

of JJBs in Rajasthan. Section IV discusses some conceptual ideas to analyze the shortcomings in this institution's practice in terms of institutional constraint. Section V places the Indian experience in context with other countries' experiences. Finally, section VI discusses a move towards an accountability-based model of reforms.

## II. NORMATIVE FRAMEWORK: REHABILITATIVE IDEAL OR HYBRID PENAL DESIGN?

The JJ Act of 2015 has been termed as an advancement act that is child-oriented and based on the tenets of rehabilitation and social reintegration. In its formal sense, this can be evidenced from the inclusion of fundamental principles in section 3 of the JJ Act, including the presumption of innocence of a child, best interests of the child, and the restorative purpose as against the retributive purpose.<sup>5</sup> However, a closer doctrinal examination reveals that the statutory framework is not normatively uniform. Instead, it embodies a **hybrid structure** in which rehabilitative ideals coexist with elements that reintroduce punitive logic into juvenile justice.

At the institutional level, Juvenile Justice Boards (JJBs) are constituted under Section 4 as multidisciplinary bodies comprising a Judicial Magistrate and two social workers.<sup>6</sup> This design appears to represent a conscious break from traditional criminal proceedings through the inclusion of social and psychological factors in the process. Similarly, the procedures, such as the presumption of bail provided in Section 12 and the focus on informal inquiry in Sections 8 and 10, further support the rehabilitative nature of the Act.<sup>7</sup> The range of dispositional orders under Section

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<sup>5</sup> Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, § 3 (India).

<sup>6</sup> Id. S 4.

<sup>7</sup> Id. §§ 8, 10, 12.

18, which excludes conventional punitive sanctions and instead prioritizes counselling, supervision, and community-based interventions, further supports this normative framework.<sup>8</sup>

However, this rehabilitative architecture is significantly qualified by the introduction of a differentiated regime for “**heinous offences**”, defined under Section 2(33) as offences carrying a minimum punishment of seven years or more.<sup>9</sup> The requirement under Section 15 is that, where there is a case involving a minor between sixteen and eighteen years of age charged with any such offence, then a JJB must conduct a preliminary examination of the mental and physical ability of the minor to commit the said offence, along with the understanding of the consequences thereof.<sup>10</sup>

Where the Board concludes that the child should be tried as an adult, the matter is transferred to the Children’s Court under Section 18(3).<sup>11</sup>

Such a process would mean that there has been a significant change in terms of doctrine. Even as the Act retains the language related to rehabilitation in an official sense, the preliminary assessment clause opens up the possibility of the application of the doctrine of penal proportionality and personal liability, both doctrines that are traditionally associated with adult criminal jurisprudence. This means that the child can now be seen in a light that is similar to that of an adult.

This phenomenon has been both acknowledged and regulated through judicial interpretation in *Shilpa Mittal v. State (NCT of Delhi)*. Through its judgment in the case, the Supreme Court of India made efforts to define offences, thus regulating the expansion of the classification of heinous offences.<sup>12</sup> However, the Supreme Court did not raise any issue regarding the basic premise of the

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<sup>8</sup> Id. § 18(1).

<sup>9</sup> Id. § 2(33).

<sup>10</sup> Id. § 15.

<sup>11</sup> Id. § 18(3).

<sup>12</sup> *Shilpa Mittal v. State (NCT of Delhi)*, (2020) 2 S.C.C. 787 (India).

normative process involved in the preliminary assessment process. Previously, in *Dr. Subramanian Swamy v. Raju*, the Supreme Court had upheld discrimination against juveniles based on their age, although such a judgment was passed prior to the enactment of the 2015 Act.<sup>13</sup>

The introduction of the preliminary assessment system needs to be considered against its broader social and legal backdrop. The 2015 Act came into force following strong pressure from the society and political class following the infamous Delhi gang rape case of 2012, where the need for more severe punishment of children who committed heinous crimes was strongly demanded. The legislative framework developed as a result is an attempt to balance both conflicting factors, viz., upholding the child-friendly approach to justice and fulfilling the requirements of society.

In terms of doctrine, there arises the problem of consistency of the Juvenile Justice (JJ) Act with such an approach that incorporates both rehabilitative concepts and means which provide for the possibility of trying juveniles in criminal court as adults. In case juveniles are seen as persons whose criminal culpability is not yet fully developed due to various reasons, then the issue of trying a certain category of children in criminal court as adults is controversial.

The inherent conflict is also demonstrated by how JJBs function. For instance, the requirement that Boards conduct their own initial evaluation, including a psychological and behavioral assessment, requires that there is available knowledge and organizational support for this process, something which is not always the case. This implies that a provision whose aim was to promote personalized judgment may lead to the perpetuation of existing inequalities.

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<sup>13</sup> *Dr Subramanian Swamy v. Raju*, (2014) 8 S.C.C. 390 (India).

Therefore, the normative structure of the Juvenile Justice (Care and Protection of Children) Act should not be seen as being solely rehabilitative in nature. The correct term to use would be that the Juvenile Justice (Care and Protection of Children) Act is a hybrid system of law in which welfare-based principles give way in part to punishment in certain kinds of cases. This hybridity has important consequences for how Juvenile Justice Boards operate as they find themselves at the intersection of two different doctrines: the doctrine of care, protection, and rehabilitation, and the doctrine of culpability, deterrence, and just punishment.

As such, any assessment of the efficiency of JJBs will depend on not only their ability to work effectively as institutions, but also on how well they can navigate the internal conflicts that exist within the law.

### **III. STRUCTURAL BREAKDOWN AND EMPIRICAL REALITY: A RAJASTHAN-CENTRIC ANALYSIS (REWRITTEN)**

The normative coherence of the Juvenile Justice (Care and Protection of Children) Act, 2015, reveals a notable gap vis-à-vis its organisational performance. Such a performance discrepancy can be best illustrated by a set of empirical indicators for the Juvenile Justice Board (JJB), including case pendency, organisational structure, and operational outcomes. An analysis specific to the case of Rajasthan, with evidence provided by national data sources, highlights the way in which structural flaws result in organisational inefficiency.

Among the most prominent indicators of organisational inefficiency is case pendency. The process of juvenile justice entails timely investigation, since delayed proceedings hamper the aim behind

this institution. According to statistics provided by the NCRB, however, a significant proportion of criminal cases against children cannot be closed within the same year during which they are reported. In 2021, over half of all juvenile cases were still pending resolution, signaling an organisational inability to handle the issue in a timely fashion.<sup>14</sup> Rajasthan reflects similar trends, with rising case inflow accompanied by **slow disposal rates**, leading to the accumulation of cases before JJBs.<sup>15</sup> However, the impact goes beyond merely delaying the proceedings as it also amounts to a systemic distortion in which lengthy proceedings become a procedural punishment. The pendency of cases is highly correlated with the inadequacy of institutional membership. Article 4 of the Act provides for every JJB to be a multidisciplinary body comprising a magistrate and two social workers. However, according to the India Justice Report, a significant number of JJB seats remain vacant in various states, especially those of social workers.<sup>16</sup> Rajasthan has repeatedly reported delays in appointments and irregular tenure of board members, resulting in Boards functioning either in truncated form or with inconsistent participation.<sup>17</sup> The absence of social workers undermines the very rationale of JJBs, shifting their functioning toward a predominantly judicial model and weakening the incorporation of social context in decision-making.

The other form of institutional malfunctioning can be seen through the gap that exists in the implementation of the Juvenile Justice Board's orders. While the Boards have the ability to issue orders for rehabilitation in the form of counseling, community service, and placement within institutions under Section 18, there is a lack of monitoring on how such orders are followed through

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<sup>14</sup> NAT'L CRIME RECS. BUREAU, *CRIME IN INDIA 2021* ch. 12 (2022).

<sup>15</sup> *Id.*

<sup>16</sup> TATA TRS., *INDIA JUSTICE REPORT 2022*, at 128–32 (2022).

<sup>17</sup> *Id.*; see also RAJ. STATE LEGAL SERVS. AUTH., *ANNUAL REPORT 2021–22* (2022).

since it requires the coordination of external organizations.<sup>18</sup> In Rajasthan, the absence of clearly defined accountability mechanisms has resulted in situations where orders are formally issued but substantively ineffective, thereby reducing adjudication to a procedural exercise rather than an outcome-oriented process.

The limitations inherent to the process of rehabilitation are further revealed in the functioning of Child Care Institutions (CCIs). These institutions form an integral part of the process of reintegration after the process of adjudication. The reports of the National Commission for Protection of Child Rights (NCPCR) reveal weaknesses in the infrastructure, staffing, and counseling and vocational training programs at CCIs.<sup>19</sup> In Rajasthan, disparities between districts are particularly pronounced, with urban centres having relatively better facilities while rural districts face acute shortages of trained personnel and programmatic resources.<sup>20</sup> This uneven distribution results in inconsistent rehabilitative outcomes, undermining the principle of individualised justice.

Apart from all these issues, mechanisms designed to protect from stigmatizing effects are also loosely followed. According to Section 24 of the Act, files related to juvenile cases must be destroyed within a specified period. However, institutional audit and field studies have shown time and again that file management policies are often deficient in ensuring secure disposal of

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<sup>18</sup> 101REPORTERS, *GROUND REALITY OF JUVENILE JUSTICE BOARDS IN RAJASTHAN* (2024).

<sup>19</sup> NAT'L COMM'N FOR PROT. OF CHILD RTS., *ASSESSMENT OF CHILD CARE INSTITUTIONS IN INDIA*(2018).

<sup>20</sup> Id.; INDIA JUSTICE REPORT 2022, *supra* note 3.

information.<sup>21</sup> Such failures extend the consequences of juvenile involvement beyond the legally permissible period, directly contradicting the objective of reintegration.

This gap is further worsened due to the existence of a broader trend towards administrative fragmentation. The process in the juvenile justice system involves various stakeholders such as police, JJBs, Child Welfare Committees, probation officers, and CCIs, each working in different administrative structures. Poor interagency collaboration and poor access to integrated databases have been noted as major hindrances to successful implementation.<sup>22</sup> In Rajasthan, this fragmentation manifests in delayed information flow, duplication of procedures, and gaps in case tracking, particularly during transitions between investigation, adjudication, and rehabilitation stages.

Importantly, these challenges do not operate in isolation but interact to produce a cumulative effect. Pendency increases institutional burden; vacancies reduce decision-making capacity; weak implementation diminishes the impact of adjudication; and administrative fragmentation prevents systemic correction. The result is a **self-reinforcing cycle of inefficiency** in which structural constraints continuously reproduce operational failures.

In this context, Rajasthan is no exception to the rule but stands out as a microcosm of what happens elsewhere in the country. It has been observed empirically that the gap between the theory and practice of JJBs is systemic and stems from certain structural limitations. Thus, any evaluation of JJBs cannot ignore this empirical reality

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<sup>21</sup> NAT'L COMM'N FOR PROT. OF CHILD RTS., *REPORT ON JUVENILE JUSTICE SYSTEM IMPLEMENTATION* (2020).

<sup>22</sup> INDIA JUSTICE REPORT 2022, *supra* note 3; MINISTRY OF WOMEN & CHILD DEV., *MODEL RULES UNDER THE JJ ACT* (2016).

#### **IV. CRITICAL ANALYSIS: INSTITUTIONAL CAPACITY, STRUCTURAL MISALIGNMENT, AND THE LIMITS OF LEGAL REFORM**

The inadequacies noted in the functioning of JJBs can hardly be rationalised on the grounds of mere administrative failure. To treat them only as such would be to miss the larger institutional aspects of the issue at hand. This requires an analysis that must take into consideration the broader context of institutional capability and the limitations inherent in legal reform as a vehicle of change.

There exists an underlying premise within the juvenile justice model which presumes that the formulation of progressive norms would eventually lead to their realization at the level of institutional action. This is clearly evident from the 2015 Juvenile Justice (Care and Protection of Children) Act which has prescribed for itself a process of adjudication characterized by being multidisciplinary, rehabilitative in approach, and child-focused. Yet, the continued presence of institutional flaws implies that there does not necessarily exist a relationship between legal norms and institutional practices.

The difference may be viewed as a question of structural mismatch between the norms set by the ideal and reality on the ground. The JJ Act requires certain actions to be performed under the assumption that there are enough social workers who have received adequate training, proper governance structures in place, and functional rehabilitation facilities in terms of Child Care Institutions. As seen in the case of Rajasthan, the assumptions do not apply everywhere equally. The creation of multidisciplinary boards presupposes qualified social workers, rehabilitation implies Child Care Institutions, and procedural rights require effective coordination.

It is important to note that this disconnect is inherently linked to the notion of state capacity, which refers to the ability of the public institutions to implement and enforce laws. In the juvenile justice sector, state capacity can be measured by variables like staffing, training, infrastructure, data management, and cooperation between different agencies. This inadequacy in terms of staffing at JJBs, delays in the disposal of cases, and inconsistency in enforcing orders highlights not only a lack of compliance but also a basic limitation in terms of state capacity. Thus, in this case, the failure of law reform will not occur on the basis of ethical principles but due to an incapacity on the part of the implementing agency.

Another important aspect regarding this problem pertains to the problem of accountability, which lacks proper enforcement. The juvenile justice system is a complex set of actors comprising of the JJB, police department, Child Welfare Committee, social services, etc. While the JJ Act does lay down the duties of each of these institutions, there are very few methods available within this act to make sure that these duties are being fulfilled. For example, any order relating to the treatment, supervision, or removal of records may have to be taken into account in an administrative way, but there are no proper systems of monitoring compliance or non-compliance.

The repercussions of such a structure have been clearly demonstrated in cases where punitive results emerge from an ostensibly rehabilitative system. In spite of the fact that the JJ Act is explicitly against a punitive approach, the delay in the judgment process and long stays in the Observation Homes may result in the child receiving punishment-like results. The loss of freedom by the child undergoing all these processes is contrary to the very purpose of the legislation. The difference here is that compliance with the procedure is not equivalent to meeting the purposes of the system.

These facts illustrate the inadequacies of a reform approach that emphasizes legal innovation over organizational readiness. The JJ Act is a highly advanced attempt to realign the juvenile justice system around the principle of rehabilitation, but its impact will be contingent upon the ability of organizations to implement its measures. Where this ability does not exist, the legislation can serve as an inspirational model.

This process leads to the creation of what may be described as an "institutional illusion": a condition whereby the presence of formal institutions, legislative protections, expert boards, and process-based procedures gives rise to the perception of effectiveness, despite any failure in actual achievement. This illusion is further enhanced by the absence of accurate information and evaluation methods that highlight institutional failures and undermine efforts at change.

In this connection, the problems associated with JJBs go beyond issues related to compliance and efficiency. They are rooted in the conflict between law and institution on one hand, and theory and practice on the other. The solution of this problem cannot be limited to making improvements but requires an analysis of the underlying structure of the juvenile justice system.

#### **V. COMPARATIVE PERSPECTIVE AND REFORM LOGIC: INSTITUTIONAL ACCOUNTABILITY BEYOND FORMAL DESIGN**

Analysis comparing various juvenile justice systems suggests that the effectiveness of such laws is not only dependent on their normative construction but on how deeply they are entrenched within an institutional ecosystem that guarantees accountability, coordination, and outcomes measurement. The case of countries like the UK and USA shows that the effective implementation

of the juvenile justice system is more dependent on institutionalization and outcomes measurement rather than law construction, which is lacking in India.

In the UK, the juvenile justice system is implemented through a well-structured and coordinated institution founded on the Crime and Disorder Act 1998, which introduced the concept of Youth Offending Teams (YOTs), which are multidisciplinary agencies responsible for dealing with offending children.<sup>23</sup> These teams are statutorily required to include representatives from probation services, police, local authorities, health services, and education sectors, thereby institutionalizing inter-agency coordination rather than leaving it to administrative discretion.<sup>24</sup> Unlike the fragmented structure observed in India, YOTs operate as **single-point case management units**, ensuring continuity from investigation through rehabilitation.

More significantly, the UK model embeds **performance accountability within its operational design**. The Youth Justice Board for England and Wales maintains a centralized data system that tracks key indicators, including case timelines, reoffending rates, and intervention outcomes.<sup>25</sup> Annual statistical reports provide disaggregated data on youth justice performance, enabling continuous monitoring and policy recalibration.<sup>26</sup> This data-driven approach ensures that institutional functioning is not evaluated merely on procedural compliance but on **measurable rehabilitative outcomes**, such as reduction in recidivism and successful reintegration.

The American system of juvenile justice, even though decentralised, reveals an institutional structure that places great value on the procedural protections alongside specialisation. The law

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<sup>23</sup> Crime and Disorder Act 1998, c. 37, § 39 (UK).

<sup>24</sup> Id.

<sup>25</sup> Youth Justice Board for Eng. & Wales, *Youth Justice Statistics 2022/23* (2024).

<sup>26</sup> Id.

laid down in *In re Gault* gave rights to juveniles under the due process clause, thus bringing the proceedings closer to constitutional principles.<sup>27</sup> At the same time, several countries have developed diversion programs, probation services, and community interventions to minimize formal processing and promote rehabilitation. The institutional actors, such as probation officers and juvenile courts, operate within prescribed roles that are grounded in legal and administrative processes.

Yet, the American Juvenile Justice System serves as an excellent example of the risks of punitive drift, particularly with regard to transfer laws allowing the prosecution of children in adult courtrooms. Studies reveal that children who get transferred experience high rates of re-offense and poor results of rehabilitation, thus raising questions about the effectiveness of punitive policies in juvenile systems.<sup>28</sup> This experience is directly relevant to the Indian context, where the preliminary assessment mechanism under the Juvenile Justice (Care and Protection of Children) Act, 2015 similarly introduces the possibility of transferring juveniles accused of heinous offences to adult courts.

However, the comparative analysis does not argue that other countries have any normative advantage; instead, the comparison suggests that foreign jurisdictions have more effective ways to ensure the presence of an institutional accountability system. In this context, the UK demonstrates how coordination and data-based management can implement rehabilitation goals, while the US highlights the strengths of procedural protections and potential dangers of punishment.

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<sup>27</sup> *In re Gault*, 387 U.S. 1 (1967).

<sup>28</sup> Barry C. Feld, *The Evolution of the Juvenile Court: Race, Politics, and the Criminalizing of Juvenile Justice*, 42 CRIME & JUST. 1 (2013).

The constraints that come with the transplantation of laws and institutions should not be ignored. For one thing, the success of youth offending teams in the UK is reliant on an administrative structure, human resource, and adequate financial support from the government. Similarly, the functionality of American juvenile courts will be contingent upon resource distribution, specialized institution, and managerial approach to judicial process which cannot easily be replicated in low-resource environments.<sup>29</sup> Transplanting these models into the Indian context without addressing underlying structural constraints, such as staffing shortages, fragmented governance, and weak data systems, would likely result in **formal imitation without functional equivalence**.

The Indian juvenile justice system contains many of the normative features typical of such systems, among them interdisciplinary decision-making and rehabilitation. The presence of such deficiencies within the system cannot be blamed on a lack of proper legal structure; instead, it is due to the lack of an enabling environment in which to implement such a structure. It is not about implementing new structures but strengthening existing ones.

Hence, comparative analysis must not be considered as a resource from which one can derive organizational models to emulate but rather as a tool that can assist in understanding the essential structural requirements needed for the efficient functioning of juvenile justice systems. Such structural requirements include the integration of database management systems, professionalism of employees, establishment of accountability standards, and coordination among agencies.

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<sup>29</sup> Jeffrey Fagan, *The Transfer of Juveniles to Criminal Court: Does It Make a Difference?*, 18 CRIME & JUST. 77 (1994).

Without these factors, the best-designed laws will continue to be normatively sound but operationally weak.

### **Recidivism, Data Absence, and the Limits of Outcome Evaluation**

An important difference between the juvenile justice systems of India, UK, and US is the use of recidivism statistics as a measure of performance. While the Youth Justice Board for England and Wales releases data regarding reoffending regularly, it has been observed that about 38-40 percent of youth reoffend within one year of their release, which helps evaluate the efficiency of the interventions undertaken by policymakers.<sup>30</sup> Similarly, in the United States, recidivism has been extensively studied, with research demonstrating that juveniles transferred to adult courts exhibit higher rates of reoffending compared to those retained within the juvenile system, thereby raising serious concerns about punitive approaches.<sup>31</sup>

On the contrary, the Indian Juvenile Justice system lacks a comprehensive, transparent approach to tracking the problem of recidivism. While aggregate figures for case filings and disposition are available through the National Crime Records Bureau, there are no regular longitudinal studies tracking children after the adjudication process, as well as no standardized measurement tool for determining whether the reintegration process has been successful or otherwise.<sup>32</sup> The importance of such information cannot be understated. The lack of clear criteria for assessing the results of

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<sup>30</sup> Youth Justice Board for Eng. & Wales, *Youth Justice Statistics 2022/23* (2024).

<sup>31</sup> Jeffrey Fagan, *The Transfer of Juveniles to Criminal Court: Does It Make a Difference?*, 18 CRIME & JUST. 77 (1994).

<sup>32</sup> NAT'L CRIME RECS. BUREAU, *CRIME IN INDIA 2021* (2022).

work implies that most of the evaluations focus primarily on whether the process was performed properly, rather than what its results were.

Furthermore, this absence of recidivism data contributes to what can be called the "accountability gap" in the Indian system of juvenile justice. Where tracking of the re-offending rates takes place, policy-making individuals face ongoing assessment, which leads to constant adjustments in accordance with empirical information about success and failures of implemented programs. On the other hand, due to the lack of metrics of success in the Indian system, flaws in operation remain unaddressed, thereby distorting the very essence of the system, which depends on the successful completion of reintegration.

Therefore, the conclusion that is derived from this example is not that India lacks the data, but rather that the lack thereof precludes the system from evolving towards more efficient operations. It cannot be claimed to function effectively if there is no way of measuring how well the system performs.

## **VI. RETHINKING REFORM: FROM COMPLIANCE TO ENFORCEABLE ACCOUNTABILITY**

The discourse surrounding the juvenile justice system in India has mainly centered on increasing compliance, improving infrastructure, filling vacant positions, and improving implementation. Although these steps are crucial, they fall short of addressing the issues inherent within the administration of JJBs. The problem is not one of missing legislation but rather the failure to provide an avenue through which such legislation is enforced. Hence, the need for reform must shift from focusing on compliance to enforcing accountability.

There is no doubt that a strategic plan for reform requires a clear hierarchy of needs. One cannot address all institutional weaknesses simultaneously, as this may result in the dispersion of efforts with no real gains to show for it. It would be prudent, therefore, to focus efforts on those strategies that yield systemic results.

### **1. Foundational Reform: Data-Centric Governance**

The inability to access real-time and reliable information pertaining to critical performance metrics such as pendency of cases, time taken for disposals, and rehabilitation successes is the key flaw inherent in the existing framework. Without the availability of data, it becomes impossible to gauge the performance of institutions; and without being able to gauge the performance, it becomes difficult to hold institutions accountable. Thus, the creation of an integrated digital platform encompassing the JJBs, police department, and the child protection service agency must form part of the core reform efforts.

### **2. Structural Reform: Institutional Capacity and Professionalization**

The efficiency of the JJBs will depend on the existence of qualified personnel. It is evident that the current manner of appointing people on an ad hoc basis, particularly social workers, makes the multi-disciplinary composition of the JJBs difficult to achieve. The reform process must ensure that these functions become professional in nature through being appointed on a full-time basis, have well-defined qualifications and are appropriately remunerated.

### **3. Procedural Reform: Enforceable Timelines**

The notion of timely justice is a key concept within the juvenile justice system, despite the presence of delays at almost every level of the process. The introduction of procedural deadlines, which include accountability measures and sanctions for non-compliance, would change the focus from being reactive to proactive in terms of managing cases. These deadlines should be pragmatic but also stringent enough to avoid lengthy procedures, which affect the children involved.

#### **4. Accountability Reform: Implementation of JJB Orders**

One area where there is a major drawback is how orders from JJBs are executed. Orders for rehabilitation, supervision, and record expunction depend on other actions taken later on, and there is no clarity when it comes to the person accountable for taking these actions. The solution should focus on creating clear accountability chains by determining which official or agency will be tasked with implementing the order.

#### **5. Coordination Reform: Addressing Administrative Fragmentation**

The working of the juvenile justice system requires several stakeholders working within their own administrative structures. Due to the absence of formal coordination methods, inefficiencies, overlapping, and gaps have been observed. The creation of coordination offices at the district level where members of JJBs, police departments, Child Welfare Committees, and other social welfare organisations will be able to coordinate cases and share information can help achieve greater efficiency.

**6. Evaluative Reform: From Procedural Compliance to Outcome Measurement-** The current approach measures performance mainly through compliance, particularly with regard to case processing and order issuing. On the other hand, in relation to rehabilitation, the criteria that should

be used to measure performance include actual results like re-integration, decreased recidivism rates, and improvement in the welfare of children. Measurement of these criteria is expected to bring about a shift from completion to effectiveness.

These reforms collectively indicate a shift from a compliance presumption model to an enforcement model. This marks a move away from increasing the number of legal provisions in the system to actually putting these provisions into operation using practical, enforceable, and coordinated institutional processes.

It is important to note that these reforms need to be considered as interrelated, not discrete measures. Data systems enable accountability, professional capacity ensures implementation, timeline procedures prevent delay in the system, and coordination measures ensure consistency between institutional players. Working on a single aspect alone is unlikely to create any lasting improvements.

In this way, reform is about not just building on existing institutional structures but restructuring them altogether. It involves recognizing that good laws by themselves will not work if there is a lack of capacity, coordination, and accountability. Without reform, the juvenile justice system will continue operating within the limitations discussed in this paper and thus not achieve its rehabilitative goals.

## **VII. CONCLUSION**

The Juvenile Justice (Care and Protection of Children) Act, 2015, represents a revolutionary change in the normative context of juvenile criminal jurisprudence in India by providing a rehabilitation-focused approach to child-related issues. However, as this paper shows, it would be

incorrect to assess the effectiveness of such a normative approach solely based on the legislative framework that lies behind the process. The operation of the Juvenile Justice Boards (JJBs) shows that there exists a significant discrepancy between normative expectations and real practice in the field.

It should be pointed out that the problem of inefficiency of JJBs could be regarded as a reflection of a more profound contradiction that characterizes the situation when ambitious legal ideas do not correlate with insufficient institutional practices. Though, according to the Act, a multidisciplinary and rehabilitation-focused approach is implemented, this does not take place because of recurrent problems that include pending cases, non-completed board structure, poor enforcement of decisions, etc.

Additionally, it has been shown that the proposed framework does not have enough coherence as rehabilitative ideas collide with punitive approaches, especially with regard to heinous offenses. The comparative analysis proves that the successful implementation of juvenile justice requires not only a well-designed legislation but also appropriate institutional processes that guarantee effective accountability, coordination, etc.

Overall, it is possible to say that this paper shows that the implementation of JJBs is associated with certain institutional illusions in which legal structures do not work effectively, and it means that there is a necessity to focus not on compliance but on proper institutional performance that implies data transparency and other elements.