

The Role of Juvenile Justice Boards in Preventing and Rehabilitating Juvenile Delinquents in India

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Abstract: *The Juvenile Justice (Care and Protection of Children) Act, 2015 establishes Juvenile Justice Boards (JJBs) as the primary adjudicatory bodies for children in conflict with law in India, mandating a child-friendly, rehabilitative approach. This paper examines the statutory role of JJBs, their operational functioning, and the systemic challenges that impede their effectiveness in preventing delinquency and rehabilitating young offenders. Drawing on recent empirical data, including the India Justice Report 2025, this analysis reveals critical gaps: over 55% of cases remain pending, one in four JJBs operates without a full bench, and rehabilitation infrastructure remains severely under-resourced. The paper argues that while the legislative framework embodies progressive principles aligned with international standards, implementation deficits—including inadequate staffing, weak oversight, and limited rehabilitative services—undermine the JJB's capacity to fulfill its dual mandate of ensuring justice and facilitating social reintegration. Recommendations include strengthening institutional capacity, enhancing training, and improving data transparency to realize the rehabilitative vision of the juvenile justice system.*

Keywords: Juvenile Justice Board, rehabilitation, juvenile delinquency, India, Juvenile Justice Act 2015, child rights

I. INTRODUCTION

India's juvenile justice system represents a significant legal and social commitment to treating children in conflict with law not as criminals, but as individuals requiring care, protection, and opportunities for reform. The Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter "JJ Act, 2015") establishes a comprehensive framework that prioritizes rehabilitation over punishment, aligning with constitutional mandates and international instruments such as the United Nations Convention on the Rights of the Child (UNCRC). At the heart of this framework are Juvenile Justice Boards (JJBs)—quasi-judicial bodies constituted in every district to adjudicate matters relating to children alleged to have committed offences.

The legislative intent behind the JJ Act, 2015 is unequivocal: to ensure that children in conflict with law receive "proper care, protection, development, treatment, social re-integration" through a "child-friendly approach in the adjudication and disposal of matters in the best interest of children". The Act replaced the nomenclature "juvenile" with "child" to remove negative connotations and introduced a nuanced classification of offences as petty, serious, and heinous, with specialized provisions for children aged 16-18 accused of heinous offences.

However, the gap between legislative aspiration and operational reality remains substantial. A decade after the Act's enactment, empirical evidence reveals persistent systemic deficiencies that compromise the JJB's effectiveness. The India Justice Report (IJR) 2025, based on extensive data collection from 362 JJBs across 14 states, documents case backlogs exceeding 55%, staffing shortages affecting one-quarter of all boards, and inadequate rehabilitative infrastructure. These findings raise fundamental questions about the juvenile justice system's capacity to fulfill its rehabilitative mandate.

This paper examines the role of Juvenile Justice Boards in preventing juvenile delinquency and rehabilitating young offenders in India. It analyzes the statutory framework governing JJBs, evaluates their operational functioning through

recent empirical data, identifies systemic challenges, and proposes reforms to strengthen the juvenile justice system's capacity to achieve its legislative objectives.

II. STATUTORY FRAMEWORK: THE JUVENILE JUSTICE BOARD UNDER THE JJ ACT, 2015

Composition and Constitution

The JJ Act, 2015 mandates the constitution of at least one Juvenile Justice Board in every district. Section 4 of the Act specifies that each Board shall consist of a Metropolitan Magistrate or Judicial Magistrate of First Class (designated as Principal Magistrate) with at least three years of experience, and two social workers, of whom at least one shall be a woman. This composition reflects a deliberate design to combine legal expertise with social welfare perspectives, ensuring that adjudication is informed by an understanding of child development and social context.

The eligibility criteria for social workers are stringent: candidates must have been "actively involved in health, education, or welfare activities pertaining to children for at least seven years" or be "a practicing professional with a degree in child psychology, psychiatry, sociology or law". Disqualification provisions exclude individuals with convictions for offences involving moral turpitude, records of human rights violations, or histories of child abuse.

Section 4(5) mandates that State Governments provide "induction training and sensitisation of all members including Principal Magistrate of the Board on care, protection, rehabilitation, legal provisions and justice for children" within sixty days of appointment. This training requirement acknowledges that effective juvenile justice requires specialized knowledge beyond conventional judicial competence.

Powers and Functions

JJBs exercise the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or Judicial Magistrate of First Class. Their jurisdiction extends to all matters concerning children alleged or found to be in conflict with law, including apprehension, detention, prosecution, and rehabilitation.

The Board's functions encompass several critical areas:

Adjudication: Determining whether a child has committed an offence and passing appropriate orders

Preliminary Assessment: For children aged 16-18 accused of heinous offences, conducting a preliminary assessment to determine whether the child should be tried as an adult

Rehabilitation Planning: Ordering placement in appropriate institutions and supervising rehabilitation measures

Monitoring: Inspecting child care institutions and ensuring compliance with standards

Dispositional Options and Rehabilitation Framework

The Act provides a range of dispositional options that prioritize community-based and family-based interventions over institutionalization. Section 12 of the Act emphasizes the presumption of bail, with release refused only where there are reasonable grounds to believe that release would bring the child into association with criminals or expose the child to moral, physical, or psychological danger. The National Judicial Academy's training materials note that "the circumstances are considered and not nature and gravity of offence" when granting bail.

For children found to have committed offences, the Board may order:

Release on probation and placement under the supervision of a parent, guardian, or fit person

Placement in a Special Home for a period of up to three years

Payment of fine or compensation

Attendance in a school or vocational training program

Participation in counselling or therapeutic interventions

The Act emphasizes individualization in disposition orders. Factors to be considered include "age, sex of the child, family background, circumstances, special situations," economic condition of the family, health, disability, social status, and future opportunities for education and skill development. This individualized approach reflects the principle that rehabilitation must be tailored to each child's specific needs and circumstances.

Special Provisions for Heinous Offences

A significant and controversial provision of the JJ Act, 2015 relates to children aged 16-18 accused of heinous offences. Section 15 empowers the JJB to conduct a preliminary assessment—informed by the child's mental and physical capacity, ability to understand consequences, and circumstances of the offence—and, if deemed appropriate, transfer the case to a Children's Court for trial as an adult.

This provision represents a departure from the purely rehabilitative approach of the 2000 Act, introducing a deterrent element for serious offences. The legislative intent is to "act as a deterrent for child offenders committing heinous offences such as rape and murder" while "protecting the rights of the victim". The provision has been the subject of considerable scholarly debate, with critics arguing that it undermines the developmental rationale underlying the juvenile justice system.

The JJB's Role in Prevention and Rehabilitation: Conceptual Foundations

Prevention as a Core Function

Prevention of juvenile delinquency operates at multiple levels, and the JJB's role extends beyond adjudication to encompass preventive interventions. The Act envisions several mechanisms through which JJBs contribute to prevention:

Diversion from the Formal System: The emphasis on bail and non-institutional interventions serves to divert children from formal processing, thereby preventing the stigmatization and criminalization that can arise from contact with the justice system. As the IJR report notes, "only a small fraction of children in conflict with law enter such custodial institutions because the Juvenile Justice Act directs police and Juvenile Justice Boards (JJB) to release them to their families or place them under supervision in most situations".

Early Intervention: The Social Investigation Report (SIR) and Individual Care Plan (ICP) processes enable early identification of risk factors and intervention needs. These assessments examine family background, economic conditions, health, disability, and social status—factors that contribute to delinquent behaviour. By addressing underlying vulnerabilities, these interventions can prevent reoffending.

Community-Based Supervision: Probation and supervision orders allow children to remain in their communities under supportive monitoring, reducing the criminogenic effects of institutionalization while addressing the conditions that contribute to delinquency.

Rehabilitation as the Primary Goal

The rehabilitative philosophy underlying the JJ Act is anchored in the recognition that children in conflict with law are in a stage of "mental, emotional, and psychological development" that requires specialized approaches distinct from adult criminal justice. The Act mandates comprehensive rehabilitation measures, including:

Institutional Care: Children's Homes, Observation Homes, Special Homes, and Places of Safety are required to provide education, health services, nutrition, de-addiction, vocational training, skill development, life skills education, and counselling. These services are intended to help children "assume a constructive role in society".

Non-Institutional Options: Sponsorship, foster care, and group foster care are recognized as alternatives to institutionalization, providing family environments for children who cannot be placed with their biological families.

Aftercare Support: The Act includes provisions for aftercare for persons who have completed eighteen years but not twenty-one years, providing financial and other support to facilitate the transition to independent adult life.

The National Judicial Academy's training materials emphasize that individualized assessments are essential for effective rehabilitation. Participants in judicial training recommended "professional counselling from experts having special knowledge of child psychology and child mental health," "regular interaction and communication follow up with the juvenile and family," and "networking with institutions providing skill development courses as per the interest and aptitude of the child".

Balancing Rehabilitation and Deterrence

The JJ Act, 2015 embodies a tension between rehabilitative and deterrent philosophies—a tension that JJBs must navigate in their decision-making. Scholarly analysis emphasizes the importance of "a balanced approach between rehabilitation and deterrence" to "ensure justice, reduce reoffending, and promote the overall development and reintegration of juveniles into society" .

The special provisions for heinous offences (Section 15) represent the most explicit deterrent element, while the majority of the Act's provisions retain the rehabilitative emphasis. The JJB's role requires exercising discretion to determine, in each case, the appropriate balance—considering the nature of the offence, the child's developmental stage, the family situation, and the prospects for reform.

Empirical Reality: System Capacity and Implementation Gaps

The aspirational framework of the JJ Act is significantly undermined by systemic deficiencies that affect the JJB's ability to effectively prevent delinquency and rehabilitate offenders. Recent empirical research documents the scale and nature of these challenges.

Case Pendency and Delays

The India Justice Report 2025 study found that JJBs face substantial case backlogs that compromise timely justice and rehabilitation. As of October 2023, 362 reporting JJBs had a workload of 100,904 cases, of which only 45,097 (approximately 45%) were disposed of, leaving 55,807 cases pending—a pendency rate of 55% . This means that "the system is adding to its backlog each year, and many children wait months or years for their cases to progress" .

State-level disparities are significant: Odisha had a pendency rate of 83% with a disposal rate below 18%, while Uttarakhand reported the highest disposal rate among large states at 73.7% . On average, each JJB carried a backlog of 154 cases . These delays have profound consequences for children, as "many children wait months or years for their cases to progress" , prolonging uncertainty and impeding access to rehabilitation services.

Staffing Deficiencies

The composition of JJBs—a critical factor in their effectiveness—shows substantial gaps. While 92% of India's 765 districts have constituted JJBs, "one in four boards operates without a full bench" . Among 470 JJBs providing data, 24% lacked the required composition of a Principal Magistrate and two social workers .

Related staffing deficiencies compound the problem. Probation services, which are "critical alternative to institutionalisation, focusing on community supervision and tailored rehabilitation plans," are "also stretched." Thirteen states and Delhi reported only 197 Legal cum Probation Officers, with only four states achieving full coverage . In Delhi, each officer handled more than 800 cases on average; across ten states, 145 officers were responsible for 25,403 cases—an average of 175.2 cases per officer .

The National Judicial Academy's training records confirm that Probation Officers often hold additional charges, which "affects the quality of reports and also timely reports," resulting in Individual Care Plans that are "not properly prepared and sometimes even not annexed," and follow-up after probation that is "not properly carried out/not at all carried out in some cases" .

Infrastructure and Oversight Deficits

The physical infrastructure supporting the juvenile justice system reveals substantial deficiencies. Regarding custodial facilities, the IJR report found that 9,907 children were in residential facilities in 2022-23, of which 8,241 (83%) were in Observation Homes (for children during pending inquiry), while only 389 were in Special Homes meant for longer-term care . Fourteen states had no Place of Safety (facilities for children aged 16-18 accused of heinous offences), and only 40 homes for girls existed across 292 districts .

Oversight mechanisms are also weak. The JJ Act mandates regular inspections of child care institutions, yet the IJR found that only 810 inspections were recorded against the required 1,992—less than half the mandated number. "Many

homes had no record of any official visit during the year". This weak oversight compromises the quality of care and rehabilitation services provided in institutions.

Data Transparency and Monitoring

A fundamental challenge for system monitoring is the absence of transparent, accessible data on juvenile justice. The IJR team "had to file more than 250 RTI applications" because there is "no equivalent of the National Judicial Data Grid for JJBs". Of the 500-plus responses received, only 36% provided usable information; 24% received no response, 29% were transferred, and 11% were rejected. As Maja Daruwala, chief editor of the India Justice Report, observed, this pattern reveals that "authorised oversight bodies neither receive it routinely nor insist on it," making "supervision episodic and accountability hollow".

Rehabilitative Services Deficits

The quality and availability of rehabilitative services within the juvenile justice system show significant limitations. Many custodial homes "reported having no medical officer, although they are mandated to have at least one, and lacked basic educational or skills-training staff". Thirty percent of JJBs do not have an attached legal services clinic.

However, some positive examples demonstrate the potential of rehabilitation when properly resourced. The Dongri Observation Home, regarded as a model institution, has implemented initiatives including "a basketball court, de-addiction centre, colour-themed rooms, counselling, screening of value-based films, and grievance redressal mechanisms" that "have had a positive impact, transforming juveniles into responsible citizens". Cultural festivals and vocational training programmes in correctional homes have also been shown to "nurture creative talents and boost the morale of the children," providing "a transformative opportunity for these children, allowing them to learn, express, and aspire towards brighter futures".

Systemic Challenges to JJB Effectiveness

The gaps documented above reflect deeper systemic challenges that constrain the JJB's capacity to fulfill its preventive and rehabilitative mandate.

Resource Constraints and Capacity Limitations

The deficiencies in staffing, infrastructure, and services fundamentally reflect inadequate resource allocation to the juvenile justice system. The JJ Act's ambitious provisions—requiring full benches, specialized training, comprehensive rehabilitation services, and robust oversight—demand substantial financial and human resources that State Governments have failed to provide. The Integrated Child Protection Scheme (ICPS) provides financial assistance, but implementation has been inconsistent, with some States lacking the capacity or political will to fully utilize available funds.

Coordination and Governance Challenges

The juvenile justice system involves multiple stakeholders—police, judiciary, probation services, child care institutions, and non-governmental organizations—but coordination among these actors is often weak. The National Judicial Academy's training notes indicate that "Special Juvenile Police Units do not work as a unit or as team; they work individually," that "Police Officers are not adequately trained or even possess proper understanding of child laws," and that "the Public Prosecutors with required knowledge, skills and training are [not] timely available". This fragmentation compromises the system's effectiveness at every stage.

Societal Attitudes and Community Reintegration

Beyond institutional factors, successful rehabilitation and reintegration depend on societal attitudes. The National Judicial Academy identifies "the attitude of the society in reaccepting such children" and "non-acceptance by schools and other authorities" as significant barriers to social reintegration. This societal resistance to accepting former offenders into mainstream life undermines the rehabilitative efforts of JJBs and institutions.

Balancing Competing Interests

JJBs must navigate complex tensions between the interests of the child, the rights of victims, and public safety concerns. The special provisions for heinous offences represent a legislative attempt to balance these interests, but the JJB's preliminary assessment process requires sophisticated professional judgment—assessing the child's "mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which the child committed the offence"—that is difficult to exercise reliably without adequate psychological and psychiatric support .

Recommendations for Strengthening the Juvenile Justice System

The evidence presented above suggests that substantial reform is needed to enable JJBs to effectively fulfill their mandate. Based on the findings of the IJR report and judicial training materials, the following recommendations are proposed:

1. Strengthen Institutional Capacity

Complete full benches for all JJBs: State Governments must expedite the constitution of full benches in all districts, with particular attention to districts currently operating without the required composition of Principal Magistrate and two social workers .

Appoint exclusive Probation Officers: Probation Officers should be appointed on an exclusive basis without additional charges. States should ensure "full coverage" with "at least one sanctioned and appointed probation officer in each district" .

Create additional JJBs in high-volume districts: The ideal case load per Board should be limited to approximately 10 cases daily, and additional Boards should be constituted where case volumes exceed capacity .

Enhance training and sensitization: Mandatory training for all JJB members, police officers, prosecutors, and probation officers must be implemented systematically, with special emphasis on child psychology, child laws, and rehabilitation approaches .

2. Improve Rehabilitation Infrastructure

Establish required facilities in all districts: State Governments should ensure the availability of Observation Homes, Special Homes, and Places of Safety in all districts, with particular attention to facilities for girls .

Strengthen rehabilitative services: Child care institutions must be adequately staffed with medical officers, educational staff, and skills-training personnel. Basic amenities, recreational facilities, and therapeutic services should be made available as mandated by the Act .

Expand non-institutional alternatives: Foster care, sponsorship, and group foster care options should be developed as viable alternatives to institutionalization, in accordance with the Act's provisions .

Implement Individual Care Plans systematically: Individual Care Plans must be prepared from the time of admission to observation homes or grant of bail, with regular follow-up by Probation Officers and District Child Protection Units .

3. Enhance Oversight and Accountability

Implement mandatory inspections: Inspection Committees must conduct inspections of all child care institutions at least once in three months, as mandated by Section 54 of the JJ Act .

Establish a National Judicial Data Grid for JJBs: A centralized, publicly accessible data system for juvenile justice cases should be established, enabling transparent monitoring of case pendency, disposals, and outcomes .

Strengthen District Magistrate oversight: The 2021 amendment designating District Magistrates as nodal authorities for child protection should be fully operationalized, with regular review of JJB functioning and institutional compliance .

4. Foster Child-Friendly Procedures

Create child-friendly environments: JJB premises should be designed to be "appealing to the children," with appropriate ambience, child-friendly language, and round-table seating arrangements that reduce the intimidating nature of judicial proceedings .

Improve Social Investigation Reports: The accuracy and timeliness of Social Investigation Reports should be improved through adequate training, field visit allowances, and standardized modules developed with psycho-social expertise .

Establish legal services clinics: The 30% of JJBs currently lacking legal services clinics should be provided with attached legal aid facilities to ensure children's access to legal representation .

III. CONCLUSION

The Juvenile Justice (Care and Protection of Children) Act, 2015 establishes a progressive framework that prioritizes the rehabilitation and social reintegration of children in conflict with law. Juvenile Justice Boards are central to this framework, serving as the primary adjudicatory bodies charged with ensuring child-friendly justice and facilitating rehabilitation.

However, a decade after the Act's enactment, the empirical evidence reveals a substantial gap between legislative aspiration and operational reality. Case backlogs, staffing deficiencies, infrastructure deficits, weak oversight, and limited rehabilitative services collectively undermine the JJB's capacity to effectively prevent delinquency and rehabilitate young offenders. One in four JJBs operates without a full bench, over 55% of cases remain pending, and probation services are drastically understaffed. The systemic deficiencies documented by the India Justice Report 2025 reflect inadequate resource allocation, weak inter-agency coordination, and limited societal acceptance of rehabilitative approaches.

Addressing these challenges requires sustained political commitment and resource allocation. Full benches must be constituted in all districts, rehabilitation infrastructure must be strengthened, oversight mechanisms must be made robust, and data transparency must be enhanced. Training and sensitization programmes must be implemented systematically for all stakeholders in the juvenile justice system.

The evidence from model institutions such as the Dongri Observation Home demonstrates that rehabilitation is possible when adequate resources and commitment are provided. Cultural programmes, vocational training, counselling, and recreational activities can transform the lives of children in conflict with law, enabling them to become responsible citizens. The challenge is to scale up these exemplary practices across the country.

Ultimately, the success of the juvenile justice system depends not only on legislative provisions and institutional mechanisms but also on societal attitudes toward children in conflict with law. Reintegration requires communities, schools, and employers to accept former offenders and provide opportunities for constructive participation in society. This broader social transformation is as essential as institutional reform in realizing the vision of a juvenile justice system that protects children's rights, prevents delinquency, and facilitates rehabilitation.

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