
CHILD PROTECTION FRAMEWORK IN INDIA: A CRITICAL ANALYSIS OF THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

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ABSTRACT

Children represent one of most vulnerable categories within society, who require special attention legally to ensure their survival, growth, participation and protection. The Indian Constitution, international obligations and legislative enactments all provide for need to protect children from any form of neglect, abuse, exploitation and even criminalization. One of important pieces of legislation related to protection of children within India is Juvenile Justice (Care and Protection of Children) Act, 2015. This law was introduced with objective of consolidating and amending law dealing with children who are alleged to be in conflict with law or children in need of care and protection.

Even with laudable goals that it seeks to achieve Act continues to spark debates especially provision for trying adolescents between ages of sixteen to eighteen accused of committing grave crimes as adults following their preliminary assessment by Juvenile Justice Board. Criticisms have further arisen with regard to efficacy of institutional mechanisms like Juvenile Justice Boards, Child Welfare Committees, Observation Homes, Special Homes and Child Care Institutions. In this paper, framework of child protection provided for in Juvenile Justice Act, 2015 is analyzed in light of its philosophy, legislative history, institutional mechanisms, implementation issues, legal interpretations and current issues facing Act.

Keywords: Child Protection, Juvenile Justice Act, Juvenile Delinquency, Child Rights, Rehabilitation, Child Welfare Committee, Juvenile Justice Board.

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1. INTRODUCTION

The safety of children has become a key aspect in modern day law making. They are regarded as individuals possessing their own rights who require unique care in terms of physical, emotional, intellectual and social growth provided by State. The notion of child protection refers to all types of measures aimed at preventing abuse, neglect, exploitation, trafficking, violence and illegal treatment of children.

Child protection is deeply embedded into Indian Constitution. Article 15(3) grants State right to enact any special provision for children. Articles 21, 21A, 23 and 24 protect children from exploitation and deprivation of education and prohibit child labor. Besides Directive Principles of State Policy compel State to provide children with favorable conditions which would enable them to grow up freely and respectably, without fear of moral and material abandonment.³

In terms of evolution Indian juvenile justice laws transformed from welfare to rights based perspective owing to international treaties. The UN Convention on Rights of Child signed by India in 1992 had a profound impact on domestic laws. According to convention children are rights bearers who should be rehabilitated and reintegrated taking into account their best interests.⁴

The Juvenile Justice (Care and Protection of Children) Act, 2015 constitutes most recent stage of development in this legislative process. It replaces Juvenile Justice (Care and Protection of Children) Act, 2000 and brings about several changes such as reclassification of offenses, expansion of adoption processes, enhanced child protection systems and pre procedure assessment of juveniles who have committed heinous offenses.

The promulgation of this law was greatly informed by public discussions that ensued after Delhi gang rape case of 2012 where a juvenile was among those charged with crime. Public outcry arose due to what was deemed as lenient treatment accorded to this offender in light of grave offense committed by him. This resulted in need for a better system that would accommodate both interests of child rights protection and societal accountability.

³ INDIA CONST. arts. 15(3), 21A, 23, 24, 39(e), 39(f).

⁴ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

2. EVOLUTION OF JUVENILE JUSTICE LEGISLATION IN INDIA

The origins of laws on juvenile justice in India can be traced to colonial enactments. One of the earliest acts in India that addressed juveniles involved Apprentices Act, 1850. Other colonial enactments included Reformatory Schools Act, 1897 which aimed at reform rather than punishment of juveniles.⁵

Several provincial legislations including Madras Children Act, 1920, Bengal Children Act, 1922 and Bombay Children Act, 1924 were enacted during the early twentieth century to address juvenile offenses. These acts were guided by the doctrine of *parens patriae* which implied that the State would protect children who were considered vulnerable.⁶

After Independence, Parliament enacted the Children Act, 1960 for Union Territories. In order to respond to juvenile delinquents and protect children, Parliament enacted the Juvenile Justice Act, 1986 which became the first national law. It aimed at creating a uniform legislative scheme throughout India.

The ratification of UNCRC led to more reforms which culminated in the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2000. The new legislation was informed by international guidelines relating to child rights, rehabilitation, social integration and diversion from prosecution.⁷

But with increasing fears about juveniles indulging in heinous crimes and shortcomings in the application process, the Juvenile Justice (Care and Protection of Children) Act was brought into effect in 2015. This act provided an institutional framework that dealt with problems associated with adoption, fostering, sponsorship, aftercare and rehabilitation of juveniles.

3. PHILOSOPHICAL FOUNDATIONS OF THE JUVENILE JUSTICE ACT, 2015

The principles of the Juvenile Justice Act, 2015 include various interrelated ones that set it apart from traditional systems of criminal justice.

Firstly, there is the principle of the best interest of the child. Any action that affects a child should give

⁵ Nadendla Roja Rani & Ramswaroop Pareek, A Critical Analysis on Juvenile Justice (Care and Protection of Children) Act, 2015, at 1–3.

⁶ Ved Kumari, *Juvenile Justice System in India: From Welfare to Rights* (Oxford Univ. Press 2004).

⁷ Shubham Vishwakarma, *Juvenile Justice: A Critical Analysis* 5–7.

preference to child's welfare, growth and rehabilitation. It reflects fact that children have unique capabilities and need special protection owing to their vulnerability.

Secondly, it features principle of restorative and rehabilitative justice. In contrast to criminal justice system for adults it concentrates on reforming young offenders not punishment. The aim is to find cause of delinquent actions and help offenders to return to society.⁸

Thirdly, there is last resort principle of institutional care. Priority is to be given to family based placement, adoption, foster placement, sponsorship and community based rehabilitation of children.

Fourthly, it includes principle of participation. Any child is given right to be heard when issues affecting them arise. The views of child must be considered depending on their age and level of mental maturity.

Lastly, Juvenile Justice Act promotes principle of dignity and worth. Every child should be shown kindness, sensitivity and respect under all conditions.

4. STRUCTURE OF THE JUVENILE JUSTICE ACT, 2015

The Act categorizes children into two broad groups:

(a) Children in Conflict with Law (CCLs)

These include children who have been alleged to commit offences before reaching age of eighteen. The Act introduces specific mechanisms through which these children are dealt with by using Juvenile Justice Boards.

(b) Children in Need of Care and Protection (CNCs)

These refer to orphan, abandoned, surrendered, trafficked, abused, neglected, homeless and other vulnerable children who require protection and care from state.

One of revolutionary features included by Act in juvenile laws includes categorization of

⁸ Preeti Varma & Amit Singh, An Analytical Approach to Juvenile Justice and Rehabilitation Measures Under Juvenile Justice Act in India (2024).

offences into:

- (i) petty offences,
- (ii) serious offences, and
- (iii) heinous offences.

A heinous offence refers to an offence that attracts a minimum punishment of seven years or more. Where children between ages of sixteen to eighteen years are alleged of committing heinous offences, Juvenile Justice Board is mandated to conduct an initial evaluation of mental and physical capacity of child to commit offence.⁹

5. CHILD PROTECTION UNDER THE ACT

Child Protection Framework Under Act Goes Beyond Issue of Juvenile Delinquency. Vulnerability is defined by law in multiple forms which include abandonment, neglect, abuse, exploitation, trafficking, forced labor and sexual exploitation. It entails legal provisions making it mandatory for State organs to trace out, rescue, rehabilitate and reintegrate these children.

The Act also improves process of adoption through centralized measures and provides legal legitimacy to foster care, sponsorship and aftercare services. The idea behind these measures is to make sure that institutionalization is minimized and children grow up in family settings.

The Child Protection Framework operates through following institutions Child Welfare Committees, District Child Protection Unit, Juvenile Justice Boards, Special Juvenile Police Unit and Child Care Institutions.

6. INSTITUTIONAL FRAMEWORK UNDER THE JUVENILE JUSTICE ACT, 2015

In addition to statutory framework itself effective implementation of child welfare law requires proper functioning institutions tasked with executing same. The Juvenile Justice (Care and Protection of Children) Act, 2015 provides for a detailed institutional arrangement to provide for a child friendly justice system and rehabilitation. This includes JJBs, CWCs, DCPUs,

⁹ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, ss 2(33), 15 (India).

SJPUs and CCIs.

The structure of legislation recognizes that there needs to be a system for children different from conventional system of criminal justice. But a number of studies show that while legislation may be structured well performance of institutions set up to implement laws is not uniform.¹⁰

7. JUVENILE JUSTICE BOARDS (JJBs)

Juvenile Justice Board is key adjudicatory forum responsible for dealing with children in conflict with law. Under Section 4 of Act every district shall constitute at least one Juvenile Justice Board comprising of a Metropolitan Magistrate or Judicial Magistrate of First Class and two social workers with one being a woman.

The function of Juvenile Justice Board is to exercise exclusive jurisdiction in respect of proceedings against children alleged to have committed offences. It consists of following tasks:

- (i) Conduct inquiry and determine age;
- (ii) Determine rehabilitation needs;
- (iii) Supervise social investigation report and
- (iv) Pass necessary orders regarding rehabilitation and reintegration of child offender.

The most debated power given to Juvenile Justice Board is right to hold a preliminary enquiry under Section 15 of Act in cases where offenders fall between sixteen to eighteen years and have committed heinous offences. The following issues will be considered during preliminary enquiry:

- (i) Intellectual ability to commit offence;
- (ii) Physical ability to commit offence;

¹⁰ Nazrah Altaf & Nazia Khan, “Comprehensive Analysis of Functioning of Juvenile Justice Institutions in India” 76 92.

(iii) Capacity of understanding consequences of offence and

(iv) Situation where offence was committed.

Proponents claim that measure is in line with emerging trends in juvenile delinquency, as well as community apprehensions about crimes committed by older youths. Opponents on other hand, maintain that it is impossible to gauge psychological maturity in brief judicial hearings and that measure defeats rehabilitative nature of system itself.¹¹

Research indicates that many Boards experience problems such as lack of trained staff, lack of adequate infrastructure, delay in hearing cases and ignorance of children's psychology. Board vacancy has become an issue in a number of states.¹²

8. CHILD WELFARE COMMITTEES (CWCs)

Child Welfare Committees are by far most critical institution for managing children who need protection. As stipulated in Section 27 of Act CWCs are quasi judicial institutions responsible for making decisions on issues relating to neglected, abandoned, orphaned, abused, trafficked and vulnerable children.

Every Committee comprises a Chairperson and four members skilled in areas such as child welfare, psychology, education, law and social work. The Committee is mandated to:

- (i) Investigate cases concerning vulnerable children;
- (ii) Order children declared legal orphans for adoption purposes;
- (iii) Return children to their families whenever necessary;
- (iv) Suggest institutional or non institutional care and
- (v) Supervise process of rehabilitation and reintegration.

¹¹ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, s 15 (India).

¹² D.C. Nanjunda, *Childcare Institutions Under Juvenile Justice (Care and Protection) Act, 2015: Status and Measures to Improve* (Bureau of Police Research & Development, Ministry of Home Affairs, Gov't of India 2023).

These committees are supposed to act as key guardians of child protection system. Studies show however that there are serious problems. In their study on Child Care Institutions in India it was found that there were vacancies in many Committees, poor coordination with District Child Protection Units, lack of regular meeting and slow decision making.¹³

More problems have been raised concerning lack of consistency among states. While some Committees show initiative and adopt a child oriented approach other Committees experience shortages in resources inadequacies in training and heavy workload.

The impact of CWCs is especially important since their decisions have an effect on vulnerable children's future. Delay in freeing children from legal bondage to be adopted making decisions on rehabilitation and bringing children back to their families can result in serious development outcomes.

9. DISTRICT CHILD PROTECTION UNITS (DCPUs)

District Child Protection Units act as coordinating bodies that ensure implementation of child protection schemes within district. Functions carried out by DCPU include:

- (i) Supervision of child protection services;
- (ii) Coordination with CWCs and JJBs;
- (iii) Rehabilitation of children;
- (iv) Awareness campaigns and
- (v) Data management for child protection.

DCPU has been designed as administrative engine of child protection system. However, various research studies conducted in recent years have found that DCPU suffers from various problems such as under staffing, under funding and poor coordination amongst various stakeholders.¹⁴

¹³ Id.

¹⁴ Id.

In many districts DCPU has failed to properly supervise Child Care Institutions (CCI) and keep proper record of children requiring their care.

10. CHILD CARE INSTITUTIONS (CCIs)

The following types of Child Care Institutions are covered under Juvenile Justice Act:

- (i) Children's Homes;
- (ii) Observation Homes;
- (iii) Special Homes;
- (iv) Place of Safety;
- (v) Open Shelters.

The Child Care Institutions provide both temporary and permanent care to children who need protection and rehabilitation.

Children's Homes look after children who require care and protection. Observation Homes are set up for providing shelter to children in conflict with law during inquiry. Special Homes are created for rehabilitation of children found guilty of offences. Places of Safety house those older children who have been found guilty of committing heinous offences.

There was a comprehensive study of Child Care Institutions across different states, which highlighted several problems regarding their infrastructure and functioning. The problems include inadequate counselling facility, educational material, vocational guidance, trained staff, medical treatment and rehabilitation plans.¹⁵

The lack of adequate number of probation officers, counselors, vocational instructors and health care professionals were found among several Child Care Institutions. In addition inadequacy of staff training in regards to issues of child psychology and statutory requirements were identified.¹⁶ These deficiencies make it difficult to achieve goals of rehabilitation

¹⁵ Id.

¹⁶ Id.

envisaged by Act.

11. REHABILITATION AND SOCIAL REINTEGRATION

The Juvenile Justice Act, 2015 prioritizes rehabilitation as a core principle. Rehabilitation within Act goes further than simply placing a child in physical custody it is meant to rehabilitate child from all aspects such as psychological, educational, social and economic.

The Act identifies a number of methods of rehabilitation:

- (i) Adoption;
- (ii) Foster Care;
- (iii) Sponsorship;
- (iv) Aftercare Services;
- (v) Vocational Training and
- (vi) Counseling.

Section 39 clearly stipulates that children's rights should be restored and protected through family oriented care when at all possible. Institutionalization should be considered a last resort option. Care planning has become an integral part of process of rehabilitation. Each child is supposed to have his/her own Individual Care Plan prepared for him/her individually depending on his/her special requirements.

However this aspect lacks consistency. The studies show that there is insufficient preparation and supervision of Individual Care Plan. Moreover many rehabilitation programs lack counseling, educational services and vocational training focused on employment opportunities.

12. JUDICIAL APPROACH TO CHILD PROTECTION AND JUVENILE JUSTICE

Indian judicial precedents have been quite instrumental in formulating doctrine of child protection law. In *Sheela Barse v. Union of India*, Supreme Court of India underscored necessity of distinguishing cases pertaining to children from others and discussed inadequacies

prevalent among institutions of custody. It is imperative for Indian courts to understand that children ought to be protected from being exposed to situations which are harmful to their development.

Further in *Sampurna Behura v. Union of India*, Supreme Court of India has issued detailed directives on implementation of juvenile justice legislation and child protection institutions. The Court recognized that merely having legislative enactments would not serve purpose without proper implementation of same.

Similarly in *Dr. Subramanian Swamy v. Raju*, Supreme Court has upheld constitutional validity of treating all persons below age of eighteen years as juveniles under previous legislation despite pressure from people to reduce age criterion following case of rape at Delhi.¹⁷

Even after introducing preliminary assessments provision for older adolescents committing heinous crimes in 2015 Act Indian courts have continued to stress importance of conducting these in an informed manner.

13. THE CONTROVERSY OF TRYING JUVENILES AS ADULTS

The aspect of Juvenile Justice Act, 2015 that has received maximum controversy relates to transfer of certain offenses committed by children in age group sixteen to eighteen years old to Children's Courts.

Supporters believe that with evolving criminal trends there is a need to impose accountability for commission of grave offenses. They assert that level of maturity of older children allows them to realize enormity of criminal acts committed by them.

Opponents point out that scientific studies prove that psychological development is still immature during teenage years and therefore it would be contrary to international child protection policies. The transfer of such children into adult systems leads to increased instances of committing same offense again and therefore is contrary to rehabilitation measures.¹⁸

Rehabilitation and not punishment has to remain cornerstone of juvenile justice system as

¹⁷ *Dr. Subramanian Swamy v. Raju*, (2014) 8 S.C.C. 390 (India).

¹⁸ Swati Vashistha, *Redefining Juvenile Justice: A Comparative Analysis of United States, England and India with UNCRC Perspectives* (2024).

reiterated by UN Committee on Rights of Child time and again.

14. CRITICAL EVALUATION OF THE CHILD PROTECTION FRAMEWORK UNDER THE JUVENILE JUSTICE ACT, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 stands out among many child welfare legislations enacted in India as one of most comprehensive ones. This is due to its incorporation of constitutional duties, international obligations and welfare based principles into one statute. In addition Act regards children not just as subjects of welfare but as rights holders who need protection, dignity, development, participation and rehabilitation.

An important advantage of this legislation includes holistic nature of Act. Contrary to past statutes which concentrated mostly on juvenile offenders, Act of 2015 seeks to address various issues relating to child protection such as abandonment, trafficking, employment of children, abuse, neglect, adoption, fostering, sponsorship and after care services. The integration of institutional and non institutional forms of care highlights realization by legislators that different kinds of assistance are needed by children under different circumstances.

Moreover compliance of Act with international standards on child welfare has been observed especially those set by conventions like UNCRC, Beijing rules, Riyadh guidelines and United Nations Rules for Protection of Juveniles Deprived of Liberty. The emphasis upon rehabilitation, reintegration and best interest of child are consistent with international standards.¹⁹

However any legal framework requires implementation. Even with progressive legislative measures existing data shows that there is a huge discrepancy between theoretical expectations and reality. There are several institutional barriers standing in way of realization of goals set out for child protection.

One of major barriers is implementation inequality among states. Child protection agencies are often poorly equipped and have insufficient financial resources. They may also experience staff shortages delayed decision making and a lack of professional training. This results in children

¹⁹ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3; United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), G.A. Res. 40/33, U.N. Doc. A/RES/40/33 (Nov. 29, 1985).

being unable to access all of their rights.²⁰

There is another problem connected with over institutionalization. Even though according to act family based care should be considered a priority practice is still different. Institutionalizing children can affect their psychological development and re integration chances later in life.

Additionally, re integration and rehabilitation programs tend to be insufficient. Many institutions still concentrate solely on custody paying little attention to child's psychosocial development. There is often a lack of education and vocational training.

15. MAJOR IMPLEMENTATION CHALLENGES

a. Shortcomings in Infrastructure

Infrastructure is one of most persistent difficulties that faces Indian child protection system. Many Child Care Institutions lack adequate infrastructure facilities for accommodation, counselling, education, health care, recreation and vocational training.

As per National Study undertaken in Child Care Institutions under JJ Act, there were serious shortfalls in infrastructure requirements at Children's Homes, Observation Homes and Special Homes. Many important facilities as required under statutory guidelines were either not available or available in sub standard form.²¹

Shortages in infrastructure directly affect quality of services being provided to children and their effective rehabilitation. Overcrowding, poor sanitation and lack of privacy may add to psychological stress of vulnerable children.

b. Shortage of Trained Personnel

Insufficiency of skilled staff is another crucial challenge facing child protection services. Multidisciplinary skills are required including those of psychologists, counsellors, social

²⁰ Nazrah Altaf & Nazia Khan, Comprehensive Analysis of Functioning of Juvenile Justice Institutions in India: Institutional Performance, Procedural Gaps and Reform Imperatives, 7(1) J. on Rts. Child, Nat'l L. Univ. Odisha 76 (2026).

²¹ D.C. Nanjunda, *Childcare Institutions Under Juvenile Justice (Care and Protection) Act, 2015: Status and Measures to Improve* (Bureau of Police Research & Development, Ministry of Home Affairs, Gov't of India 2023).

workers, probation officers, educators, health professionals and lawyers.

But there have been reports of huge staffing shortages in various institutions such as Child Care Institutions, Child Welfare Committees and District Child Protection Units.²² Staff who are available lack adequate training in child psychology, trauma informed care, child rights and rehabilitation procedures.

In absence of competent professionals response becomes more of a procedure rather than a child focused one.

c. Delay in Inquiry and Rehabilitation

According to Juvenile Justice Act, there should be an effort to make sure that children's cases receive expedient disposal. Delays however occur in numerous instances because of understaffing caseloads being too high and administrative inadequacy.

Problems arise when preparing social investigation reports, conducting inquiries, freeing children for adoption legally and approving their rehabilitation plan.

d. Lack of Inter Agency Coordination

Efficient child protection calls for collaboration between multiple parties including police authorities, Juvenile Justice Boards, Child Welfare Committees, District Child Protection Units, educational establishments, healthcare providers and civic bodies.

Studies indicate that coordination in this area remains relatively poor in some regions.²³ There is a risk that communication barriers will lead to redundancy delayed services and inadequate evaluation of rehabilitation programs.

e. Psychological Issues

The issue of mental well being has grown in significance for child protection purposes. Many children who end up in juvenile justice system have witnessed physical abuse, neglect, violence, dependency on substances or family breakups.

²² Id. at 207.

²³ Id. at 245.

Nevertheless provision of such services is constrained owing to lack of adequate staffing in counselling services and availability of psychological assessment services. As a result root cause of delinquency is usually left unattended.

16. AN INTERNATIONAL COMPARATIVE PERSPECTIVE

Through comparative study it becomes evident that juvenile justice systems around globe are still struggling with issue of balancing between accountability and rehabilitation.

United States takes a relatively harsh approach in some states, where juvenile offenders can be moved into adult courts for committing serious crimes. Nonetheless due to increasing realization of adolescent psychology development, emphasis on diversion and restorative justice approaches has been taken.²⁴

Similarly UK has also maintained provisions for transferring offender to higher court but in conjunction with rehabilitation and intensive community based measures.

As opposed to this approach countries like Germany tend to take a more rehabilitative approach. This approach gives priority to education, counseling and supervision by families and communities over punishment.

International norms typically frown upon adultification of juveniles. According to United Nations Committee on Rights of Child juvenile justice systems should focus on rehabilitating, reintegrating and dealing proportionately with offenders considering that juveniles and adults are different developmentally.

India's Juvenile Justice Act, 2015 takes up a position that is somewhere between two ends of spectrum. It still emphasizes need for rehabilitation but incorporates a procedure by which some juveniles older than 16 who commit serious crimes can be tried as adults.

17. RECOMMENDATIONS FOR STRENGTHENING THE CHILD PROTECTION FRAMEWORK

Implementation of child protection requires adoption of a strategy that would reinforce its

²⁴ Swati Vashistha, Redefining Juvenile Justice: A Comparative Analysis of United States, England and India with UNCRC Perspectives, 4(1) Int'l J. Crim., Common & Statutory L. 86 (2024).

impact and enhance child protection measures.

First, there is need for increased investment in infrastructural development within child protection institutions. The Child Care Institutions need to have adequate facilities for education, healthcare, recreation, counseling and vocation.

Secondly, there is need for conducting capacity building activities for Juvenile Justice Board members, Child Welfare Committee members, policemen, probation officers, counselors and institutional personnel. Special focus on training on children's rights, developmental psychology, trauma treatment and rehabilitation is a necessity.

Third, there is need for timely filling of vacancies within child protection institutions. This would greatly enhance implementation of child protection measures within such institutions.

Fourth, there is need for increasing non institutional child protection options. This includes foster care, sponsoring of children within families, kinship care and other non institutional forms of child protection. These forms of protection prove to be more effective and sustainable compared to institutional protection.

Finally, there is need for incorporation of mental health within child protection services. Psychological assessment, counseling and therapy must be a part of child protection efforts.

Sixthly, use of technology will assist in ensuring monitoring and coordination, case management, data gathering and cooperation between agencies.

Seventhly, there will be need for linking rehabilitation to current job opportunities. Vocational training will concentrate on skills that can be useful in securing jobs.

Lastly, preventive strategies should receive more attention. The strategies include poverty reduction, education, family services, child protection and community participation. These strategies will help deal with problems associated with poverty and vulnerability even before offenders become delinquents.

18. CONCLUSION

The Juvenile Justice (Care and Protection of Children) Act, 2015 marks a crucial development in history of child protection legislation in India. The law signifies shift from welfare based to

rights based perspective with its foundations laid on constitutional value based and international human rights standards.

This Act provides for an extensive institutional framework that includes Juvenile Justice Boards, Child Welfare Committees, District Child Protection Units, Child Care Institutions and rehabilitation measures. These institutions altogether aim at securing protection, rehabilitation, restoration and social reintegration of children suffering from neglect, abuse, exploitation, abandonment or involvement in delinquent activities.

The effectiveness of child protection regime in practice is hindered by several implementation challenges. Some of critical challenges include infrastructural constraints, staffing shortages, lack of training among personnel, delay in proceedings, poor inter agency coordination and non availability of rehabilitation facilities.

The issue of treating adolescents aged 16 to 18 years charged with committing heinous crimes presents another challenge to juvenile law in India. This problem has raised a debate over whether it is fair to provide rehabilitation opportunities for juvenile criminals or impose stringent penalties against them.

However for success of Juvenile Justice Act it is more than just legislation rather it needs a firm dedication to implementation. Child Justice demands sufficient resources, skilled people, accountability, active participation of community and scientific rehabilitation programs.

The child protection system in India has great potential. However if implemented successfully and further developed, it can become an effective tool for ensuring rights of children and achieving social justice for every child in India.

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