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# FROM POLICY TO PRACTICE: A GROUND-LEVEL EVALUATION OF INDIA'S JUVENILE JUSTICE SYSTEM - A STUDY OF INSTITUTIONAL REALITIES AND IMPLEMENTATION GAPS

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## ABSTRACT

The Juvenile justice system in India is a complex, evolving synthesis of constitutional and international human rights commitments, along with a multifaceted approach within the country. The system was skilfully designed to take into account the Juvenile Justice (Care and Protection of Children) Act, 2015, which adopts a restorative approach. The comprehensive research report covers the structural, administrative and legal aspects of the juvenile justice system in India. Analyses the statutory change of the law on adoption leading to the controversial Juvenile Justice (Amendment) Act, 2021, and fundamentally changing severe institutional offences against children in crime to non-cognizable, bringing to light the issues of child protection and constitutional issues on the separation of powers. The analysis relies on extensive empirical data from the India Justice Report (2025), Comptroller and Auditor General (CAG) performance audits, independent civil society reports, and key Supreme Court Prudent decisions, and reveals serious capacity gaps across the juvenile justice continuum. These system administrative bottlenecks are evident in the chronic case pendency of Juvenile Justice Boards (JJBs), the acute shortage of specific infrastructure, such as places of safety, at the national level, and the lack of mental health, probation, and medical officers in Child Care Institutions (CCIs). Micro level institutional case studies including the administrative challenges faced in National Capital Territory of Delhi showcase the devastating impact of state 'data blindness,' poor legal support, and the significant extent to which Juvenile Justice Model Rules of 2016 are not being followed. Ultimately, the findings of the study suggests that however good and transparent the legislative framework for delivering protection is, if the execution gap is not addressed through a massive increase in levels of funding, rigorous accountability mechanisms between agencies, and a robust professionalisation program of officers working in the first-line of response (FLOR) to children's needs.

**Keywords:** Juvenile, Delinquency, First-line of response, Juvenile Justice

Board, Child Care Institution, Mission Vatsalya.

The way a country handles its legal cases involving minors serves as a clear indicator of the nation's dedication to protecting human rights, providing social services, and upholding equality under the law. The Indian juvenile justice system has undergone an extensive transformation during the past three decades as it shifted from its previous method of punishment to its current approach that focuses on child rehabilitation through restorative justice.<sup>1</sup> The process involves more than changing legal statutes, since it requires people to adopt a new understanding of both childhood and personal responsibility, as well as their view of state authority, which serves as the ultimate protector of its most defenceless citizens.

The Constitution of India provides the basic guiding principle for India's juvenile justice system, which establishes a robust framework to protect and nurture children. Article 15(3) gives the state authority to establish specific rules for children that take precedence over all other established regulations on equal treatment to address their unique developmental requirements.<sup>2</sup> The right to life and personal liberty, which Article 21 establishes as a fundamental human right, receives additional protection through Supreme Court rulings, which declare the right to dignity and the right to an expedited fair trial as essential rights for all human beings. The state must establish policies to protect children's health throughout their development, in accordance with Articles 39(e) and 39(f) of the Directive Principles of State Policy, which require the state to implement measures that protect children from abuse and enable their rightful development in secure, dignified conditions. The state must provide early childhood care and education services according to Article 45 because educational deprivation acts as the most significant cause of juvenile delinquency.

The system of juvenile justice in India operates under international human rights law, which imposes an obligation to fulfil the national requirements set out in the Indian Constitution. India assumed a legal obligation to implement national laws aligned with international standards under the United Nations Convention on the Rights of the Child (UNCRC), which it ratified in 1992.<sup>3</sup> The UNCRC requires countries that sign the agreement to understand juvenile

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<sup>1</sup> Juvenile Justice in India: Legal Safeguards and Implementation Issues - Edu Research Journal, accessed May 6, 2026, <https://www.eduresearchjournal.com/index.php/ijjr/article/download/381/390/942>

<sup>2</sup> Juvenile Correctional Home Standards. - Law Gratis, accessed May 6, 2026, <https://www.lawgratis.com/blog-detail/juvenile-correctional-home-standards>

<sup>3</sup> implementation gaps in India's juvenile justice act 2015: challenges and recommendations - Amazon S3, accessed May 6, 2026, [http://s3-ap-southeast-1.amazonaws.com/ijmer/pdf/volume13/volume13-issue8\(1\)/21.pdf](http://s3-ap-southeast-1.amazonaws.com/ijmer/pdf/volume13/volume13-issue8(1)/21.pdf)

delinquency as a result of poverty and family breakdown, which represents a major social need, instead of seeing it as a natural criminal behaviour.<sup>4</sup> State intervention must begin with the requirement to protect the "best interests of the child", which means institutionalisation is an option that can only be used after all other options have been exhausted, while the state should give priority to diversion programs, restorative community service, and comprehensive rehabilitation programs.<sup>5</sup>

The Juvenile Justice (Care and Protection of Children) Act, 2015, serves as the legal expression of this complex philosophical system.<sup>6</sup> The law creates two legal categories for vulnerable youth, which require different administrative and judicial procedures to handle their cases. The first category describes a "Child in Conflict with Law" (CCL) as a person who, under Section 2(13) of the law, is accused of or convicted of an offence while under eighteen years of age at the time of the alleged crime. The second category of persons who need protective care, according to Section 2(14), exists as a person who experiences various extreme conditions through which they fall within the protection system of the law because they face child abandonment or become orphaned, experience both physical and emotional abuse or become victims of trafficking, work as child labourers or live in extreme poverty.

The Indian juvenile justice system contains a comprehensive rights-based legal framework which meets international standards, yet suffers from enduring implementation paralysis across all aspects of its operations.<sup>7</sup> The child-focused service delivery system suffers from operational challenges due to three major issues: the absence of proper inter-agency coordination, extensive operational and infrastructural constraints, and the system's budget allocation.<sup>8</sup> The existing system, which handles children within the justice system, resembles adult criminal courts, which operate under punitive measures that legal protection laws attempt to maintain. The current situation shows that statutory protections are continually undermined by institutional breakdowns, which create delays and result in outright neglect of their

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<sup>4</sup> (PDF) JUVENILE JUSTICE IN INDIA: A CRITICAL LEGAL ANALYSIS OF DELINQUENCY, REFORM, AND ACCOUNTABILITY - ResearchGate, accessed May 6, 2026, [https://www.researchgate.net/publication/392819786\\_JUVENILE\\_JUSTICE\\_IN\\_INDIA\\_A\\_CRITICAL\\_LEGAL\\_ANALYSIS\\_OF\\_DELINQUENCY\\_REFORM\\_AND\\_ACCOUNTABILITY](https://www.researchgate.net/publication/392819786_JUVENILE_JUSTICE_IN_INDIA_A_CRITICAL_LEGAL_ANALYSIS_OF_DELINQUENCY_REFORM_AND_ACCOUNTABILITY)

<sup>5</sup> English Model Rules - CARA, accessed May 6, 2026, <https://cara.wcd.gov.in/PDF/english%20model%20rule.pdf>

<sup>6</sup> Supreme Court of India, 2025 - S3waas, accessed May 6, 2026, <https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2025/10/2025101472.pdf>

<sup>7</sup> Ibid, 1.

<sup>8</sup> JJ Press Release ENGLISH - India Justice Report, accessed May 6, 2026, [https://indiajusticereport.org/files/IJR\\_JJ%20Report\\_Press%20Release\\_20%20November%202025.pdf](https://indiajusticereport.org/files/IJR_JJ%20Report_Press%20Release_20%20November%202025.pdf)

responsibilities.<sup>9</sup>

### **Historical and Legislative Trajectory: From the 1986 Act to the 2015 Reforms**

India's juvenile legislation has developed through time because of ongoing conflicts between child protection needs and societal demands for punishment of violent offenders.<sup>10</sup> The current implementation problems need to be understood through an analysis of how legal systems developed from their initial establishment to their present state, including all legal changes made over the past forty years.

The Juvenile Justice Act of 1986 created the first national law which established standardised procedures for handling juvenile offenders in India after independence.<sup>11</sup> The law established different age limits for juvenile status based on gender because it defined boys as juveniles until they turned 16 and girls until their 18th birthday, which faced widespread condemnation as an arbitrary and unfair system.<sup>12</sup> The 1986 Act contained a paternalistic framework which combined criminal children with destitute children inside the same substandard penal facilities, which resulted in dangerous overlaps between these two groups.

Parliament passed the Juvenile Justice (Care and Protection of Children) Act 2000 to address structural deficiencies that prevented domestic law from fully matching the requirements of the UNCRC.<sup>13</sup> The 2000 Act created a major legal change by establishing a common age threshold for juvenile status that applied equally to both males and females.<sup>14</sup> The law banned death sentences and life sentences without parole for juvenile offenders, while it required the creation of specialised Juvenile Justice Boards and Child Welfare Committees, which handled juvenile court cases and child welfare matters.<sup>15</sup>

The 2000 Act suffered from total implementation failure because states operated their systems

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<sup>9</sup> Juvenile Justice System in India: Reforms, Gaps & Implementation | Dhyeya IAS, accessed May 6, 2026, <https://www.dhyeyaias.com/current-affairs/daily-current-affairs/juvenile-justice-system-india-reforms-gaps-implementation>

<sup>10</sup> Ibid,4.

<sup>11</sup> Landmark Judicial Pronouncement Shaping Juvenile Justice in India - IJFMR, accessed May 6, 2026, <https://www.ijfmr.com/papers/2025/5/57293.pdf>

<sup>12</sup> Untitled - HAQ : Centre for Child Rights, accessed May 6, 2026, <http://haqcrc.org/wp-content/uploads/2016/07/blind-alley-juvenile-justice-in-india.pdf>

<sup>13</sup> Ibid,3.

<sup>14</sup> Ibid,11.

<sup>15</sup> Sampurna Behrua vs Union of India on 9 February, 2018, accessed May 6, 2026, <https://indiankanoon.org/doc/67162757/>

at the lowest possible level. The Supreme Court later observed that states had not developed essential infrastructure over several decades, leaving legislation as only unfulfilled commitments. The HAQ Centre for Child Rights documented in the report "Blind Alley" how the 2000 Act was used against children who needed protective care because of its design, which created a dangerous criminal cycle that treated neglected children like dangerous offenders.<sup>16</sup>

The most important break in India's system of juvenile justice happened after the terrible gang rape case, which took place in New Delhi in December 2012.<sup>17</sup> The public reacted with extreme anger after learning that a juvenile who was just months away from turning 18 had committed a brutal crime, which started a national argument about whether the juvenile justice system could handle such cases.<sup>18</sup> The critics of the law maintained that the maximum punishment of three years for Special Home detention under the 2000 Act actually applied to serious crimes when older adolescents had the mental capability to grasp all consequences which followed violent behaviour. The advocates for child rights warned that any attempt to reduce the age of juvenile status or implement punitive transfers would permanently damage the system's restorative basis and lead to violation of India's international treaty commitments.<sup>19</sup>

The Parliament repealed the 2000 Act to establish the Juvenile Justice (Care and Protection of Children) Act, 2015, after public and political pressure became overwhelming. The 2015 legislation completely transformed the existing system by establishing a contentious "waiver" or "transfer" framework.<sup>20</sup> The 2015 Act establishes three specific categories of juvenile offences: petty offences, which carry a maximum punishment of three years; serious offences, which carry a penalty of between three and seven years; and heinous offences, which carry a minimum sentence of seven years.<sup>21</sup>

Section 15 of the 2015 Act requires the Juvenile Justice Board to conduct a preliminary examination of a child's mental and physical capacity to commit a serious crime when a child

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<sup>16</sup> Ibid,12.

<sup>17</sup> Ibid,3.

<sup>18</sup> The Juvenile Justice System in India and Children who commit serious offences – Reflections on the Way Forward, accessed May 6, 2026, [https://www.ojj.org/sites/default/files/documentos/the\\_juvenile\\_justice\\_system\\_in\\_india\\_and\\_children\\_who\\_commit\\_serious\\_offences.pdf](https://www.ojj.org/sites/default/files/documentos/the_juvenile_justice_system_in_india_and_children_who_commit_serious_offences.pdf)

<sup>19</sup> Ibid,4.

<sup>20</sup> Ibid,3.

<sup>21</sup> The Juvenile Justice (Care and Protection of Children) Amendment ..., accessed May 6, 2026, <https://prsindia.org/billtrack/the-juvenile-justice-care-and-protection-of-children-amendment-bill-2021>

aged 16 to 18 faces an accusation of a serious crime.<sup>22</sup> The case is transferred to a special Children's Court, which functions like a Sessions Court when the JJB determines that the child has sufficient mental capacity to be held responsible for their actions. The provision aimed to give the public what they wanted by holding violent offenders accountable, yet researchers found that it produced procedural challenges, which created psychological assessment responsibilities for JJBs that lacked sufficient resources.

### **The 2021 Amendment Act: Administrative Centralisation and Doctrinal Controversies**

The Parliament enacted the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, to remove operational delays that slowed child rehabilitation and to address problems in the legal system, thereby creating better judicial outcomes.<sup>23</sup> The government published the Juvenile Justice (Care and Protection of Children) Model Amendment Rules, 2022, to execute the new regulations, which required operational activation.<sup>24</sup> The government presented the amendment as a vital protection measure for children at district administrative offices; however, child rights experts, civil society organisations, and constitutional scholars have critically evaluated its essential elements from the outset.<sup>25</sup>

#### **A. The Executive Transfer of Adoption Jurisdiction**

The 2021 Amendment introduced its most significant organisational change: the complete transfer of adoption-proceeding jurisdiction to new authorities.<sup>26</sup> The 2015 Act established that formal adoption required a civil court to issue a judicial adoption order, thereby creating permanent legal links between the adoptee and their new family. The Statement of Objects and Reasons for the 2021 Amendment cited extreme, systemic delays in the civil justice system, noting that hundreds of adoption cases had been pending before courts for years, causing severe emotional distress to prospective adoptive parents and prolonging the institutionalisation of

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<sup>22</sup> Ibid,4.

<sup>23</sup> Juvenile Justice and Children in Conflict with the Law: A Study of Capacity at the Frontlines, accessed May 6, 2026, [https://indiajusticereport.org/files/IJR\\_JJ%202025\\_Main%20Report\\_.pdf](https://indiajusticereport.org/files/IJR_JJ%202025_Main%20Report_.pdf)

<sup>24</sup> THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) MODEL AMENDMENT RULES, 2022 - Makkala Hakku, accessed May 6, 2026, <https://makkalahakku.com/main-control/uploads/JJ%20Modal%20Rules%202016%20&%20amendment%202022%20Compilation.pdf>

<sup>25</sup> A Review of the Key Amendments and Provisions of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 - ResearchGate, accessed May 6, 2026, [https://www.researchgate.net/publication/392604797\\_A\\_Review\\_of\\_the\\_Key\\_Amendments\\_and\\_Provisions\\_of\\_the\\_Juvenile\\_Justice\\_Care\\_and\\_Protection\\_of\\_Children\\_Amendment\\_Act\\_2021](https://www.researchgate.net/publication/392604797_A_Review_of_the_Key_Amendments_and_Provisions_of_the_Juvenile_Justice_Care_and_Protection_of_Children_Amendment_Act_2021)

<sup>26</sup> Ibid,21.

young children.

The 2021 Amendment created a judicial solution to the ongoing case backlog by granting District Magistrates (DMs) and Additional District Magistrates (ADMJs) the sole power to issue adoption orders. The legislative reasoning held that the adoption process functions as a non-adversarial procedure, making it particularly appropriate for administrative and executive decision-making. Under the new framework, any person aggrieved by an adoption order passed by a DM may file an appellate petition before the Divisional Commissioner within thirty days.

The new structural changes pose major difficulties for both administrative operations and legal decision-making. Critics of executive administrative officers believe that these officials lack the necessary judicial training, constitutional independence, and teaching expertise to make sound decisions about what constitutes "the best interests of the child" in permanent legal proceedings. The judicial examination process during adoptions functions as an essential protection mechanism which prevents child trafficking, coercive practices, and improper handling of legal protective measures.<sup>27</sup> The belief that District Magistrates can shorten the duration of the process fails to acknowledge the actual working conditions, as they serve as the primary executive leaders of their districts and handle excessive workloads by leading more than 70 administrative and regulatory committees that operate across various government departments. The amendment likely resulted in the transfer of adoption documents from judicial backlogs into executive bureaucratic delays, which will not speed up the process of placing children into adoptive homes.

### **B. The Re-categorisation of "Serious Offences"**

The 2021 Amendment introduced a solution to resolve the existing legislative problem, which confused the classification of different criminal offences. The 2015 Act defined crimes based on their total possible punishment range from the lowest sentence to the highest penalty. However, in the case of *Shilpa Mittal v. State of NCT of Delhi* (2020), the Supreme Court discovered a major statutory gap in the 2015 Act when it showed that the law did not define crimes which carry penalties above seven years but have no established minimum sentence or a minimum sentence below seven years.

The 2021 Amendment corrected this issue by widening the scope of what constitutes a

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<sup>27</sup> Ibid,12.

"Serious" offense. The amended Act's Section 2 now defines serious offences as crimes that carry a maximum sentence of imprisonment exceeding seven years, whether the law does not specify a minimum sentence or the minimum sentence is below seven years.<sup>28</sup> The new rules permit children charged with those particular offences to avoid adult court evaluation procedures, thereby helping maintain certain juvenile rights.<sup>29</sup>

### C. The Reclassification of Institutional Crimes: A Regression in Child Rights

The 2021 Amendment contains its most disputed and legally complicated section through its changes to Section 86 of the JJ Act. The special law previously defined offences carrying prison terms of three to seven years as cognizable and non-bailable crimes, allowing police to initiate investigations and make arrests without waiting for a court order.<sup>30</sup> The 2021 Amendment completely transformed this category of crimes into non-cognizable and non-bailable offences.<sup>31</sup>

The reclassification process creates disastrous effects on the operational capacity of child protection organisations because it directly impacts all crimes defined in Chapter IX of the JJ Act.<sup>32</sup> The non-cognizable status includes protection against police investigation for the following specific offences:

- **Section 75:** Child Care Institution (CCI) staff and persons responsible for children who engage in child cruelty, abandonment, or physical abuse
- **Section 76:** Employing or utilising children for the purpose of begging.
- **Section 77:** Giving intoxicating liquor, narcotic drugs, or psychotropic substances to a child.
- **Section 78:** Using a child for vending, peddling, carrying, or smuggling any intoxicating liquor or narcotic drug.

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<sup>28</sup> THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) AMENDMENT ACT, 2021 NO. 23 OF 2021 An Act to amend the Juvenile Justice - CARA, accessed May 6, 2026, [https://cara.wcd.gov.in/PDF/JJ%20Amendment%20Act%20-2021\\_.PDF](https://cara.wcd.gov.in/PDF/JJ%20Amendment%20Act%20-2021_.PDF)

<sup>29</sup> Ibid,21.

<sup>30</sup> Juvenile Justice Amendment Act 2021 – A Critical View, accessed May 6, 2026, <https://leilaseth.org/juvenile-justice-amendment-act-2021-a-critical-view/>

<sup>31</sup> Ibid,21.

<sup>32</sup> Ibid,30.

- **Section 79:** Exploitation of a child employee.
- **Section 81:** Sale and procurement of children for any purpose.
- **Section 83:** Use of children by militant groups or other adults for illegal activities.

The government has classified these serious institutional crimes as non-cognizable, thereby removing the police power to conduct investigations and make arrests upon receiving complaints. Police officers need a Magistrate's specific order to begin investigating non-cognizable cases under Section 155(2) of the Code of Criminal Procedure, 1973.

The Supreme Court has received strong opposition against this amendment from child rights groups and DCPCR, which argue that the amendment violates international standards for child protection.<sup>33</sup> The fundamental flaw in the legislature's logic lies in ignoring the extreme power asymmetry within institutional care.<sup>34</sup> Vulnerable, incarcerated children are entirely incapable of independently navigating the judicial system to directly report abuse to a Magistrate. Only parents, NGOs, and Child Welfare Committees can report crimes, and they must do so. The required waiting period, which exists until police obtain a complete Magisterial order to enter a facility, gives adult suspects enough time to destroy evidence, scare child victims, create false institutional records, and escape all judicial proceedings.<sup>35</sup> The academic critiques demonstrate how the legislature created a distinction between crimes which children commit and crimes which adults commit against children. The amendment protects adult predators who operate within the state's child welfare system by designating their offences against children as non-cognizable crimes.

### **Judicial Interventions: The Supreme Court as the Sentinel of Juvenile Rights**

The higher judiciary in India has to perform its duty of interpreting and enforcing the statutory and constitutional rights of juveniles because the executive branch shows persistent apathy, and legislative bodies repeatedly make mistakes. The judicial system in juvenile justice demonstrates a continuous battle between courts and the government, which tries to weaken

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<sup>33</sup> Ibid,25.

<sup>34</sup> Issue with the Juvenile Justice Amendment Act, 2021 - Drishti IAS, accessed May 6, 2026, <https://www.drishtiiias.com/daily-news-analysis/issue-with-the-juvenile-justice-amendment-act-2021>

<sup>35</sup> Ibid,30.

the law's non-punitive treatment of offenders.<sup>36</sup>

### A. Foundational Jurisprudence and the Interpretation of Age

The Supreme Court has established the fundamental principle of the juvenile system, which focuses on the restoration of juvenile offenders, through its judicial decisions. The Supreme Court established a comprehensive system to protect children from unconstitutional adult jail detention in *Sheela Barse v. Union of India* (1986) by issuing extensive orders requiring the establishment of separate juvenile courts and remand homes.<sup>37</sup> The Supreme Court held in *Bhola Bhagat v. State of Bihar* (1997) that the primary goal of juvenile law is to reform juvenile offenders so they become valuable members of society, as the legal framework operates on restorative rather than retributive principles.<sup>38</sup>

The legal determination of age and eligibility for juvenile benefits from earlier periods has become a highly contested issue in juvenile law. The Supreme Court determined in *Pratap Singh v. State of Jharkhand* (2005) that the exact date of the offence establishes juvenile status for accused individuals who must be judged according to their age at that moment. The essential interpretation ensures that individuals who commit crimes as minors and become adults through later arrest or trial proceedings retain their juvenile protection rights. The Court established in *Hari Ram v. State of Rajasthan* (2009) that defendants can present a claim of juvenility at any point in the legal proceedings, which includes the time after their conviction, because judges must accept juvenility proof through standard evidence, which requires more evidence than "preponderance of probabilities" without needing to reach the highest standard "beyond a reasonable doubt".<sup>39</sup>

The Supreme Court faced intense pressure to weaken juvenile protections after the 2012 Delhi gang-rape incident. The Court maintained the constitutional legitimacy of the JJ Act, 2000, in *Salil Bali v. Union of India* (2013) while upholding the age of juvenility at 18 years.<sup>40</sup> The Court held that juvenile law should not function as a punishment system in which judges assess

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<sup>36</sup> Ibid,4.

<sup>37</sup> Landmark Juvenile Supreme Court cases in India - iPleaders, accessed May 6, 2026, <https://blog.iplayers.in/landmark-juvenile-supreme-court-cases-in-india/>

<sup>38</sup> Supreme Court of India, 2025 - S3waas, accessed May 6, 2026, <https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2025/10/2025101472.pdf>

<sup>39</sup> Landmark Judicial Pronouncement Shaping Juvenile Justice in India - IJFMR, accessed May 6, 2026, <https://www.ijfmr.com/papers/2025/5/57293.pdf>

<sup>40</sup> Ibid,38.

offenders based on the seriousness of their crimes. The State's commitment to rehabilitation programs remains intact, while the Court has demanded that all major policy alterations go through Parliament, which is overseen by elected representatives.<sup>41</sup>

### **B. *Sampurna Behura v. Union of India* (2018): Exposing Executive Paralysis**

The Public Interest Litigation *Sampurna Behura v United India 2018* established the first comprehensive judicial investigation, which found that the juvenile justice system operated in a completely dysfunctional manner.<sup>42</sup> The Supreme Court decision served dual functions: it presented an evidence-based condemnation of governmental authorities and directly accused the Central and State administrations of failing to fulfil their responsibilities to implement child protection laws.<sup>43</sup>

The Court expressed deep disappointment because, 18 years after the enactment of the 2000 Act, states continued to lack essential legal structures, including operational Juvenile Justice Boards and Child Welfare Committees in every district. The Court identified that existing institutions only displayed "cosmetic changes" which permitted governmental indifference to continue harming children. The Court showed that Observation Homes functioned as adult prisons because they operated under armed police surveillance, which entirely abandoned child-friendly legal requirements. The Court identified two major financial system flaws: multiple State Governments either failed to create the required Juvenile Justice Fund or established it with an embarrassing sum of only a few thousand rupees.

The *Sampurna Behura* judgment created an enforcement mechanism which required all parties to execute the established operational directives through its order of complete mandatory compliance:

1. **Mission Mode Recruitment:** State Governments must fill all National Commission for Protection of Child Rights (NCPCR) State Commissions (SCPRs) JJBs and CWCs vacant positions within three months.<sup>44</sup>
2. **Specialised Policing and Legal Infrastructure:** The Court required all police

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<sup>41</sup> Ibid,39.

<sup>42</sup> Ibid,37.

<sup>43</sup> Ibid,15.

<sup>44</sup> Ibid,37.

**stations and local police stations to establish Special Juvenile Police Units (SJPUs) and Child Protection Units so that** both districts and police stations would provide state contact points for children who need sensitive and non-coercive contact.<sup>45</sup> Only high-quality legal aid lawyers should be granted exclusive rights to become empanelled during their training to support juvenile clients.

- 3. Mandatory Social Audits and High Court Oversight:** The Court ordered social audits to be performed every six months because it did not trust the government's internal reporting.<sup>46</sup> The Court required all High Courts to establish special Juvenile Justice Committees, which judges from the High Court would lead to inspect home living conditions, track adoption cases, and complete legal proceedings.<sup>47</sup>

The highest court in the country issued binding constitutional directives, yet executive authorities have only partially complied, while systemic structural gaps have continued to increase, according to data collected during the five years that followed.<sup>48</sup>

### **Empirical Realities of the Adjudicatory Infrastructure: The Capacity Quagmire**

The entire theoretical edifice of the juvenile justice system relies upon the efficient, professional functioning of its foundational adjudicatory institutions: the Juvenile Justice Boards (JJBs). The JJ Act and the Model Rules mandate every district to establish at least one JJB. A fully operational JJB must include a Principal Judicial Magistrate and two trained social workers who will evaluate cases, integrating legal procedure with a comprehensive psychosocial assessment into their decision-making process.<sup>49</sup>

The India Justice Report 2025, which used extensive parliamentary responses and nationwide Right to Information (RTI) inquiries as its main data sources, shows that the adjudicatory system is on the verge of collapse due to resource shortages, high levels of unfilled positions,

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<sup>45</sup> Ibid,15.

<sup>46</sup> Fifty Thousand Children, One Fragile System: What the New India Justice Report Tells Us About Juvenile Justice - Live Law, accessed May 6, 2026, <https://www.livelaw.in/articles/juvenile-justice-india-justice-report-2025-and-child-rights-312467>

<sup>47</sup> Ibid,15.

<sup>48</sup> Ibid,9.

<sup>49</sup> JJ Press Release ENGLISH - India Justice Report, accessed May 6, 2026, [https://indiajusticereport.org/files/IJR\\_JJ%20Report\\_Press%20Release\\_20%20November%202025.pdf](https://indiajusticereport.org/files/IJR_JJ%20Report_Press%20Release_20%20November%202025.pdf)

and extensive case backlogs.<sup>50</sup>

Table 1: Adjudicatory Pendency and Structural Capacity Deficits in Indian JJBs (Data as of October 2023)

Metric	National/State Statistics	Analytical Implication
<b>National Pendency Rate</b>	55% of all juvenile cases remain unresolved.	Chronic, systemic delays fundamentally negate the statutory mandate for "speedy inquiry" and immediate disposition, severely prejudicing the child's right to liberty.
<b>Total Unresolved Caseload</b>	Over 55,816 cases remain pending among the 100,904 registered cases in 21 states	The overwhelming number of pending cases increases the time that vulnerable children must stay in overcrowded Observation Homes, which lack proper resources.
<b>Extreme State Disparities</b>	Odisha reports an 83% pendency rate; Karnataka reports 35%.	The geographical divide creates inequitable access to justice because a child's state of residence determines whether they receive timely rehabilitation and justice services.
<b>Bench Constitution Deficits</b>	24% (1 in 4) of operating JJBs lack the legally mandated full 3-member bench.	Adjudication frequently occurs without the essential perspectives of social workers, rendering the process highly formalised, purely punitive, and distinctly non-child-friendly.
<b>Average Annual Workload</b>	Each JJB has an average of 154 pending cases to handle	Principal Magistrates with excessive workloads must

<sup>50</sup> Ibid,23.

	throughout the year.	choose between two options: either neglect juvenile dockets in favour of adult criminal cases or conduct juvenile inquiries without a thorough examination of the evidence.
<b>Legal Representation Gap</b>	<b>30%</b> of JJBs lack an operational legal services clinic within their jurisdiction.	The system violates constitutional rights to legal aid, which results in children having to depend on public defenders who lack proper training in child psychology and handle many cases.

The data presents a bleak picture, indicating a decentralised system with major operational weaknesses. The operational system of JJBs in India fails to meet operational needs because, although 92% of India's 765 districts have established JJBs in accordance with the required regulations, these JJBs exist only on official documents. The judicial system faces a major problem: one in four JJBs lacks a complete bench, leading magistrates to make decisions about thousands of children without the required psychological and social evaluations, which should be central to juvenile justice. All operational boards in Odisha, Sikkim, and Jammu & Kashmir have fully constituted three-member benches in their respective territories.

JJBs exist throughout the country in numbers that do not accurately reflect the actual level of juvenile criminal activity. The National Capital Territory of Delhi operates 7 JJBs, which serve its 11 districts, despite accounting for approximately 42% of all alleged youthful offenders in the region. The local systems now experience severe operational blockages due to the existing complete imbalance in the system.

The entire 30% of JJBs operate without dedicated legal services clinics, creating a major negative impact. The JJ Act protects children from police violations and unlawful detention through its legal representation system, which depends on strong legal defence. The lack of specialised clinics with lawyers who specialise in juvenile law results in children receiving representation from standard legal aid lawyers who handle juvenile hearings in the same way as adult bail hearings, while failing to support diversion programs, personalised treatment

strategies, and enforcement of institutional minimum standards.<sup>51</sup>

### **Child Care Institutions and the Implementation Chasm**

The juvenile justice system operates through JJBs, which function as its brain. The institutions must meet all requirements of the JJ Act 2015 and the Juvenile Justice Model Rules 2016 (amended 2022), which establish binding minimum standards for their physical facilities, including the separation of individuals, the maintenance of sanitary conditions, the meeting of nutritional needs, and the provision of spaces for recreation.<sup>52</sup> The law mandates that all institutions create secure environments that protect children while enabling their psychological growth and rehabilitation. The actual circumstances show that major shortages and extreme overcrowding exist, and that essential services necessary to maintain basic human dignity are lacking.

The architectural design of institutions is divided into three main types, which serve children who face legal conflicts:

1. **Observation Homes:** The facility provides safe temporary custody for CCLs until their JJB hearing begins.
2. **Special Homes:** The facility receives CCLs who have been officially determined to have committed a crime and whose rehabilitation requires institutional reform.
3. **Places of Safety:** The facilities function as secure facilities which store older children (aged 16 to 18) who face serious charges and need protection from emerging petty offenders.

The state's basic infrastructure needs are at risk of complete failure, according to findings from the India Justice Report 2025.

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<sup>51</sup> Ibid,9.

<sup>52</sup> Juvenile Correctional Home Standards. - Law Gratis, accessed May 6, 2026, <https://www.lawgratis.com/blog-detail/juvenile-correctional-home-standards>

Table 2: National Capacity and Resource Deficits in Child Care Institutions

<b>Institutional Metric</b>	<b>Ground Reality / Data Point</b>	<b>Impact on Rehabilitation</b>
<b>Observation Homes</b>	India has 319 homes which serve its 765 district locations. Goa is the only state with a home in every district.	Institutions face severe overcrowding, which forces them to mix different age groups and offence groups, which leads to increased violence and psychological trauma within institutions.
<b>Places of Safety</b>	The country has 40 existing safety facilities which maintain protection. The 14 major states have no safety facilities, including Maharashtra, Gujarat, and Andhra Pradesh.	Older juveniles who face serious charges get illegally placed with younger offenders, which creates dangerous conditions for abusive behaviour and criminal education to take place.
<b>Gender-Specific Facilities</b>	Only 40 CCIs exist that serve girls across 292 surveyed districts.	Authorities need to take female juveniles far away from their families and legal representatives, or they must keep them in dangerous and unprotected areas of male facilities.
<b>Medical Professional Capacity</b>	Only 19 of the 171 CCIs we assessed have a full-time doctor. The 15 states which we sampled reported that 80% of their institutions had no medical personnel.	The facilities provide health services which allow treatment for chronic diseases and injuries from physical assault and malnutrition.
<b>Mental Health Resources</b>	Psychological counsellors work in 70 of the 171 CCIs.	The system fails to address delinquency root causes, which

		include trauma, substance abuse, and broken families. This guarantees that recidivism will occur at high rates.
<b>Administrative Leadership</b>	Only 82 full-time persons-in-charge (superintendents) work in 128 institutions across 15 states.	Leaderless institutions suffer from total administrative breakdown, poor discipline, and a lack of coordinated care.

The current system experiences its most critical infrastructural breakdown because it completely lacks "Places of Safety", which function as essential safe zones. The 2015 Act's controversial waiver system depended on the state's ability to keep older adolescents who presented dangerous potential separate from younger children who showed a high risk of being influenced. 14 states continue to break daily JJ Act requirements because they have not built the essential facilities. The experts point out that the system generates a harmful situation in which the state sends a young child who committed petty theft to an overcrowded Observation Home with 17-year-olds who face murder charges, which then transforms state welfare institutions into official educational centres for criminal behaviour.<sup>53</sup>

The juvenile justice system requires human resources because it relies on people to perform essential tasks throughout the system. True rehabilitation requires more than secure walls, as it demands specialised professionals with the skills to carry out therapeutic work.<sup>54</sup> The data reveals a systemic absence of professional care services. The healthcare system suffers from an extreme shortage of medical and mental health practitioners.<sup>55</sup> Delinquency emerges as a criminal choice when it represents the visible expression of deep-rooted psychosocial trauma, systemic neglect, and substance abuse.<sup>56</sup> The absence of clinical psychologists and counsellors in CCIs results in their functioning as basic detention facilities. The Act's requirement to provide "behaviour modification therapy and psychiatric support" remains entirely unrealised

<sup>53</sup> Fifty Thousand Children, One Fragile System: What the New India Justice Report Tells Us About Juvenile Justice - Live Law, accessed May 6, 2026, <https://www.livelaw.in/articles/juvenile-justice-india-justice-report-2025-and-child-rights-312467>

<sup>54</sup> Ibid,24.

<sup>55</sup> JJ Press Release ENGLISH - India Justice Report, accessed May 6, 2026, [https://indiajusticereport.org/files/IJR\\_JJ%20Report\\_Press%20Release\\_20%20November%202025.pdf](https://indiajusticereport.org/files/IJR_JJ%20Report_Press%20Release_20%20November%202025.pdf)

<sup>56</sup> Ibid,4.

in 80% of India's institutions.<sup>57</sup>

The complete lack of infrastructure, together with inadequate human resources, stems from extreme fiscal negligence. The federal and state budgets maintain child protection as the least important issue despite political leaders using strong language to advocate for child rights.<sup>58</sup> Child protection under the flagship *Mission Vatsalya scheme* received a budget of Rs 1,500 crore in the 2025-26 Union Budget, representing a mathematically insignificant 0.03% of the total Union budget.<sup>59</sup> The progressive JJ Act mandates become impossible to implement without substantial increases in local funding, which will need to occur at an exponential rate.

### **The Delhi Microcosm: A Case Study in Systemic Dysfunction and Oversight Failure**

The National Capital Territory of Delhi presents the most extreme and contradictory evidence of national systemic deficiencies, along with existing capacity limitations, as demonstrated by national research.<sup>60</sup> The bureaucratic system that protects children in Delhi exhibits persistent operational failures because it combines extensive financial resources, centralised administrative authority, and continuous daytime monitoring by the Juvenile Justice Monitoring Committees of the Delhi High Court. Multiple independent statutory audits, together with high-level judicial inquiries, have thoroughly documented this existing situation.

#### **A. The CAG Performance Audit (Report No. 1 of 2023)**

The performance audit conducted by the CAG of India revealed major deficiencies in the Delhi Government's ability to safeguard vulnerable children requiring care and protection from April 2018 to March 2021.<sup>61</sup> The state's total refusal to recognise existing data was the most serious basic conclusion the audit reached. The CAG reported that the government had utterly failed to conduct basic, systematic surveys to identify the actual numbers of orphans, exploited street children, or children with severe physical and mental disabilities within its jurisdiction.<sup>62</sup> The CAG stated that the government needed credible data to create accurate policies, develop

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<sup>57</sup> Ibid,57.

<sup>58</sup> Ibid,12.

<sup>59</sup> Ibid,57.

<sup>60</sup> NEW DELHI CIRCULAR Chairperson Members, accessed May 6, 2026, [https://www.delhihighcourt.nic.in/files/2025-11/committee\\_rules.pdf](https://www.delhihighcourt.nic.in/files/2025-11/committee_rules.pdf)

<sup>61</sup> Audit Reports | Director General of Audit, Defence Services, New Delhi, accessed May 6, 2026, <https://cag.gov.in/defence/new-delhi/en/audit-report/details/124697>

<sup>62</sup> Untitled - Comptroller and Auditor General of India, accessed May 6, 2026, [https://cag.gov.in/uploads/download\\_audit\\_report/2023/Report-No.-1-of-2023\\_CNCP\\_English-\\_09-02-2023-069c26599054797.71061814.pdf](https://cag.gov.in/uploads/download_audit_report/2023/Report-No.-1-of-2023_CNCP_English-_09-02-2023-069c26599054797.71061814.pdf)

essential infrastructure, and distribute appropriate resources, a need that became impossible to meet without such data.

The WCD department reported on paper that it had identified 73,218 vulnerable street children in 2018, but the CAG audit determined this number was highly misleading because it showed only 34,015 children in Delhi who received institutional care and tracking services throughout the entire city.<sup>63</sup> The audit revealed disastrous failures in both regulatory and administrative processes. The Mehrauli children's home for boys operated without legal registration for multiple years before being detected. The NGO managing the centre failed to present their children to the Child Welfare Committee despite having 18 vulnerable children in their care because they could only show six children, leading to alarming concerns about missing children. The children were permitted to remain at the unregulated facility for four additional years after the government had rejected the home's registration application three years earlier because administrative operations had completely stopped.

The CAG assessed the institutional quality of life through its audit process and identified multiple institutions with serious violations of the Model Rules. The educational system achieved terrible results because only 54% of institutionalised children received formal education. The basic human right to nutritional standards was violated because an assessment of 11 homes showed they systematically under-provisioned dietary needs, including eggs, dairy, cereals, and proteins essential for developing adolescents to reach their maximum growth potential. The audit found that the Delhi State Child Protection Society lacked any leadership capacity because its governing body operated as a "dysfunctional" organisation.

### **B. The Justice Madan Lokur Panel Inquiry (2022)**

The Delhi Commission for Protection of Child Rights (DCPCR) established a high-level investigative panel in early 2022 to investigate institutional care, which had shown serious deterioration across its operational territory.<sup>64</sup> The panel included former Supreme Court Justice Madan B. Lokur, who headed the organisation, as well as juvenile justice and child rights specialists who worked in the field. The panel conducted ground inspections to investigate how child legal services operate across Delhi's CCIs and detected strong opposition

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<sup>63</sup> No data on kids needing care in Delhi: Audit report - Hindustan Times, accessed May 6, 2026, <https://www.hindustantimes.com/cities/delhi-news/no-data-on-kids-needing-care-in-delhi-audit-report-101774291534460.html>

<sup>64</sup> *Ibid*, 23.

from users who experienced systemic delays in the legal process.

The inquiry found that legal aid counsel faced long-term systemic problems that prevented them from filing essential bail applications, thereby violating the JJ Act's main requirement to restore freedom without delay. The investigators discovered that the institutionalised children lacked understanding about their legal proceedings because they had no knowledge regarding their legal rights, the reason for their detention, or the way to reach their legal aid attorneys. The system removes children from the adult criminal justice system but then sends them to an institutional black hole, which uses barbed wire and extreme overcrowding to create a space without legal support and without any chance for proper reintegration efforts.<sup>65</sup>

### **Operationalising Rehabilitation: NGO Models and Civil Society Interventions**

The juvenile justice system maintains its fundamental belief that young offenders can achieve rehabilitation through education and secure social reintegration, a belief that civil society groups and NGOs demonstrate through their daily work. Specialised NGOs, which maintain local operations, deliver essential operational models that help government systems at all levels execute their JJ Act rehabilitation obligations, as state agencies often fail to function properly due to budget constraints, administrative inflexibility, and staff shortages.<sup>66</sup>

The Juvenile Justice Model Rules 2016, Chapter IV, prescribes a detailed administrative framework to achieve rehabilitation by requiring that Social Investigation Reports be completed within 15 days of a child entering the system, and that Child Welfare Officers then create Individual Care Plans for each case.<sup>67</sup> The mandatory plan must address every aspect of the child's developmental requirements, including health, emotional, educational training, and social mainstreaming needs. The total number of Legal-cum-Probation Officers (LCPOs) is 142, while they serve 292 districts across the country, leaving state facilities unable to provide the necessary staff to implement personal development programs.<sup>68</sup> The absence of support personnel forces probation officers to manage their extensive workload of home visits, court

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<sup>65</sup> Fifty Thousand Children, One Fragile System: What the New India Justice Report Tells Us About Juvenile Justice - Live Law, accessed May 6, 2026, <https://www.livelaw.in/articles/juvenile-justice-india-justice-report-2025-and-child-rights-312467>

<sup>66</sup> NGO roles in promoting restorative juvenile justice programmes, accessed May 6, 2026, <https://www.euforumrj.org/ngo-roles-promoting-restorative-juvenile-justice-programmes>

<sup>67</sup> Ibid,24.

<sup>68</sup> JJ Press Release ENGLISH - India Justice Report, accessed May 6, 2026, [https://indiajusticereport.org/files/IJR\\_JJ%20Report\\_Press%20Release\\_20%20November%202025.pdf](https://indiajusticereport.org/files/IJR_JJ%20Report_Press%20Release_20%20November%202025.pdf)

appearances, and counselling sessions, leading them to create a standard bureaucratic document that lacks specific value for the Individual Care Plan.<sup>69</sup>

### A. Ground-Level NGO Interventions: The ECHO India Paradigm

Organisations based in Bangalore, such as the Empowerment of Children and Human Rights Organisation (ECHO), demonstrate that adequate funding and individualised implementation of holistic restorative justice methods can yield powerful, transformative results.<sup>70</sup> After operating for more than 20 years, ECHO bypasses the state system's punitive inertia by focusing on behaviour modification through intensive psychological counselling, specialised vocational training, and post-release legal support services.

The success stories documented by ECHO India provide compelling evidence that challenges the societal belief that juvenile offenders are inherently dangerous and cannot be redeemed.

- **Educational Reintegration:** A case study of 'Nagaraj' describes a child who entered detention at 13 after committing a crime and came from extreme poverty with an alcoholic father. ECHO provided immediate legal assistance, leading to his release from containment, and then delivered intensive family counselling and bridging educational services. Nagaraj progressed from being a third-grade dropout to earning a B. Com degree from a prestigious university and later securing high-level corporate employment.
- **Vocational Skilling and Corporate Partnerships:** The NGOs understand that social reintegration cannot occur without economic empowerment. The NGOs use their partnerships with local industries and government authorities to provide direct employment opportunities. 'Ravi' spent several months in an Observation Home before he joined ECHO's Special Home, where he completed intensive life-skill training. ECHO successfully assisted him in joining the local Traffic Police Assistance program. The state authorities provided him with formal training and certification, enabling him to secure permanent employment in a dignified position and thus ending his cycle of social alienation. 'Adarsh', who had no family support, received guidance through his Diploma in Hotel Management program, which later helped him obtain a supervisory position in

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<sup>69</sup> Ibid,67.

<sup>70</sup> LEAP OF TRANSFORMATION - ECHO-Center for Juvenile Justice, accessed May 6, 2026, <https://echoindia.org/wp-content/uploads/2024/05/Transformation-Success-Story-2020.pdf>

Oman.

- **Arts and Cultural Competence for Rehabilitation:** The successful NGOs use creative outlets which respect local cultures to help institutionalised children who suffer from severe trauma while facing lost self-esteem. ECHO's "Parivarthan" musical drama program helps youth develop their social confidence, public speaking skills, and emotional regulation. Research consistently demonstrates that when communities engage in restorative practices with cultural competence, these approaches result in lower recidivism rates than traditional retributive isolation practices.<sup>71</sup>

## B. Specialised De-addiction and the Recycling of Trauma

The Society for Promotion of Youth & Masses (SPYM) shows through its intervention programs that substance abuse functions as a primary factor which causes juvenile delinquency. The Navchetna program, created by SPYM for juvenile drug de-addiction, proved so successful that the Government of India adopted its Community-Based Peer-Led Intervention module after it was scaled across India.<sup>72</sup>

The civil society models demonstrate an essential organisational truth: rehabilitation requires more than an official legal statement, as it demands dedicated resources for personalised work throughout the entire rehabilitation time frame. The state systems use extensive supervision to prevent vulnerable children from falling into an endless cycle of being reused by the system. The state rehabilitation system for rescued child labourers has massive flaws, which lead to almost 20 per cent of rescued children facing difficulties in reaching school, while they fall back into either abusive labour situations or criminal activities.<sup>73</sup> The state needs to move away from its current approach of simply containing custodians and instead create a partnership with NGOs that uses both approved methodologies and local expertise to enhance state-run Child Care Institutions through its established funding systems.

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<sup>71</sup> Ibid,68.

<sup>72</sup> Juvenile Drug De-addiction and Rehabilitation Centre: Giving Young Lives a Second Chance - Dianova International, accessed May 6, 2026, <https://www.dianova.org/news/juvenile-drug-de-addiction-and-rehabilitation-centre-giving-young-lives-a-second-chance/>

<sup>73</sup> Singh | Rehabilitation of Rescued Children from Worksites in India | Social Development Issues, accessed May 6, 2026, <https://journals.publishing.umich.edu/sdi/article/id/1824/print/>

## **Conclusion**

The juvenile justice system of India currently experiences severe cognitive dissonance because its modern legal system creates international compliance through its progressive laws, which people show no interest in executing because Indian institutions operate as punishment-based systems. The Juvenile Justice (Care and Protection of Children) Act 2015, together with the full requirements of the Model Rules of 2016, establishes binding legal standards that define restorative justice, child-centred judicial processes, and all-inclusive rehabilitation methods. The research evidence and judicial audits of the system show that at every essential stage of implementation, the entire process, from the legal framework to actual operation, becomes unworkable.

The state government's legislative measures, especially the 2021 Amendment Act, have introduced multiple new risks which actually create more fundamental obstacles. The legislative system has chosen to help state institutions through official procedures while protecting state institutions from constitutional obligations, which safeguard children's rights by giving permanent adoption authority to too many administrative executive magistrates and by changing severe institutional offences, such as staff cruelty and drugging, and CCI staff exploitation into non-cognizable offences.

The administrative and physical institutional environment creates an unsustainable situation. The judicial system completely fails to provide prompt individual justice because more than 55% of juvenile cases are stuck in pending cases, while Juvenile Justice Boards function without full bench capacity, and all major states lack dedicated 'Places of Safety' facilities. Child Care Institutions operate as abusive detention centres because they lack essential personnel to provide medical, psychological, and legal probation services. The documented administrative failures in Delhi show that even a resource-rich jurisdiction faces a national crisis of data blindness, allowing institutional abuse to proceed unpunished while executive responsibility remains absent throughout the country.

The state needs to increase the budget for child protection systems to a level that makes it a fundamental developmental requirement, thereby necessitating special national funding. The immediate construction of statutory Places of Safety and gender-specific secure facilities needs to become the main focus of all districts, as it addresses the urgent need to build all infrastructure facilities. The entire system must undergo professionalisation because CCIs,

SJPUs, and JJBs need permanent staff with training as clinical psychologists, medical training, and specialised training in legal aid council work.

The government must establish statutory monitoring systems that operate through independent parties conducting unannounced social audits to end internal government protection of wrongdoing.

Civil society organisations have demonstrated through their research that when children receive comprehensive, compassionate, and structured psychosocial support, they can successfully become productive citizens. States demonstrate their legal culture and moral values through their treatment of vulnerable populations who lack the ability to speak up. The Indian state will continue to use its juvenile justice system as a tool for marginalising people through its institutional investments until it matches its institutional investments with its legal commitments.