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## KEY ISSUES IN THE INDIAN JUVENILE JUSTICE SYSTEM

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*Despite a comprehensive legal framework, India's juvenile justice system faces several persistent challenges and issues. These range from resource limitations and infrastructural deficits to deeper questions about balancing child rights with public safety. In this chapter, we identify and analyse the key issues that hinder the effective functioning of the juvenile justice system in India.*

### **RESOURCE AND BUDGET CONSTRAINTS**

A fundamental challenge is the shortage of resources and budgetary allocations for juvenile justice. Although legislation mandates a robust infrastructure (JJBs, CWCs, Observation Homes, Special Homes, Probation Officers, etc.), in practice many states struggle to fund and maintain these. The Standing Committee on Human Resource Development (Rajya Sabha, 2015) pointed out that as of 2019, only 17 of 35 States/UTs had all basic structures (JJBs, CWCs, shelters, etc.) in place in all districts. This implies that in several regions, either the institutions are absent or exist only on paper. Financial constraints lead to a domino effect: insufficient number of homes (leading to overcrowding in existing ones), poorly maintained facilities (with reports of inadequate food, clothing, recreation for children), and low salaries for staff (leading to difficulty in attracting qualified counselors, psychologists, and caretakers).

*Budget data* shows that child protection (which includes juvenile justice) has traditionally received a tiny fraction of both central and state budgets – often less than 1% of the total child budget (which itself is usually under 5% of the overall budget).<sup>1</sup> This underfunding translates to each juvenile or child care institution operating on a shoestring. For instance, funds under the Integrated Child Protection Scheme (ICPS) that support juvenile homes have sometimes been delayed or cut, hampering services like vocational training for the inmates. Without

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<sup>1</sup> Kaur, J., "Budget 2025: Invest in Child Welfare," Indian Currents, 20 January 2025.

adequate investment, even the best legal provisions cannot be implemented meaningfully. There have been cases where Observation Homes lack basic facilities like proper classrooms or even sanitation, due to budget shortages.

*Human resource constraints* are equally worrying. Many JJBs do not have full-time members; magistrates juggle juvenile boards along with regular court duties and social worker positions often lie vacant or are filled by people without proper training due to low honorariums. Probation officers or Child Welfare Officers, who are the backbone of rehabilitative efforts (preparing social investigation reports, supervising juveniles on release), are far too few in number – some districts might have only one officer handling dozens of cases, making thorough attention impossible. A 2021 analysis observed that several states had significant vacancies in probation officers and CWC members, directly impacting case disposal and aftercare follow-up.<sup>2</sup>

Another aspect of resource constraints is the lack of *specialized facilities* for certain needs. For example, the JJ Act envisages separate facilities for girls vs boys, for younger children vs older, and mental health care for those with psychological issues. In reality, few states have separate Observation Homes for girls (since female delinquency is lower in number, they often just allocate a small section in a common home, which may not cater to girls' specific needs). Mental health professionals are rarely on regular payroll; access to psychiatrists or therapy for juveniles (many of whom have trauma or addiction issues) is sporadic at best. The case of juveniles with substance addiction is illustrative – some Observation Homes report 50% or more children with substance abuse history, but dedicated de-addiction programs or funds for such treatment are meagre.<sup>3</sup>

*Impact:* The direct impact of budget and resource constraints is that the rehabilitative ideal suffers. Overburdened staff and underfunded programs mean children do not get individualized attention, vocational training programs may be absent or tokenistic, and after-care support (like financial help or halfway homes for youths leaving institutions at 18) is inadequate. This can lead to higher recidivism – if a child leaves the system without being truly reformed or skilled to integrate into society, they are more likely to relapse into conflict with law. The National

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<sup>2</sup> Social & Political Research Foundation, *The Juvenile Justice System in India: A Brief Overview* (2021). P 3

<sup>3</sup> Sharma, S., Sharma, G., and Barkataki, B., "Substance Use and Criminality Among Juveniles-Under-Enquiry in New Delhi" 58 *Indian Journal of Psychiatry* 178–182 (2016).

Crime Records Bureau (NCRB) data has shown a proportion of juveniles reoffending, which some observers tie to the system's inability to fully rehabilitate due to resource issues.

## **OVERBURDENED JUVENILE JUSTICE BOARDS AND DELAY IN DISPOSAL**

*Overburdened Juvenile Justice Boards (JJBs)* are a major concern, especially in metropolitan areas like Mumbai and Delhi, where case volumes are high but support systems remain inadequate. Although inquiries are legally required to conclude within 4–6 months, delays of 1–2 years are common due to systemic constraints—such as unavailable probation reports, frequent adjournments, or absenteeism by JJB members, children, or witnesses.<sup>4</sup>

Staffing challenges worsen the problem. Magistrates often juggle JJB work with regular court duties, limiting sittings. Social worker members may be irregular due to poor remuneration or prolonged vacancies, disrupting quorum and stalling proceedings. The Supreme Court has observed that such delays undermine the law's intent, causing children to remain in Observation Homes far longer than necessary.

Police and forensic delays also contribute—charge sheets, evidence collection, and age verification (especially in absence of school records) can be time-consuming. Medical ossification tests, while used for age determination, are often delayed due to limited facilities and carry a margin of error, sometimes resulting in additional litigation.

Heavy caseloads reduce meaningful engagement. Ideally, JJBs should examine a child's background and formulate a tailored rehabilitation plan. Instead, an assembly-line approach may prevail, prioritizing disposal over reformation. Probation officers, burdened with multiple cases, may lack the capacity to provide proper oversight or mentorship.

Prolonged undertrial detention can mirror custodial punishment, often exceeding the potential sentence duration. Rehabilitation programs, typically initiated post-disposition in Special Homes, may be inaccessible during this limbo.

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<sup>4</sup> TNN, "Delhi High Court Slams Lack of Appointments to Juvenile Boards and Child Welfare Committees," *The Times of India*, 3 April 2025.

Recognizing these issues, some High Courts have organized special drives and Lok Adalats to expedite minor cases—like petty theft—through leniency and counselling. However, complex and serious cases naturally take longer. The 2015 Act’s preliminary assessment for heinous offenses, while necessary, introduces another procedural step, which can be litigated and cause additional delays in rare cases.

## **POST-RELEASE INTEGRATION AND AFTERCARE CHALLENGES**

One of the most critical phases in a juvenile’s journey through the justice system is after release – when they must reintegrate into society. If this transition isn’t smooth, the likelihood of re-offending or a life of destitution increases. Unfortunately, India’s mechanisms for aftercare and social reintegration remain underdeveloped.

Under the JJ Act, there are provisions for Aftercare Homes and Aftercare Programs for children who turn 18 and exit institutional care (especially those who have no family or cannot go back). The law envisions financial support, skill training, and housing up to age 21 (or 23) for such youth. In practice, very few states have functional aftercare homes. Many juveniles, upon turning 18 or upon the completion of their term, are simply released with perhaps a small amount of money or a “release kit” (some clothes, etc.) and expected to fend for themselves. If the family is willing and able, they may return home. But often, family circumstances that might have contributed to the delinquency (poverty, abuse, etc.) remain unchanged or even worsened (some families outright reject the child who has a criminal record, due to stigma).

*Stigma and community acceptance* are big issues. A child who has been in a correctional home might face discrimination or mistrust from neighbours, schools, and potential employers. The records are officially confidential, but in close-knit communities’ people often come to know. If the stigma isn’t addressed by counselling the community or providing the child with a fresh environment (like shifting to a different locale for work or education), the child could relapse into criminal company where they feel accepted. Unfortunately, structured community-based re-entry programs are rare.

*Education and employability:* Many juveniles in the system have either dropped out of school or have very patchy educational backgrounds. While institutional homes try to continue their education or give open schooling, the quality can be inconsistent. Once out, getting mainstreamed into schools or colleges is challenging, especially if the youth is older than

typical school age or lacks necessary documentation. Similarly, gaining employment skills is crucial. Some Special Homes have tie-ups with ITIs (Industrial Training Institutes) or NGOs that impart vocational training (carpentry, welding, tailoring, etc.). But not every child acquires market-ready skills. Those who do get skills may still face the hurdle of finding a job without prejudice. The government does not have a clear quota or incentive program for private sector to employ reformed juveniles, unlike some countries that provide subsidies to encourage hiring of at-risk youth.

*Mentorship and supervision:* The concept of halfway mentors or guided supervision post-release is not robustly implemented. Probation officers have the mandate to do some follow-up, but with resource issues as earlier, consistent mentoring is lacking. The JJ Act 2015, provides for engaging NGOs to do follow-up for at least 2 years after a child leaves an institution, but again this varies by region. There have been some positive models – for instance, an NGO in Tamil Nadu tracks boys released from the Madurai observation home and helps them find apprenticeships – but these are individual initiatives rather than a nationwide norm.

*Cases in point:* ‘A study in 2016 by the Tata Institute of Social Sciences on youth released from juvenile facilities in Maharashtra found that many struggled to find stable livelihoods and some gravitated back to street life or petty crime due to lack of support’.<sup>5</sup> Similarly, Delhi’s observation home officials have reported that without shelters or halfway homes, they are uneasy about releasing certain 18-year-olds who have nowhere to go – sometimes they keep them a bit longer informally until something is arranged, which is not a systemic solution. Another vulnerable group is those juveniles who were tried as adults and perhaps sent to adult prison after 21 – their reintegration is even more fraught because they carry a full criminal record. They wouldn’t qualify for juvenile aftercare schemes since legally they ceased to be “children” when sentenced. They fall into a grey area where they might not receive the kind of attention adult ex-prisoners might (since they entered as juveniles and often their cases don’t come under usual adult parole boards).

The government has recognized aftercare as a weak link. In 2021, the Ministry of WCD proposed more detailed guidelines for aftercare, including setting up aftercare committees to

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<sup>5</sup> Mukundan, K. P., and Asha, “The Real Story behind Juvenile Crime Data” 50 Economic and Political Weekly 31–35 (2015).

track every child leaving an institution and linking them with skill development programs (like Skill India, etc.). Implementation remains key.<sup>6</sup>

## **LACK OF TRAINED PERSONNEL AND CAPACITY BUILDING**

While infrastructure is one aspect, the quality of personnel running the juvenile justice system is another. A major issue has been the lack of adequately trained and sensitized staff at all levels – police, JJB and CWC members, institutional staff (superintendents, caretakers), probation officers, even legal aid lawyers who represent children.

*Police Training:* The Special Juvenile Police Unit and Child Welfare Police Officer at the Police Station will handle cases of both Juveniles in Conflict with Law (JICL) and Children in Need of Care and Protection (CNCP). Police are the entry point, and despite mandates for special juvenile units, in many places’ officers have scant knowledge of JJ Act provisions. There have been cases where a child was arrested and kept in a regular lockup due to ignorance or apathy, only for a magistrate or activist to later intervene. The attitude of police can sometimes be dismissive, treating juveniles as “criminals” rather than children. To address this, periodic training modules on JJ Act are included in police academies, but in-service training is inconsistent.<sup>7</sup> Some states, with UNICEF’s help, have developed child-friendly policing curricula, but ground impact varies. A well-trained police officer can divert a child away from formal processing by giving a warning or handing over to parents for minor issues (the Act encourages such diversion), but often police proceed formally out of habit or fear of being answerable if they don’t.

*Judicial Training:* Judicial officers who serve on JJBs need orientation in child psychology and social work principles, which traditional judicial training doesn’t cover in depth. The National Judicial Academy and some State Judicial Academies do conduct workshops on juvenile justice, citing international principles and best practices. However, magistrates in rural areas might still see JJB duty as a less important posting and not put in the same effort as they do in regular court. Ensuring that magistrates with an aptitude or interest in child welfare are assigned

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<sup>6</sup> Ministry of Women and Child Development, *Mission Vatsalya Guidelines* (2021), P 35-36.

<sup>7</sup> Muthanna, V., “Special Juvenile Police Unit: Empowering Communities and Safeguarding Youth,” *Legal Vidhiya*, 28 July 2023.

to JJBs, and giving them incentives (like career credit for that service) could improve their engagement.

*CWC Members:* CWCs often include activists or social workers, but formal training in legal procedure, documentation, and child counselling is vital. There have been instances of CWCs making errors like failing to follow up on cases or not maintaining proper records, leading to children effectively languishing in shelters without a permanency plan (like long-term foster care or adoption). ‘In 2018, a study found many CWC members were unclear about their powers and the limits thereof’ – for example, some hesitated to pass orders against influential people violating child rights due to lack of confidence in legal backing. Regular training and clear Standard Operating Procedures can help CWCs perform better.<sup>8</sup>

*Institution Staff:* A pressing issue is the quality of staff in observation and special homes – the caregivers who interact daily with juveniles. Many are low-paid and not professionally qualified (some jobs are filled just as general postings). Instances of abuse or neglect by staff unfortunately have been reported, such as excessive discipline or even exploitation of children (the Muzaffarpur case being an extreme example of abuse in a shelter home for girls, which shook the system). Lack of training in non-violent conflict resolution or understanding trauma can lead to staff resorting to old punitive methods, undoing the rehabilitative environment. Recognizing this, the JJ Model Rules emphasize staff training in child rights, juvenile psychology, and skills like behavioural therapy. Still, these trainings often depend on NGOs or external initiatives and are not institutionalized in many places.

*Probation and Social Workers:* There is a dearth of professional social workers in the system. Ideally, each child should have a case worker focusing on their rehabilitation plan, working with the family, etc. With vacancies and lack of trained social workers, this role is often diluted. Moreover, social work in criminal justice is not yet a popular or well-compensated field in India, affecting recruitment. Some innovations, like involving MSW (Master of Social Work) students as interns at juvenile homes, have been tried in Maharashtra and Gujarat – giving practical training to students and extra hands to institutions – which is promising if scaled up.

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<sup>8</sup> Mukundan, A., “Child Welfare Committee: Under Threat of Lawyers’ Ingress” 49 (2) Indian Journal of Criminology 90–100 (2021).

*Legal Aid and Representation:* Every child in conflict with law is entitled to free legal aid. However, public defenders or legal aid lawyers often treat these cases perfunctorily. There's a need for specialized juvenile defense lawyers who understand that representing a child involves not just legal points but coordination with the family, JJB, and others for a holistic outcome.<sup>9</sup> Some law school clinics (like in Delhi, Mumbai) have stepped in to provide enthusiastic representation to juveniles, but again these are limited in reach.

Without well-trained personnel, even adequate laws can fall flat. Training requires not just one-time workshops but continuous capacity building and monitoring. The central government has in recent years (with technical support from organizations like UNICEF, Save the Children) rolled out training modules, and the National Institute of Public Cooperation and Child Development (NIPCCD) conducts induction programs for CWCs/JJBs. The challenge is to ensure these reach all corners and that trained officers remain in their roles long enough to apply that knowledge (frequent transfers of magistrates or police can dissipate learned expertise).

### **CONFLICT BETWEEN CHILD RIGHTS AND PUBLIC SAFETY (ESPECIALLY POST-2015 ACT)**

The 2015 amendment to allow trying certain juveniles as adults, as discussed in Chapter 3, epitomizes the tension between a child rights approach and concerns of public safety and justice for victims. This conflict became pronounced after incidents like the Delhi gang rape, where public opinion was clamouring for harsher punishment for a juvenile offender, clashing with activists' emphasis on rehabilitation.

*Public Perception and Political Pressure:* Crimes by juveniles, especially violent ones, often attract heavy media attention. There's a tendency in media narratives to paint a stark picture of juvenile crime "on the rise" (even if data might show fluctuations or minor increases rather than an epidemic). Politicians responding to public outrage may favour knee-jerk tough measures. For instance, after some instances of repeated thefts by minors in Delhi, there were calls by local authorities for stricter measures to detain such youths longer. This can conflict with the statutory mandate to use detention as last resort.

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<sup>9</sup> Ibid

The change in 2015 effectively created a subclass of juveniles (16–18 in heinous crimes) who could be subject to adult-like process. Child rights defenders argue this is a dilution of fundamental principles – a step back from seeing all under-18s as needing protection. They cite not only rights but also penological arguments: that sending a teenager to adult criminal system increases risk of recidivism and exposure to criminal networks, harming public safety in the long run. They often reference studies that adolescents, even in heinous acts, can be reformed with proper psychological intervention which an adult prison won't provide.

On the other hand, some law enforcement and victims' rights voices argue certain crimes are so grave that society's interest in justice and safety should override a purely welfare approach. The question of deterrence is raised – though evidence on whether juveniles consider the law's harshness before offending is thin (given their impulsivity).

*Post-2015 scenario:* The number of juveniles apprehended for heinous crimes (like murder, rape) who are in the 16–18 bracket is relatively small compared to total crime, but not negligible. 'NCRB 2020 data showed that of juveniles apprehended that year, about 7% were for murder and 5% for rape'.<sup>10</sup> The usage of the transfer provision is still evolving; initial reports suggest many JJBs are cautious – which means the legal provision is there, but child rights approach is still often applied in practice (with JJB leaning towards keeping the case). However, the very existence of the provision has created an *attitudinal shift* among stakeholders: some police and prosecutors may push for transfer in borderline cases, and some juveniles may not get the benefit of doubt of immaturity they once would have, since the law demands an active assessment of it.

One stark conflict scenario is when a juvenile offender's act causes public outrage – e.g., a sensational case of a juvenile killing someone. There have been instances: for example, a 17-year-old was accused of a gruesome murder in 2017 in Gurgaon (the school murder case), and public opinion heavily leaned on trying him as adult. The JJB initially decided to transfer him to adult trial, though the case is still sub judice. In such cases, balancing the juvenile's right to privacy and fair hearing with intense media glare (and victim family's understandable demand for full justice) is challenging. Leaks of the juvenile's identity or undue pressure on the Board can occur.

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<sup>10</sup> Deepala, S., "Data: More Than 75% of Juveniles Apprehended for Crimes in 16 to 18 Age Group; 99% Are Boys," *FACTLY*, 3 June 2024. article

*Child vs Victim rights:* Another dimension is that the victim of a juvenile's crime also could be a child (like a child-on-child crime). Then the system faces a paradox: it must uphold the victim child's rights to justice and healing while also treating the offender child with care. The JJ Act tries to address victim rights by things like victim compensation and by not trivializing serious offenses, but it does not directly speak to reconciling these two sets of rights. The POCSO Act (Protection of Children from Sexual Offences Act, 2012)<sup>11</sup> deals with sexual crimes against children and if the perpetrator is a child, the JJ Act kicks in, which sometimes frustrates families of victim children who expect a more punitive outcome. This is an inherent tension and requires sensitive handling – including possibly restorative justice approaches where appropriate, so that the victim's voice is heard and needs addressed while still focusing on rehabilitating the young offender.

*International Critique:* Post-2015, some international child rights bodies flagged India's law as regressive. During India's periodic report to the UN Committee on the Rights of the Child, questions were raised about compliance with CRC given the transfer system. Domestically, the National Commission for Protection of Child Rights (NCPCR) initially supported tougher stance for heinous crimes but has also stressed the need for careful implementation to avoid misuse.

## **LESSONS FROM COMPARATIVE SYSTEMS AND BEST PRACTICES**

Having surveyed juvenile justice approaches in several countries, we can distil key lessons and best practices that emerge and consider how they might inform improvements in India. This chapter focuses on these insights, organized around thematic areas such as trauma-informed care, restorative practices, non-custodial measures, family and community involvement, and mechanisms for monitoring and evaluation. The overarching goal is to identify what has proven effective elsewhere in rehabilitating youth and how those strategies could be adapted to strengthen India's juvenile justice system.

### **Embracing Trauma-Informed Care and Therapeutic Jurisprudence**

One clear lesson is the importance of recognizing that a large proportion of juvenile offenders have experienced trauma, abuse, or neglect. Systems like Norway's and certain programs in

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<sup>11</sup> The Protection of Children from Sexual Offences Act, 2012 (No. 32 of 2012).

the US emphasize trauma-informed care, which means all professionals (police, judges, social workers) approach juveniles with an understanding of how past trauma influences behavior<sup>12</sup>. For instance, instead of seeing a teenager's aggression as pure delinquency, a trauma-informed approach would inquire if that youth has been exposed to violence or abuse themselves, and then provide counselling or therapy accordingly. In India, many children in conflict with law come from backgrounds of poverty, family violence, substance abuse, etc. Incorporating trauma-informed practices would involve: training JJB magistrates and members in basic child psychology, ensuring every child in an institution undergoes a psychological assessment, and providing targeted mental health services (counselors or therapists attached to observation homes and JJBs). India can create similar therapeutic milieus in its Observation and Special Homes – turning them from detention centers into true rehabilitation centers staffed with psychologists, art therapists, etc. This would align with India's JJ Act principle of rehabilitation and also with the Supreme Court's guidance (e.g., observations in *Salil Bali* case about the need for reformatory services for juvenile).

*Therapeutic jurisprudence* is a concept where the legal process itself is used as an intervention to improve the well-being of the offender (and victims). This means court orders and interactions are designed not just to dispose of a case but to have a healing or constructive impact. For juveniles, this could mean judges speaking directly and kindly to children in court, explaining the consequences of their actions and encouraging them to reform rather than scolding or simply pronouncing orders.<sup>13</sup> It could mean involving social workers in court hearings to propose rehab plans. In New Zealand and Australia, for example, judges hold conferences in court with the offender's family (family group conferencing) – an approach that overlaps with India's concept of the "Board" (JJB) which includes social members. The practice can be strengthened: JJBs could routinely conduct a form of family group conference before deciding disposition, thereby making the process itself a part of the rehabilitation (this is therapeutic as it allows the child to understand the harm and hear support). Some Indian judges already do this intuitively; institutionalizing it via training and perhaps amending rules to allow a brief "conference" stage could help.

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<sup>12</sup> Wyrick, P., and Atkinson, K., "Examining the Relationship between Childhood Trauma and Involvement in the Justice System" 283 *NIJ Journal* 1–9 (2021).

<sup>13</sup> Chesser, B., "Therapeutic Jurisprudence," *Oxford Bibliographies*, 15 January 2020.

## **IMPLEMENTING RESTORATIVE JUSTICE AND FAMILY CONFERCING**

The comparative review, especially of, New Zealand (though not detailed above, famous for its family group conferences), Norway, and practices within Germany and certain US states, underscores the efficacy of restorative justice. Restorative justice involves the offender, victim, and community stakeholders in addressing the fallout of a crime and devising a path to repair the harm and reintegrate the offender. For juveniles, this approach is particularly potent: it educates the child about the real consequences of their actions on others, while also giving victims a voice and often a sense of closure or forgiveness.<sup>14</sup>

India's juvenile justice law already contains enabling provisions for compounding or amicable settlement at the JJB level for certain offenses, and nothing in law prevents using mediation. However, it is not systematically practiced. A clear lesson is that India could introduce formal restorative justice programs for juveniles. For example, every district could set up a Victim-Offender Mediation Center, or use the District Legal Services Authority framework, to conduct mediated sessions between juvenile offenders and victims (where the victim is open to it). The outcome could be an apology, restitution, or community service agreement. If the agreement is fulfilled, the JJB can consider it in mitigation or even dispose of the case (much as German and many European systems. This would operationalize Section 18 of JJ Act<sup>15</sup> (which allows JJBs to order community service or release after advice/admonition) in a victim-centered way.

*Family group conferencing* is another best practice. Originating in New Zealand's juvenile system and echoed in setups like Norway's youth conferencing and Australia's youth justice conferencing, it brings the offender's family (and sometimes extended family or community elders) together to discuss what led the child astray and how the family/community can support the child's positive development. It reinforces communal responsibility for the child, not leaving it solely to the state.<sup>16</sup> In India, the concept of involving family in resolutions is culturally consonant (think of panchayat traditions of resolving family matters). JJBs can be

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<sup>14</sup> Park University, "The Role of Restorative Justice in Modern Criminal Justice Administration," Park University, 23 September 2024.

<sup>15</sup> Juvenile Justice (Care and Protection of Children) Act, 2015, S. 18

<sup>16</sup> Malmberg-Heimonen, Ira, "The Effects of Family Group Conferences on Social Support and Mental Health for Longer-Term Social Assistance Recipients in Norway," *British Journal of Social Work* 41(5): 949-967 (July 2011).

empowered (by training and perhaps by procedural guidelines) to hold such conferences for suitable cases – for instance, for a child repeatedly getting into fights due to lack of parental supervision, convene the parents, maybe teachers or neighbors, in a JJB-facilitated meeting to agree on steps (parent promises to ensure school attendance, child promises to obey curfew, etc.). Already, under the JJ Act, the Probation Officer or Child Welfare Officer prepares a social investigation report by interacting with the family; building on that, a conference model could formalize the family's role in crafting the rehabilitation plan. This way, the solution is not just top-down from the Board, but mutually owned.

The success of restorative practices abroad suggests multiple benefits: lower recidivism, greater victim satisfaction (since they feel heard and often receive direct apology or restitution), and reduced burden on courts (since many cases get resolved through agreements). Critically for India, restorative justice aligns with traditional values of reconciliation and could help address criticisms that the 2015 Act tilts too far toward punitive measures. It offers a way to balance the scales: even if a 16-year-old commits a serious offense and the law now provides for higher penalty, a restorative approach could be integrated either in the assessment or sentencing stage to ensure rehabilitation remains central.

### **Diversion and Non-Custodial Options as Default**

Comparative systems especially Germany and the US (in its ongoing reforms) highlight diversion as key to preventing youth from entering the criminal justice pipeline unnecessarily. Diversion means resolving a case without formal adjudication – through warning, counselling, community service, or referral to social services. In India, although the JJ Act doesn't use the term "diversion," it implicitly allows it: Rule 8 of the JJ Model Rules 2016<sup>17</sup> encourages the JJB to dispose of cases at preliminary stage through counselling or admonition for petty offenses. But in practice, police often charge-sheet even minor cases and JJBs feel obliged to go through inquiry.

India can adopt a page from the German book: legally mandate or strongly encourage that first-time minor offenders shall be diverted unless there is a good reason not. For instance, a guideline could be issued that for offenses with maximum penalty below 3 years (petty offences), the police should normally not file an FIR but hand over the child to parents with a

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<sup>17</sup> Juvenile Justice (Care and Protection of Children) Rules 2016, Rule 8

warning and simultaneously inform the local Juvenile Justice Board or District Child Protection Unit to follow up with intervention (like the child being required to visit a counsellor or do community service). The JJB could officially “close” the matter if satisfied that the child has been rehabilitated or the issue addressed. Such a practice would declutter the formal system and avoid needless stigmatization. It’s very much in line with the JJ Act’s objectives.

For non-custodial options, all countries reviewed have a rich menu: probation, community service orders, treatment orders, curfews, electronic monitoring, etc. India’s JJ Act allows probation and community service, but these could be expanded. For example, introducing a formal Youth Service Scheme where juveniles guilty of minor offenses engage in structured community service (cleaning parks, helping in welfare camps, etc.) under supervision could instil discipline and civic sense. Similarly, India could pilot an electronic monitoring program for juveniles in conflict with law – not as a punitive measure but as an alternative to detention for those who might be flight-risks or repeated runaways. Some U.S. jurisdictions use GPS ankle bracelets to keep track of juveniles under home confinement instead of keeping them in detention, allowing them to continue schooling at home. In India, electronic monitoring is used for adult undertrials in some places and could be cautiously tried for juveniles (with strict privacy safeguards), ensuring they remain with family rather than an institution, which is better for rehabilitation.<sup>18</sup>

*School and Employment Diversion Programs:* Another idea from places like the U.S. (some counties) and UK is partnering with schools and employers in diversion. For instance, instead of prosecuting a teen who got into a school fight, have the school counsel them or put them in a mentorship program (school-based diversion). Or, partner with local businesses to create internships for youth who commit non-violent offenses, channelling their time into skill-building rather than court. Some Indian NGOs already do vocational training for juveniles on probation; scaling this up as a formal alternative disposition (like a judge could order: “six months attendance in XYZ vocational course” in lieu of other penalty) can directly tackle one root cause: lack of constructive occupation.

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<sup>18</sup> The Economic Times, “In a first in India, Odisha plans to fit GPS tracking device on undertrial prisoners, allow them to stay home,” The Economic Times, 29 August 2023.

## **ROLE OF FAMILY AND COMMUNITY IN REHABILITATION**

A recurring theme is that family engagement is crucial in reforming juveniles. The UK's Youth Offending Teams involve parents via parenting classes or contracts (they can even apply for Parenting Orders requiring parents to attend counselling or guidance programmes if a child offends). Norway and Germany see family as partners in the process, not adversaries. In India, often the approach has been somewhat paternalistic – the state takes over when a child offends, sometimes with an implicit assumption that the family failed. While it may be true in cases of abuse or extreme neglect (where child may need removal from that environment), in many instances the family, if properly guided, can be the best resource for the child's positive development.

*Family-based interventions* to consider: requiring or encouraging parents to be present at all stages and to participate in counselling sessions (the JJ Act already allows JJB to direct parents to pay fine or be admonished etc., but rarely used). Perhaps formal “parenting skills” workshops could be instituted – if a child comes to JJB, the parents/guardians could be directed to attend a short program on effective parenting, understanding adolescent behaviour, etc. The idea is not to punish the parent but to empower them to handle the child better. There are evidence-based programs globally (like the Strengthening Families Program) that show reduction in youth delinquency when families improve communication and supervision.

*Community involvement* is equally valuable. In New Zealand's family group conferences or US community diversion boards, respected community members often sit with the family and youth to find solutions. India could harness local community leaders, retired teachers, or volunteers as mentors for juveniles. For example, a “Mentor Home” scheme: in each panchayat or ward, a group of volunteers (after background checks and training) can act as mentors and observers for juveniles under supervision in that area. The JJB can assign a mentor to a child – someone who periodically meets the child, involves them in local sports or cultural activities, and essentially acts as a pro-social adult figure if the child's family environment is weak. This echoes the concept of a “big brother/big sister” which some U.S. programs use for at-risk youth. Community mentors can reduce the caseload on probation officers and provide personalized attention that state officials sometimes can't.

Additionally, involving community institutions – schools, clubs, religious institutions – in accepting and monitoring juveniles doing restitution or service fosters reintegration. In India, this could mean coordinating with local NGOs, Nehru Yuva Kendras, NSS units, or even Resident Welfare Associations to create opportunities for juveniles to perform positive roles (like helping in community kitchens, cleaning drives, or festival event management). When a community sees a youth making amends constructively, stigma can reduce and the youth regains a sense of belonging.

It's also worth increasing public awareness that juveniles who commit offenses are not irredeemable criminals but children in need of guidance. Public campaigns in India focusing on second chances for children, perhaps sharing success stories of reformed juveniles (without naming them, but narrating journeys) could build community support for rehabilitation programs.

### **ENSURING MONITORING AND EVALUATION OF THE SYSTEM**

One of the reasons Germany and Scandinavia maintain effective juvenile systems is the culture of data-driven policy and regular evaluation. The Youth Justice Board in England & Wales, for instance, publishes annual statistics on youth offending and outcomes, identifying what's working or not. Norway's authorities closely track the progress of youth punishment orders and study recidivism. India needs to bolster its mechanisms for monitoring and evaluation to inform continuous improvement.

*Data Collection:* Currently, the National Crime Records Bureau (NCRB) in India publishes basic data on juveniles in conflict with law (age, offense, disposal) but it is limited and sometimes inconsistent.<sup>19</sup> India can develop a more comprehensive Juvenile Justice Information System that tracks each case from apprehension to final disposition and beyond (post-release follow-ups). This system could be managed by the Ministry of Women & Child Development in partnership with NCRB, ensuring that JJBs and CWCs feed in data (e.g., number of cases diverted, number given institutionalization vs community service, average time to disposal, etc.). With better data, problem areas like “delays in JJB X” or “high relapse in institution Y” can be pinpointed.

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<sup>19</sup> Deepala, S., “Data: More Than 75% of Juveniles Apprehended for Crimes in 16 to 18 Age Group; 99% Are Boys,” *FACTLY*, 3 June 2024.

*Quality Audits of Institutions:* Borrowing from models of prison inspection in the UK (HM Inspectorate of Prisons also inspects YOIs with detailed reports), India could strengthen the oversight committees that inspect Observation Homes, Special Homes, etc. Many states have inspection committees under the JJ Act, but their reports are not often public nor rigorously followed up. Adopting a practice of independent audits – possibly involving academia or child rights NGOs – can ensure that conditions in homes are periodically evaluated against standards (number of children per room, educational hours, incidents of violence, etc.). These findings should feed back into management: e.g., if an audit finds an Observation Home has no counselor on staff, authorities must allocate one; if it finds children idle for long hours, and programming must be increased.

*Feedback from Juveniles:* A radical but useful idea is to include the voices of the juveniles themselves in evaluating the system. Some jurisdictions survey youth about their experience in custody or on probation – asking if they feel safe, if they found programs helpful, if they have suggestions. For example, Scotland’s youth justice services collect feedback from participants in their programs. Indian juvenile justice could pilot confidential feedback mechanisms: when a child is released from a Special Home, a neutral officer or NGO could interview them (anonymously recorded) about their experience – did they learn skills, were they treated fairly, what could be better? This not only empowers youth but can highlight issues adults might overlook.

*Inter-agency Coordination and Review:* Best practices often come from multi-disciplinary review of difficult cases. For instance, in the US, when a juvenile reoffends seriously, some states convene a “review board” to analyze what went wrong (were warning signs missed? did agencies fail to provide something?). India could similarly set up at state level a Juvenile Justice Review Board comprising officials from police, judiciary, child welfare, and civil society to periodically review cases – both successes and failures – to glean lessons. This reflective practice can lead to recommendations for policy tweaks (like if it is seen many juveniles reoffended soon after turning 18 due to lack of support, it might recommend extending aftercare beyond 18).

*Capacity Building and Accreditation:* Evaluation should extend to personnel training. Just as the UK has accreditation for YOT officers or the US has certification programs for juvenile

probation officers,<sup>20</sup> India could develop a certification course for JJB social members, CWC members, and probation officers. Those who undergo training in child rights, psychology, and JJ Act could be certified, and perhaps an evaluation mechanism (like periodic exams or performance reviews) could be tied to their continuation in role. This ensures a professionalization of the workforce dealing with juveniles. The National Institute of Public Cooperation and Child Development (NIPCCD) and judicial academies can collaborate on this.

### **ADAPTING LESSONS TO INDIA'S CONTEXT**

While adopting best practices, adaptations are needed for local realities. India has constraints – high caseloads, resource limitations, and vast socio-economic diversity – which mean solutions must be scalable and culturally resonant.

For example, diversion in India could leverage the existing community panchayat or caste/community elder's system in rural areas. Instead of formal conferencing, a child who commits a minor offense in a village could be presented before the village council with the understanding that the council will counsel and discipline the child (thereby diverting from the formal system). Care must be taken to align this with child rights (no physical punishment, no abuse of the child's rights in the name of discipline), so training those community leaders in child-friendly methods is key. If implemented carefully, this taps into social capital.

Restorative justice in a country as plural as India could sometimes meet resistance (for instance, what if a victim's family is strongly opposed to meeting the offender). It should be voluntary; however, raising awareness of its benefits can increase acceptance. In sensitive cases like sexual offenses, restorative justice is more complex. But even there, other countries have tried (with specialized facilitators and only if victim is willing). Perhaps not immediately for such cases, but gradually building capacity for handling even tough cases restoratively could be a long-term goal.

*Pilot Programs:* A wise approach is to pilot these best practices in select jurisdictions first. For instance, choose one metropolitan area and one rural district to implement a comprehensive restorative justice and diversion program with full training and NGO partnership. Monitor

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<sup>20</sup> Goddard, C., "Guide to Qualifications and Training: Youth Justice," *Children & Young People*, 1 September 2022.

outcomes for a couple of years, then refine and expand if successful. India's diversity suggests one size won't fit all; pilots allow localization.

Finally, these lessons underscore shifting the mind-set from a punitive legalistic view of juvenile justice to a welfare and rights-based view. International norms (Beijing Rules, CRC) support this, and comparative success stories validate it: treating a child offender as a subject of rehabilitation yields better societal outcomes than treating them as an object of punishment. If India can infuse its system with this philosophy – through legislative fine-tuning, better training, community involvement, and accountability for outcomes – it stands to significantly improve the lives of children who stray into crime and enhance public safety by reducing re-offending.

## **RECOMMENDATIONS AND REFORM PROPOSALS**

Drawing from the analysis of India's current juvenile justice issues (Chapter 4) and the lessons gleaned from comparative best practices (Chapters 5 and 6), this chapter puts forth a series of **recommendations and reform proposals**. The overarching aim is to strengthen the juvenile justice system in India to make it more effective, child-friendly, and aligned with rehabilitative ideals while addressing public safety concerns.

### **Legislative Amendments**

*Raise the Minimum Age of Criminal Responsibility:* One reform that aligns with international standards (CRC General Comment 24 recommends at least 14) is to raise India's minimum age of criminal responsibility from the current effective age of 7 (under IPC) to a higher age, such as **12 or 14 years**. At the very least, the opaque "7-12 years with doli incapax presumption" could be simplified to a clear cutoff (say, no prosecution under 12). This change would ensure very young children are only handled by welfare proceedings, not criminal ones, reflecting the understanding that below that age a child lacks meaningful capacity for criminal intent. It would require amending IPC Section 82-83[now BNS] and aligning the JJ Act definitions. Such an amendment would prevent cases like a 9-year-old being dragged into a JJB for a minor theft; instead, that child would purely get needed help via child protection services. Notably, the Juvenile Justice Committee of the Supreme Court and child rights bodies have periodically suggested raising the MACR, and doing so would bring India closer to the practices in Germany (14) and a growing number of countries that have raised ages.

*Introduce Provision for Young Adults (18-21):* Inspired by the German model, the legislature could consider introducing a clause allowing courts to deal with offenders aged 18–20 under the juvenile law when appropriate (for instance, if a 19-year-old offender is assessed to have developmental immaturity or the crime circumstances align with juvenile patterns). This forward-thinking change would address cases like college-age youth committing crimes due to youthful indiscretion, ensuring they too receive rehabilitative focus rather than being thrown fully into adult prisons. It could be a discretionary power of the court, used sparingly for first-time young adult offenders who might benefit from juvenile treatment. Such a provision could actually bolster public safety by reducing recidivism in that transitional age group, tapping into their still-high capacity for reform.

*Strengthen Aftercare in Law:* Explicitly mandate states to set up at least one Aftercare Home for youths (18-21) and provide financial support for accommodation, internships, and counselling during aftercare. Currently, aftercare is often the weakest link. A clear legal mandate and possibly earmarked funding (through a central scheme) should be provided. The law could also provide for a monitoring mechanism for aftercare – e.g., requiring District Child Protection Units to file quarterly reports on each aftercare beneficiary’s progress. Enshrining these details would push states to prioritize aftercare in budgets.

*Provision for Victim-Offender Mediation:* Amend the JJ Act to explicitly include *restorative justice conferencing* as a step in proceedings. For example, *after Section 14 (inquiry by Board)*, insert a Section that “The Board may, at any stage, direct the child and the affected persons to participate in a guided victim-offender mediation or family group conference, and may consider the outcomes of such process in its final disposition.” This gives JJBs clear statutory backing to use restorative practices. It should clarify that such mediation is confidential and failure to reach an agreement won’t prejudice the legal case (to protect due process). Including this in law will also encourage the development of infrastructure (like training mediators specialized in juvenile cases).

*Parenting Orders and Accountability:* Introduce a legal provision (perhaps in the JJ Act or in rules) empowering JJBs to issue Parenting Orders, similar to UK’s system. For instance, if a child is found to be in conflict with law and poor parenting contributed, the JJB can order the parent/guardian to undergo counseling or parenting classes (in coordination with child welfare authorities). Non-compliance could invite a warning or fine. This underscores parent

responsibility in law. Simultaneously, ensure that socio-economic factors are considered (a single mother working two jobs might struggle to attend classes, so the order must be reasonable and supportive, not punitive). The legislative intent is to treat juvenile delinquency as a community and familial issue, not just the child's issue.

*Speedy Inquiry Mandate:* While the Model Rules suggest a 4-month completion target, it may help to put a firmer timeline in the Act. An amendment could state that inquiries *shall* be completed within 6 months, and if not, reasons must be recorded and the High Court notified for appropriate directions. This kind of clause (with High Court oversight trigger) would create pressure to avoid delays and possibly encourage more frequent use of diversion to meet timelines.

### **Institutional and Structural Reforms**

*Increase the Number of Juvenile Justice Boards and Courts:* Overburdened JJBs are a bottleneck. The state governments, in consultation with High Courts, should create additional JJBs in districts or cities with high caseloads. For example, a city like Mumbai or Delhi might need multiple JJB benches (some cities already have 2-3, but perhaps more are needed given population). These could be specialized by region or even by type of cases (one JJB could handle mostly petty offenses in a summary manner, another handle serious cases needing more time). The aim is to distribute cases so each Board can give adequate time per case. This needs state resource allocation – hiring more Magistrates or deputing them exclusively to JJBs rather than as an add-on role. High Courts can also designate one or two Children's Courts (Sessions courts) in each state to exclusively handle appeals or cases involving juveniles (like the Children's Court that handles the rare transferred cases or serious POCSO cases with juvenile defendants). This specialization can yield more consistent, child-sensitive adjudication at higher levels too.

*Specialized Homes and Improvement in Facilities:* The central government, perhaps under a rejuvenated ICPS (Integrated Child Protection Scheme), should assist states in upgrading all Observation Homes and Special Homes. Key reforms: ensure segregation of children by age and nature of offense (to prevent petty offenders from mingling with those accused of serious violence), and by vulnerability (separate facilities or sections for girls, for very young teens, etc.). Establish at least one "place of safety" in every state for housing juveniles who are 16–18 and involved in very serious/violent offenses or who have turned 18 during proceedings –

this was mandated in the Act but many states lack a functional place of safety, leading to ad-hoc arrangements. Investing in such facility (could be a secure wing of a borstal or a standalone center) is needed if the transfer provision remains, to avoid sending juveniles to adult jails.

Within institutions, implement the Minimum Standards of Care rigorously: educational and vocational training is non-negotiable. Each Special Home should partner with National Institute of Open Schooling (NIOS) or local schools for formal education. Also, partner with Skill India / ITIs for vocational courses (tailoring, computer basics, carpentry, etc.). As a reform, the government could incentivize companies to provide training or apprenticeship slots for juveniles in homes – for example, a tax benefit if they take a certain number as trainees upon release. Additionally, ensure regular mental health services: possibly, each Observation/Special Home should have at least a part-time psychologist visit weekly. The budget for food, recreation, and clothing should be periodically revised to keep up with inflation; poor quality living conditions defeat rehabilitative aims and breed resentment or depression in youth, undermining reform.

*One-Stop Youth Justice Centres:* An institutional innovation could be creating integrated “Youth Justice Service Centres” at district levels. These centres would house under one roof: the JJB court, offices of the probation officers and counsellors, a legal aid desk, a diversion program desk, and small facilities for on-site skills training or community service projects. The idea is a juvenile who enters the system can be assessed, counselled, tried, and linked to services in one coordinated location. This model, similar to multidisciplinary youth justice hubs in some countries, improves coordination and makes it less intimidating for youth (the environment can be made child-friendly, unlike regular court complexes). States like Maharashtra or Tamil Nadu could pilot this in a city with donor/UNICEF assistance.

*Strengthen Inter-Departmental Coordination:* Institutional reform also means ensuring the various departments – Police, Women & Child Development, Judiciary, Home Department – work in tandem. A state-level Juvenile Justice Coordination Committee (chaired perhaps by the Chief Secretary or a high court judge as patron) should meet quarterly to review the state of juvenile justice: number of cases, bottlenecks, inter-agency issues (e.g., transport of juveniles, pendency of probation reports). This will maintain focus and facilitate resolution of practical issues (like if police in one district aren’t handling juveniles per guidelines, the committee can flag it to DGP for training).

**Integrating Psychological and Social Work Inputs**

*Deploy Professional Psychologists and Social Workers:* Each JJB should have a panel of experts (psychologists, psychiatrists) attached to it. They can assist in age determination issues, assess maturity (in case that remains needed), evaluate mental health needs, and advise on suitable rehabilitation plans. The law already allows JJB to take expert opinion; formalizing a roster will make it routine. For instance, before deciding whether a child needs institutionalization or can be on community supervision, a psychologist's report on their risk factors and mental state can be invaluable. The state could tie up with universities (many have psychology and social work departments) to provide interns or practitioners for this purpose, perhaps in exchange for stipends or government recognition.

*Multi-Disciplinary Case Management:* For each juvenile, particularly those involved in serious or repeat offenses, adopt a multi-disciplinary case management approach. That means convene a team – the probation officer, a psychologist, perhaps the child's school teacher or counsellor, and a legal aid lawyer – to create a comprehensive individualized intervention plan. This team then periodically meets to check progress. Essentially, treat each such juvenile's rehabilitation like a project with timelines and goals (finish education milestone, improve anger management, etc.). This model has been effective in some U.S. juvenile drug courts and in Canadian youth justice.

*Expand Probation Services:* The role of probation officers (PO) or District Child Protection Unit staff in supervising and guiding juveniles on release is crucial. Many states have too few POs. Governments should sanction more PO positions dedicated to juveniles, with requisite training in child psychology. Additionally, explore engaging NGOs or trained community volunteers as adjunct probation officers to support monitoring (similar to "assistant probation officers" concept). For quality, a system of accreditation or training modules for POs in child justice (possibly developed by NIPCCD or BBA) should be required.

*Specialized Training for Police and Judiciary:* On the human resources front, integrate juvenile justice and child psychology modules into the standard training of police, judges, and prosecutors. Police training academies should have a mandatory capsule (with role-play exercises) on how to conduct child-friendly interviews, importance of not using intimidation, and procedures under the JJ Act. Likewise, courses at state judicial academies for magistrates must include sessions by child psychologists about adolescent development and by experienced

JJB judges from other states sharing best practices. A measure could be to have a short internship: newly appointed JJB Magistrates could be attached for a week with an NGO working with street children to sensitize them to children's backgrounds.

*Child-Friendly Infrastructure:* As part of integrating social inputs, ensure the physical infrastructure of justice facilities is less intimidating. JJBs should sit in rooms that are painted colorfully, perhaps decorated with posters created by children, with round-table seating instead of the traditional dais (to the extent possible) – making the environment psychologically conducive for juveniles to speak openly. Delhi's model child-friendly courtrooms (used for POCSO cases) could inspire similar layouts for JJBs. Small things like providing a snack or drink to a child during a long hearing, or having a social worker present to explain proceedings to the child in simple terms, can dramatically reduce anxiety and improve engagement.

### **COMMUNITY AWARENESS AND INVOLVEMENT**

*Public Education Campaigns:* Launch awareness campaigns to educate the public on the rationale of juvenile justice – that child in conflict with law are capable of change and need guidance, not just punishment. Use popular media: short TV spots, social media campaigns, and school programs that highlight success stories of reformed juveniles (without identifying them). Partner with celebrities or sports figures to be ambassadors for second chances for youth (e.g., a cricketer speaking about how youth should be molded not discarded). Such campaigns can change public perception, which in turn reduces stigma for juveniles and builds support for community-based interventions. They can also encourage victims of juvenile crimes to participate in restorative processes by stressing how it can be healing and prevent future victims.

*School and College Programs:* Schools play a preventive and rehabilitative role. The education department should incorporate modules on legal literacy and conflict resolution in school curricula – teaching students about consequences of actions, empathy for victims, etc. At the same time, for students who have had brushes with the law, ensure schools do not summarily expel them. The Right to Education Act and JJ Act both stress continuity of education. Perhaps issue a guideline that no child should be denied school re-entry after coming out of a juvenile institution. Also, establish more “*Observation Home Schools*” – either separate or via NIOS – to prevent dropouts. Local colleges and NSS units could adopt a nearby Observation Home or

Special Home, sending volunteers to teach or play sports with the children, fostering community interaction.

*Engaging Religious and Cultural Institutions:* In communities where religious leaders hold influence, they can be roped in to reinforce messages of forgiveness and reform for youth. For instance, local mosques, temples, gurdwaras can host workshops for families about positive parenting and dealing with adolescent behaviour, quoting from religious tenets about compassion for youth mistakes. This culturally contextualizes rehabilitation. Some communities have traditional honour-shame dynamics that stigmatize any brush with crime; a respected leader's endorsement of giving juveniles another chance can mitigate that.

*Corporate Social Responsibility (CSR):* Encourage companies (under their CSR initiatives mandated by law) to contribute to juvenile justice improvement. This could be through funding vocational training centres in juvenile homes, sponsoring scholarships for reformed juveniles to pursue higher studies, or offering internships as mentioned. A public portal could be created listing opportunities for private sector to support these children – e.g., “Support 100 children on aftercare with job placements – get CSR tax benefits and recognition.” This leverages community beyond just locality – the business community – to invest in the futures of these youth. For example, Factories in an area could “adopt” a Special Home and guarantee training slots to its inmates.

*Monitoring by Community:* Involving community representatives in oversight can improve transparency. District advisory boards (with NGO members, child welfare committee representation) could hold public hearings or social audits on how juvenile institutions are running. Civil society monitoring keeps the system honest and responsive. In Mumbai, for instance, groups like Prayas have worked closely with the government on juvenile justice – formalize such partnerships nationwide.

## **STAKEHOLDER TRAINING AND CAPACITY BUILDING**

*Regular Training and Refresher Courses:* Make it compulsory that all personnel in juvenile justice (JJB members, CWC members, police SJPOs, prosecutors who appear in JJB, legal aid lawyers, institution superintendents and caretakers) undergo a certified training on child psychology, JJ Act, and skills like counseling or de-escalation techniques. This training should be not one-off at induction but have periodic refreshers, say every 2 years. The training can be

standardized by the National Institute of Social Defence or similar, and decentralized via state academies. The content should also include sensitization to gender issues (how to handle girl children, or issues like children from LGBTQ backgrounds) and special needs (children with disabilities in the system).

*Exchange and Learning Programs:* Facilitating exposure visits can be very impactful. For example, send JJB judges or superintendents on short visits to model facilities within India or even abroad. Seeing a model Special Home in another state that's run like an open boarding school can inspire improvements at home. Internationally, India could collaborate with countries like Norway or Japan for exchange of best practices – perhaps virtual seminars or delegations – to continually bring new ideas. Domestically, an annual national conference on Juvenile Justice could be convened under the Ministry or Supreme Court's aegis where stakeholders discuss challenges and innovations (some states like Kerala have done state-level meets; scaling it nationally would create a community of practice).

*Incentivize Specialization:* One way to strengthen capacity is to recognize and reward those who specialize in juvenile justice. For instance, in the judiciary, a stint as an effective JJB magistrate could be given weightage in career progression or awards. Police officers who excel as Juvenile Welfare Officers (reducing juvenile crime in their area through outreach) could be publicly commended or given preference for desirable postings. This motivates personnel to take their juvenile-related duties seriously, rather than viewing them as a lesser assignment.

*Curriculum in Law and Social Work Education:* Include detailed modules on juvenile justice law and practice in law school courses and MSW (Master of Social Work) programs. Encourage internships with JJBs or child rights NGOs for law and social work students. This builds a pipeline of young professionals who are knowledgeable and passionate about the field, filling the gap of manpower in legal aid, probation, and child care institutions.

*Use of Technology:* Capacity building can also involve technology solutions – e-learning modules for far-flung district officials, or a mobile app that guides police on JJ Act steps in real time. For instance, an app for SJPOs could have a checklist (Has medical examination been done? Has guardian been informed? Etc.) Which they tick off, ensuring compliance with procedure as a form of just-in-time training.

In sum, these recommendations aim to create a more empathetic, efficient, and evidence-based juvenile justice system in India. Legislatively, maintaining a child-centric approach (not slipping further into an adult-like punitive system) is crucial, while plugging gaps like aftercare and raising MACR. Institutionally, improvements in infrastructure and inter-agency coordination will address many of the “key issues” identified, such as delays and lack of facilities. Integrating psychological and social inputs acknowledges that crime prevention and rehabilitation are not purely legal tasks but human developmental ones. Community and family engagement ensures the child is rehabilitated in the social context they must ultimately return to, thus making reintegration sustainable. Lastly, none of these reforms can take root without invested, well-trained stakeholders; hence, capacity building is the backbone of all other changes.

Implementing these recommendations will require political will, budgetary commitment, and collaboration across departments. However, the payoff is significant: a system where children who falter are guided back to the right path, victims see justice in constructive outcomes, and society gains safer, responsible citizens rather than repeat offenders. This feeds into the concluding observations in the next chapter, reinforcing that a humane and intelligent juvenile justice system is both a marker of a civilized society and a smart investment in the nation’s future.