



# Restructuring the Juvenile Justice Administration in India: A Study of Accountability, Resource Allocation and Institutional Performance

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## ABSTRACT

The juvenile justice administration in India has evolved significantly through constitutional mandates, international obligations, and statutory reforms, particularly after the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015. Despite the establishment of a comprehensive legal and institutional framework, the juvenile justice system continues to face serious challenges relating to accountability, inadequate resource allocation, infrastructural deficiencies, institutional inefficiency, lack of trained personnel, and weak rehabilitation mechanisms. This research paper critically examines the structural and administrative functioning of juvenile justice institutions in India with special reference to accountability systems, budgetary distribution, institutional performance, and rehabilitative outcomes.

The study adopts a doctrinal and analytical methodology based on constitutional provisions, legislative frameworks, judicial decisions, reports of the National Commission for Protection of Child Rights (NCPCR), National Crime Records Bureau (NCRB) statistics, India Justice Report findings, and international child rights standards. The paper evaluates the performance of Juvenile Justice Boards (JJBs), Child Welfare Committees (CWCs), Observation Homes, Special Homes, Place of Safety institutions, and Child Care Institutions (CCIs) in ensuring child protection and restorative justice.

The study reveals that despite progressive legislation, implementation gaps remain substantial. Institutional challenges include high pendency of cases, inadequate funding, poor infrastructure, vacancies in statutory bodies, absence of digital monitoring systems, weak inspection mechanisms, and lack of coordination among welfare agencies. Reports indicate that more than half of the cases before Juvenile Justice Boards remain pending and several boards remain either partially functional or understaffed. The paper further argues that institutional performance should not be measured merely through case disposal statistics but through long-term rehabilitation, social reintegration, educational continuity, psychological recovery, and reduction in recidivism.

The paper proposes a restructuring framework emphasizing administrative accountability, performance-based budgeting, technological integration, social audits, capacity building, community participation, and child-centric governance. It recommends the establishment of an independent juvenile justice monitoring authority, strengthening of inspection committees, standardized rehabilitation indicators, and enhanced coordination between judiciary, police, social welfare departments, and civil society organizations.

The research concludes that juvenile justice administration in India requires systemic restructuring that balances child rights, institutional efficiency, and public accountability. Sustainable reforms must prioritize rehabilitation over punitive approaches and ensure that every child receives protection, dignity, development opportunities, and reintegration support in accordance with constitutional principles and international human rights obligations.

**Keywords:** Juvenile Justice, Child Rights, Accountability, Institutional Performance, Resource Allocation, Juvenile Justice Board, Child Welfare Committee, Rehabilitation, Child Protection, India.



## INTRODUCTION

Children represent the most valuable human resource of every nation, and their protection remains a constitutional and moral responsibility of the State. Juvenile justice administration aims not merely to punish children involved in unlawful activities but to rehabilitate, reform, and reintegrate them into society. India's juvenile justice system has gradually transformed from a welfare-based approach to a rights-based framework emphasizing rehabilitation, restorative justice, and child protection.

The enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015 marked a major reform in child protection laws by introducing institutional mechanisms for children in conflict with law and children in need of care and protection. The legislation replaced earlier juvenile justice frameworks and aligned domestic law with the principles of the United Nations Convention on the Rights of the Child.

However, despite progressive legal reforms, implementation remains problematic. Several reports highlight deficiencies in institutional infrastructure, accountability mechanisms, rehabilitation systems, financial allocation, and human resources. The India Justice Report observed that more than 55% of juvenile justice cases remained pending before Juvenile Justice Boards and many statutory institutions lacked adequate staffing and legal support systems.

The present study examines the need for restructuring juvenile justice administration in India through the lens of accountability, resource allocation, and institutional performance.

### Research Objectives

The major objectives of the study are:

1. To examine the constitutional and legal framework governing juvenile justice administration in India.
2. To analyze accountability mechanisms within juvenile justice institutions.
3. To evaluate resource allocation and infrastructural capacity in child protection institutions.
4. To assess institutional performance of Juvenile Justice Boards and Child Care Institutions.
5. To identify implementation gaps and administrative challenges.
6. To propose reforms for restructuring juvenile justice administration in India.

## RESEARCH METHODOLOGY

The study is doctrinal and analytical in nature. Secondary sources including statutes, judicial decisions, policy documents, government reports, journal articles, NCRB data, NCPCR reports, and international conventions have been used.

The research methodology includes:

- Analysis of constitutional provisions;
- Examination of statutory frameworks;
- Comparative evaluation of institutional structures;
- Review of government and commission reports;
- Critical assessment of rehabilitation and accountability systems.



## Constitutional and Legal Framework

The Constitution of India guarantees protection and development of children under various provisions:

- Article 14 – Equality before law;
- Article 15(3) – Special provisions for children;
- Article 21 – Right to life and dignity;
- Article 21A – Right to education;
- Article 39(e) and (f) – Protection against exploitation;
- Article 45 – Early childhood care.

The Juvenile Justice (Care and Protection of Children) Act, 2015 provides the principal statutory framework governing juvenile justice administration.

The Act establishes:

- Juvenile Justice Boards (JJBs);
- Child Welfare Committees (CWCs);
- Observation Homes;
- Special Homes;
- Place of Safety institutions;
- Child Care Institutions (CCIs).

The law emphasizes rehabilitation, social reintegration, counselling, education, skill development, and restoration of children.

## Evolution of Juvenile Justice Administration in India

The juvenile justice system in India evolved through multiple phases:

| Period           | Development                                            |
|------------------|--------------------------------------------------------|
| Pre-Independence | Apprentices Act, Reformatory Schools Act               |
| 1960             | Children Act                                           |
| 1986             | Juvenile Justice Act                                   |
| 2000             | Juvenile Justice (Care and Protection of Children) Act |
| 2015             | Comprehensive reform under JJ Act 2015                 |
| 2021             | Amendments relating to adoption and child protection   |

The reforms were influenced by international child rights standards and rising concerns regarding juvenile delinquency after the 2012 Delhi Gang Rape Case.



## **Institutional Structure of Juvenile Justice Administration**

### **6.1 Juvenile Justice Boards (JJBs)**

JJBs adjudicate matters relating to children in conflict with law. Each board includes:

- One Judicial Magistrate;
- Two social workers including one woman.

Their functions include inquiry, rehabilitation planning, counselling, and ensuring child-friendly procedures.

#### **Challenges Faced by JJBs**

- High pendency of cases;
- Vacancies and incomplete constitution;
- Lack of trained personnel;
- Weak legal aid systems;
- Delays in social investigation reports.

According to the India Justice Report, around 24% of JJBs were not fully constituted.

### **Child Welfare Committees (CWCs)**

CWCs deal with children in need of care and protection. They supervise rehabilitation, foster care, adoption, and restoration.

#### **Key Problems**

- Excessive workload;
- Limited monitoring powers;
- Inadequate coordination with police and NGOs;
- Insufficient training in child psychology.

### **Child Care Institutions (CCIs)**

CCIs include Observation Homes, Special Homes, Shelter Homes, and Open Shelters.

The NCPCR and Ministry of Women and Child Development have repeatedly identified deficiencies in infrastructure, overcrowding, hygiene, counselling facilities, and vocational training.

## **Accountability in Juvenile Justice Administration**

Accountability is central to effective juvenile justice administration. However, several systemic weaknesses reduce institutional transparency and responsibility.

### **Administrative Accountability**

Administrative accountability involves monitoring of institutions, financial audits, inspections, and compliance reviews.



## Existing Mechanisms

- State Inspection Committees;
- NCPCR monitoring;
- Social audits;
- Periodic inspections.

However, implementation remains inconsistent across states.

## Judicial Accountability

The judiciary plays a crucial role in protecting child rights. Delayed proceedings and inconsistent interpretation of “heinous offences” affect justice delivery.

The transfer of juveniles aged 16–18 to adult criminal trials in certain cases remains controversial and raises concerns regarding child psychology and rehabilitation principles.

## Financial Accountability

Many states fail to fully utilize allocated funds for child protection infrastructure.

Major issues include:

- Delayed fund release;
- Poor budget utilization;
- Lack of performance auditing;
- Inadequate infrastructure expenditure.

## Resource Allocation and Budgetary Challenges

Resource allocation significantly influences institutional effectiveness.

### 8.1 Infrastructural Deficiencies

Several institutions lack:

- Adequate residential facilities;
- Educational support;
- Counselling services;
- Medical facilities;
- Recreational infrastructure.

Reports indicate significant interstate disparities in child care infrastructure.

## Human Resource Constraints

Major staffing deficiencies include:



- Shortage of psychologists;
- Lack of probation officers;
- Insufficient legal aid lawyers;
- Inadequate training of police officers.

### **Mission Vatsalya and Child Protection Funding**

The Government of India implements Mission Vatsalya for supporting child protection services and Child Care Institutions.

However, challenges remain:

- Uneven state implementation;
- Delayed grants;
- Poor monitoring of outcomes.

### **Institutional Performance and Rehabilitation**

Institutional performance should be assessed through qualitative rehabilitation outcomes rather than custodial management alone.

### **Indicators of Institutional Performance**

The following indicators are important:

- Rehabilitation success;
- Educational continuity;
- Vocational training;
- Mental health recovery;
- Reintegration into families;
- Reduction in repeat offences.

### **Pendency and Delays**

The India Justice Report found that more than 55% of cases before JJBs remained pending.

Delayed justice negatively impacts:

- Mental health of children;
- Educational opportunities;
- Reintegration prospects.

### **Rehabilitation Deficits**

Many institutions focus excessively on custodial management rather than rehabilitation.



Key concerns include:

- Lack of skill development programs;
- Poor psychological counselling;
- Weak aftercare services;
- Limited family reintegration programs.

### **Challenges in Juvenile Justice Administration**

The major challenges include:

#### **10.1 Institutional Fragmentation**

Multiple agencies operate independently without coordination.

#### **10.2 Weak Monitoring Systems**

Absence of centralized data systems affects transparency.

#### **10.3 Lack of Child-Centric Training**

Police, magistrates, and welfare officers often lack specialized training.

#### **10.4 Social Stigma**

Children released from institutions face discrimination and exclusion.

#### **10.5 Digital and Cyber Challenges**

Rising cybercrime involving minors requires specialized interventions and digital literacy programs.

### **International Standards and Comparative Perspective**

International standards emphasize rehabilitation and reintegration.

Important instruments include:

- United Nations Convention on the Rights of the Child;
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice;
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

Countries such as Norway, New Zealand, and Canada emphasize restorative justice, community rehabilitation, and diversion programs rather than institutionalization.

### **Need for Restructuring Juvenile Justice Administration**

The existing framework requires structural and administrative reforms.

### **Independent Monitoring Authority**

A national independent authority should monitor:

- Institutional compliance;



- Rehabilitation standards;
- Financial accountability.

### **Digital Governance Framework**

A centralized digital juvenile justice management system should include:

- Case tracking;
- Child rehabilitation records;
- Inspection reports;
- Resource monitoring.

### **Capacity Building**

Regular training should be mandatory for:

- Police officers;
- Magistrates;
- Social workers;
- Counsellors.

### **Performance-Based Budgeting**

Financial allocation should be linked to:

- Institutional outcomes;
- Rehabilitation rates;
- Education and reintegration indicators.

### **Community-Based Rehabilitation**

Institutionalization should remain the last resort.

Priority should be given to:

- Foster care;
- Family-based care;
- Community rehabilitation;
- Diversion programs.

### **Suggestions and Recommendations**

The following reforms are recommended:

1. Establish a National Juvenile Justice Regulatory Authority.



2. Create a National Child Protection Data Grid.
3. Increase budgetary allocation for rehabilitation infrastructure.
4. Introduce mandatory annual social audits.
5. Ensure full staffing of JJBs and CWCs.
6. Strengthen psychological counselling systems.
7. Develop vocational and digital education programs.
8. Improve aftercare and reintegration policies.
9. Enhance child-friendly policing mechanisms.
10. Introduce independent grievance redressal systems for children.

## CONCLUSION

The juvenile justice administration in India reflects both progressive legal development and persistent implementation failures. Although the Juvenile Justice (Care and Protection of Children) Act, 2015 provides a comprehensive framework for child protection and rehabilitation, institutional realities continue to reveal deficiencies in accountability, infrastructure, staffing, monitoring, and financial management.

A child-centric justice system cannot succeed merely through statutory enactments. Effective juvenile justice administration requires professional institutions, transparent governance, coordinated service delivery, evidence-based policymaking, and adequate financial investment. Rehabilitation, reintegration, and restoration must remain the foundational principles of juvenile justice policy.

Restructuring the juvenile justice system through accountability reforms, digital governance, performance-based resource allocation, and community participation can significantly improve institutional performance and child protection outcomes. India must therefore move toward a humane, efficient, and rights-oriented juvenile justice administration capable of safeguarding the dignity and future of every child.

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