



AN EMPIRICAL STUDY ON EFFICIENCY OF JUVENILE JUSTICE BOARD WITH SPECIAL REFERENCE TO IDUKKI DISTRICT

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CHAPTER-I INTRODUCTION

1.1 INTRODUCTION

The Juvenile Justice (Care and Protection of Children) Act 2015, is the most important achievement in the legislative framework of the Government of India, for the protection and rehabilitation of children in conflict with the law and also focusing on the children in need of care and protection. It was a major piece of legislation that superseded its progenitor of 2000, and was legislated with the lofty objective of developing a more comprehensive and robust juvenile justice administration system. But the process of enacting and putting into practice the law has uncovered significant implementation issues that merit careful analysis. The Act was born out of the increasing concern regarding Juvenile delinquency and the need for a systemized structure for child protection in India. It incorporated provisions that were progressive, such as medical measures for children in institutions, procedural protections and measures, and a focus on rehabilitation instead of punishment. The law also ushered in a new era in the treatment of 16-18 year old youths who commit particularly violent acts, by permitting criminal trials of these young people as adults, under specific conditions. Despite these positive measures, the action plan of the Act has faced many hurdles in various states of India. These include lack of basic facilities, as well as lack in procedure functions and weaknesses that leads to serious doubts about the effectiveness of the Act to fulfill its goals. Over time, the difference between the vision and the reality in the field has grown and the need for a detailed analysis of implementation mechanisms and their limitations has become even more evident.

The objective of this work project is to systematically explore these gaps of implementation in the light of empirical evidence, case studies and official reports and draw a conclusion regarding the areas where the execution of the Act is less successful than the intended objective. It is important to have a better understanding of these issues not just for academic discussions but also to devise practical solutions for strengthening the Indian juvenile justice system going forward. Juvenile delinquency has emerged as a serious

danger and is now considered as an international problem. The focus of juvenile justice has moved from punishment to reform over the years, and has come to acknowledge that and it is not a matter of punishment for children in conflict with the law, but of guidance and support. This transformation in the Juvenile Justice (Care and Protection of Children) Act, 2015 which give importance to rehabilitation and reintegration as major theme to assist children in their transformation into society and rebuild of their lives and career. The growth of Juvenile Justice Legislation of India is showing the commitment and resolve of a country towards reform and rehabilitation especially in the field of the protection of the rights of children.

1.2 LITERATURE REVIEW

-Travis Hirschi (1969)¹ :- Travis Hirschi argues that informal social control stops the person from acting on their inner motives to commit a crime when social bonds are established during the socialization process.

-Karen (1995):² argues that developing a strong relationship with the child will prevent the child from developing a sense of mistrust and resentment. When a child develops resentment and mistrust, the child will lose their sense of conscience and will develop anti-social behaviour.

-Kupersmidt and Dodge (2004)³: propound that there exist two extreme and diametric views which elaborate the role of the peer group in the development of aggression and anti-social behaviour of a delinquent child. These views may also elaborate the illness of childhood delinquency.

Parker (2006) ⁴found that kids who are well liked by their friends usually do well in school and get along with others. On the hand kids who are not liked by their friends like when they get picked on or left out often have a lot of problems. These problems can happen now like being sad or acting out and they can also lead to bigger problems later on like feeling really down getting into trouble behaving badly using bad things failing in school and even thinking about hurting themselves. Parker (2006) says that not being liked by friends is a deal and can cause a lot of trouble, for kids

-Dr. Mahendra Tiwari (2015)⁵: regarding juvenile delinquency from the Indian perspective portrays the socio-economic and psychological situation of the country. Rural-urban migration,

¹ Travis Hirschi, *Causes of Delinquency*, Transaction Publisher, New Jersey, 2002

² Karen A. Joe and Meda Chesney-lind: *An Analysis of Gender and Ethnic Variations in Youth Gang Membership*, Department of Sociology, University of Hawaii (1995)

³ Kupersmidt JB, DeRosier ME, *How peer problems lead to negative outcomes, mediational model*, Washington, DC, 2004, p119-138

⁴ Parker JG, Rubin KH, Earth SA, Wojslawowics JC, Buskirk AA, *Peer Relationships, Child Development, and Adjust*

⁵ Dr. Mahendra Tiwari, Mohan Shakti, *Analytical View on the Concept of Juvenile Delinquency*, Vol. 5 No. 9, (Sept, 2015), International Journal of Research in Economic and Social Sciences

poverty, an emotional breakdown of families, social and moral degeneration, the faulty educational system, media influence, the living conditions of the slums, and the breakdown of the joint family system and social values provide an explanation for juvenile delinquency in India.

-Hansen (2010)⁶: presents three experiments distinguishing adult and adolescent thought. The first had groups aged 10 – 30 solve a colored ball puzzle with limited placeholders in the fewest moves. The second had groups choose an immediate, smaller reward and a delayed, larger reward. Adults always choose for the late results but the adolescents choose the immediate smaller results. The third had groups participate in a driving

simulation where they had to decide whether to run a series of traffic lights turning red both alone and with friends.

-Jean Piaget⁷ :states that the ability to interpret one's self and one's surroundings develops at different rates. From birth to age two, children are in the sensorimotor period and do not have the ability to interpret the world with abstract thought. The period after that until age 11 is the formal operations period and is when children of this age may better interpret the world and the environment through the development of their cognitive abilities and abstract thought.

This literature review acknowledges several studies concerning the juvenile justice system. Among these is a study from **The Lancet Child and Adolescent Health⁸**. This study examined the age of adolescence from multiple angles. It noted that the age of adolescence is more accurately defined subjectively from the maturation of the individual rather than a specific definition or guideline.

-Lundman(2001)⁹: suggested the nature of juvenile confinement has changed. Juvenile correctional facilities now attempt to send the message to society that confinement will be unpleasant. This is now the nature of all juvenile correctional facilities.

The Justice Verma Committee (2013) pointed out that children who lose parental guidance and education are almost beyond the hope of mainstream and rehabilitative rehabilitation. The provisions of the juvenile justice Act are now little more than words on paper. A report by the

⁶ Mark Hansen, *What's the Matter with Kids Today: A Revolution in Thinking About Kids Minds is Sparking Change in Juvenile Justice*, ABA Journal, Vol. 96 No. 7, July 2010 p. 50

⁷ Mayer, R.E, *Educational Psychology. A Cognitive Approach*, 1987, Boston, MA, Little, Brown & Co.

⁸ Prof. S.M. Sawyer, P. S. Azzorapardi, D. Wickremarathne, Prof. G.C. Patton, *The Age of Adolescence*, 17th January 2018, [http://www.thelancet.com/journals/lanchi/article/PIIS2352-4642\(18\)30022-1/fulltext](http://www.thelancet.com/journals/lanchi/article/PIIS2352-4642(18)30022-1/fulltext) (accessed on 29/04/2026)

⁹ Richard Lundman, *Prevention and Control of Juvenile Delinquency*, Oxford university Press, 2001, 3rd Ed. Pg. 29

Centre for the Child and the Law (CCL) also mentions that there is no evidence that serious offenders among juveniles are receiving the treatment or the reformatory services which are essential for their rehabilitation.

According to **Gauri Pillai et al (2017)** ¹⁰the proposed policy in the 2015 Act contradicted principles of juvenile justice. However, the solution could not be coming back to the 2000 Act, focusing on its implementation. According to them, the 2000 Act did not take into account the idea that heinous offenses would deserve more than a three-year sentence that would be short of effective rehabilitation. After reviewing the Acts, they argue that the 2000 Act was more offender centric and failed to take into account the situation of victims. They suggest that while retaining the emphasis on rehabilitation, principles of restorative justice should be included as the mandatory second limb, for the formulation of a comprehensive juvenile justice policy in India.

1.3 STATEMENT OF PROBLEM

The main problem of this project is to critically examine if Juvenile Justice Care and Protection Act 2015 is applicable or not and specifically, the Juvenile Justice Board (Idukki District, Kerala). Although there, the Juvenile Justice Board (JJB) is a specialised judicial body that deals with cases of children in conflict with the law. It is not a criminal court but an enabling forum to rehabilitate the offenders. The awareness and perception of the litigants will be explored. The main issue that this study seeks to illuminate is how far Juvenile Justice

Care and Protection Act 2015 has been adopted and the efficiency in resolving offences classification. The analysis gives insights in to whether Juvenile Justice Board can be effective tool for resolving the problems and proper shelters are available for the juveniles and what improvements might be necessary to enhance its effectiveness of this Act.

1.4 SCOPE AND RELEVANCE OF THE STUDY

The significance of analyzing the Juvenile Justice Board (JJB) is to critically understanding the balance between criminal justice and child welfare. It brings focus to the change in the legal system from punitive, retributive punishment to rehabilitation, with particular emphasis on children's rights and their psychological growth and social reintegration. The Juvenile Justice system clearly differentiates between petty, serious and heinous offences, particularly with

¹⁰ Gauri Pillai and Shrikrishna Upadhyaya, *Juvenile Maturity and Heinous Crimes: A Relook at Juvenile Justice Policy in India*, 10 NUJS L. Rev. 49 (2017) NUJS Law Review

respect to young people aged 16 – 18 years. Studying the JJB sheds light on “PRELIMINARY ASSESSMENT”. A board assesses juveniles' physical and mental ability to comprehend the ramifications of heinous crime. A study of the JJB enables us to understand how the justice system is used to improve the behavior of young offenders. The board refuses to send children to prisons, ensuring that they are housed in observation homes or special homes and receive education, vocational training and psychological counseling. The challenges to the effective implementation will also be examined.

1.5 AIMS AND OBJECTIVE OF STUDY

This study aims to:

- Identify the gap and shortfall in implementing the Juvenile Justice Act, 2015 in the view of rehabilitation and social reintegration of CICL and CNCP in Idukki with a critical analysis.
- To address the different implementation challenges in place including the absence of trained professionals, substandard infrastructure, vocational training and psychological counselling and after care release faced by the institutional care in Idukki.
- To evaluate the role of stakeholders and the monitoring mechanisms in the juvenile justice system.
- To suggest measures like individual care plan, gender based strategy, community based services for CICL's holistic reintegration and reformation.
- To suggest policy advices on enhancing the process of rehabilitation and reintegration.
- To get an understanding of the Juvenile Justice system in India.
- To gain insight into Juvenile Justice and its effects on the crime rate.
- To gain knowledge about the weaknesses of Juvenile System in India.

1.6 RESEARCH HYPOTHESIS

H1: The Juvenile Justice Care and Protection Act 2015 in Idukki District is not functioning properly in the field of children in conflict with the law and in the case of proper care and shelter is not available to the children in need of care and protection.

H2 : According to Section 15 of Juvenile Justice Care and Protection Act 2015 if a heinous offence committed there should need a preliminary assessment from the Board and expert opinions and specialized people are needed, but in Idukki District there is lack of experts related to the field of juveniles.

H3: As per the Juvenile Justice Care and Protection Act it is mandatory that there should need shelter homes, observation homes, and place of safety but in Idukki District there is no homes are provided and the children of Idukki District is shifted to some other District.

1.7 RESEARCH QUESTIONS

How does the JJB conduct the "preliminary assessment" to determine whether a heinous crime was committed by a child as an adult or a minor?

How many cases have taken "preliminary assessment" in Idukki District? What are the punishments provided for them?

Where are the observation homes and special homes located in Idukki District?

Where are the children's got shifted in the absence of observation homes and special homes? How many days a week sitting of the Juvenile Justice Board is here?

Who are conducting assessment in heinous cases?

How often the investigation report receive from the special investigation officers?

What are the safety measures available for the children in the homes?

Whether the classification of offences under Juvenile Justice (Care and Protection of Children) Act 2015 is needed or not?

Which type of cases are reporting more?

1.8 RESEARCH METHODOLOGY

The research design for the study on the efficiency of juvenile justice act with special reference to Idukki district will employ an empirical data. The study intends to use non doctrinal method. The non-doctrinal research shall include questionnaire method, observation method and interview method. The non doctrinal research uses qualitative and quantitative methods for analyzing the data collected by means of questionnaire and observation. The quantitative analysis is performed through using questionnaires and qualitative analysis is performed of the data collected from interview and observation. This method of sampling chosen for the survey is simple random sampling. The statistical data for identifying the effectiveness of Juvenile Justice Board is taken from the cases reported from the year 2024-2026 till March.

- Advocates –who are specialized in Juvenile crimes.
- Police Officers – nearby police stations in Idukki district includes Special Police officers.
- Social Workers – who are working under Juvenile Justice Board.

- Psychologist - who focuses on juvenile cases in Idukki District.
- Principal Magistrate – First class Judicial Magistrate of Thodupuzha.

1.9 LIMITATION OF STUDY

The study is a simple study with a small sample size . The sample that I have chosen is a simple random sampling . The study is basically on the Juvenile Justice Board so the data I have collected from the Board is past 3 years and the corporation of the people is also less and they only gave me limited data and data related to the juveniles are confidential one and also they gave me the details of the types of offences. The social attitudes and awareness about the Juvenile Justice System is less. The time period and lack of influences over the key people leads to limit the resource collection. The detailed study on focusing on the effectiveness of the Juvenile Justice Act across Kerala is beyond the scope of study. Overall the study has responsive limitations and difficulties that may be covered by the presumption.

1.10 CHAPTERISATION

The study is consist of five chapters. The first chapter deals with the introduction and research methodology adopted for this study. Second chapter contain the overview of Juvenile Justice Act 2015 its legislation, development, children in need of care and protection and children in conflict with law and analysis of judicial trends. Third chapter contains the study of crimes committed by juveniles its role of experts, social workers, board members, classification of crimes, trends and statistics of crime and the institutional frameworks for juveniles in Idukki . Fourth chapter contains the empirical data and the analysis of the data. Fifth chapter includes the findings , conclusion and suggestions. Final section contains the bibliography and the annexure. These are the detailed version of my research.

1.11 CONCLUSION

My empirical study is aiming on the concept of juvenile justice board that is built upon a growth in legal values, constitutional values and its applicability in practical ways. It give priority to rehabilitation, protection, and the recognition of children as individuals capable of transform. However, the effectiveness of this act is significantly limited by challenges in implementation, including institutional weaknesses, availability of resource, and lack of coordination. The future of juvenile justice in India depends on close this gap between legal intent and practical reality. This is in need of continuous investment in the field of infrastructure, capacity building, and new inventions, as well as it move towards preventive and community-based approaches. The study focuses on the difficulties and challenges that impade the effective implementation of the Act. This is the study to understand and the find out the loopholes and the working of Juvenile Justice Board in Idukki District and to solve the challenges faced by the Juvenile Justice Board and to recommend some suggestions to avoid such clashes and to solve the dispute and to do empirical research based on this topic will help to understand the matter in deeply.

CHAPTER-II

OVERVIEW OF JUVENILE JUSTICE ACT 2015

2.1 INTRODUCTION

The Children create almost half of the world's population and they are the future of the mankind and asset of the country. They carry past with them and they are the future themselves. They own the right to life and development as children in their life. But the children are not conscious of their rights and they fall victim to abuse or delinquency. In the past year, the country as a whole saw a total of 30,555 crimes, with Delhi coming 6th with more than 2,340 minor crime cases, according to the NCRB data. The number of cases involving minors and registered in 2020 was over 2,643. The evolution of Juvenile Justice law in India is a testament to the nation's efforts for reform and rehabilitation, especially for children in conflict with the law. It is important to note that the laws governing children in India have changed considerably over the last 50 years, reflecting both local requirements and the international standards. The evolution of juvenile justice in India is one that can be described as dynamic and evolving, with a commitment to the protection and rehabilitation of the juvenile offender.

Justice for minors is the idea which is prevalent in India as well as other countries where the Juvenile Justice is on the rise. The UN General Assembly taken a Convention on the Rights of the Child and made the member state attach to it and follow the rules and regulations which were formed in that convention for the security and protection of children rights and development of a child. The Juvenile Court in the UK has a great deal of powers as per the Children and Young Offenders Act, 1993 act. No child shall be placed in trial in any other court other than Juvenile court in case of his/her committing any offence. On the other hand, the rights of the minor offenders or juvenile offenders are covered in the Criminal Justice Act, 1948. The main aim of this legislation was to give security to the children and also protect the rights of juveniles. That it has not been fully put in place in the institutional context provided under the Juvenile Justice Act and that the institutions at District level are not able to fully implement the Act as it lacks adequate staffing and infrastructure. This makes it difficult to the work of the rehabilitative and reformatory work programs which in turn leads to disappointment on achieving the goals of restoration and reintegration work. There has been nothing practically spotlight in managing rehabilitative plans.

2.2 EVOLUTION OF JUVENILE JUSTICE ACT

The evolution of Juvenile Justice system in India can be divided into five stages.

1. Prior to 1773
2. 1773 - 1850
3. 1850 - 1919
4. 1919- 1950
5. Post 1950.

Before 1773, the maintenance and protection of children was in the hands of their parents and family. In the case of the family that watching the children they naturally observe their criminal and noncriminal behaviour was related to regulations of Hindu and Muslim law. The reform movement in England also had an impact on

India during the time period of the East India Company (1773-1850). The reform movement saw the abolition of slave trade throughout British Empire. The Lord Cornwallis was so worried for the children that he set up a centre for destitute children in Calcutta. Legislation for children was formed in the time period 1850- 1919. The Apprentices Act (1850), Indian Penal Code (1860), Code of Criminal Procedure (1861), and Reformatory Act (1876 and 1897) are some of the important laws enacted during this period. All these acts had a reformation rather than a punishment emphasis.

There were two important developments in the juvenile justice policy in our country from 1919 to 1950. The Indian Jail committee (1919 – 1920) recommended for new special courts and institutions for child offenders and it is against the imprisonment of such children. The Madras Children Act (1920) is the next legislation that came. This Act is the first to establish the Juvenile court philosophy. India is independent since 1947 and has the Indian constitution from 1949. The post-1950s saw the emergence of more clearly defined juvenile justice system in the country. The Indian government passed a Central Children's Act in 1960 which was amended in 1978.¹¹ The Act included neglected, victimized and delinquent children. It established a separate office (Child Welfare Board) to deal with neglected children and removed the juvenile court from its jurisdiction to deal with delinquent children. Different probation officers were assigned to the children and to ensure proper after care for children. India has had a National Policy for Children in 1974 and the National Children's Board was

¹¹ Critical Analysis of Juvenile Justice Act 2015

established in 1975 to support child. development programs. By 1986, almost all states in the country had passed their own children's legislation. These acts, however, did not, in general, consist of each other when they elaborated the concept of delinquency and court process and the institutionalization of delinquents. The need of this is Act is necessary to apply to whole country. This was the time when Juvenile Justice Act was passed in 1986. This was further modified several times evolving the concept of children and with relevant international acts to which India is a signatory, the Juvenile Justice (Care and Protection of Children) Act 2000, 2006 and finally in 2015. A very legalistic definition of juvenile is given in the Juvenile Justice Act, 1986. The JJ Act of 1986 defines a male juvenile as younger than the age of 16 and the female offenders as younger than the age of 18. One of the reasons attributed to this difference in consideration of age is the patriarchal nature of the society where women have limited freedom to take decisions about their own lives and the degree of surveillance they are subjected to- it reflects an assumption that girls have less opportunity to become a juvenile. The Juvenile Justice Act of 1986 clearly differentiates between the offenders and the victims. It defines clearly 'delinquent' and 'dependent' or 'neglected' children. It has two steps for delinquent children and neglected children. These two types of children are housed in separate institutions. The Act takes a social welfare approach, that focuses more on child development. The JJ Act of 2000 was in sync with the recommendations made by CRC, the Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) of 1985, the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) of 1990 and finally, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty of 1990. It encompassed the entire spectrum of child/lawyer interactions. According to the Juvenile

Justice Act, the rights of juveniles are closely related to those who are accused under the Indian criminal procedure.¹²

The JJ Act, 2000 provides for a process that is informal and child friendly. Considering the needs of children separate Juvenile Justice Boards have been set up. Juvenile proceedings are different from criminal proceedings and the room is typically comprised of Board members hearing the case, probation officers serving as courtroom clerks, a court reporter, a guard from the Observation home where such children are held temporarily, police officers, the victim and possibly the victim's family, the child and possibly the child's family. Some districts

¹² *Role of Juvenile Justice System in India* (HM Publishers) (June 16,2026,06:10 p.m)

have even moved their proceedings from the court room to these. Observation Homes. This Act has undergone one of its most significant amendments, which was to take into account that the child in question would have to be at the heart of all discussions. It is seen as the most important way of bring children back to their families as long as it was in their best interest. The Juvenile Justice Act was amended in 2000 and the Juvenile Justice Act of 2006 was enacted. The Juvenile Justice Act 2006 is also considered as the Principal Act. The Act was to distinguish between two groups of children. Children in need of care and protection are children who come in conflict with law. Two separate systems were made to cater the needs and wants of these two categories of children. The Child Welfare Committees were set up for children in need of care and protection and Juvenile Justice Boards for children in conflict with law. The Act also mentioned about the establishment of specialised facilities which would take care of these children. The Act describes about the formation of Children homes for children in want of care and protection, Special homes for children who are against with law, observation homes were made for children who were housed only for a temporary period of time till their cases were pending with the Boards or Committees. Thereafter, the Juvenile Justice (Care and Protection) Rules 2007 were made for the implementation of the Act 2006.

The Juvenile was started by the Women and Child Development Ministry of the Government of India. In August of the same year, the Lok Sabha in Parliament passed the Justice (Care and Protection of Children) Bill, 2014. This was occurred after the consequences of Nirbhaya gang rape case in Delhi and the large number of juvenile crimes particularly within the age group of 16- 18 years. One of the key provisions of the Act covering the offences committed by children in this age group was made an amendment. If children in the age group 16-18 were observed to have committed heinous crime, they may be tried as adults though they are not adults, it was clearly stated. The Juvenile Justice Board may reach this conclusion following a consultation with social workers, psychiatrists and other experts who will determine the maturity of the child and the level of severity of the offense committed. The children will be taken to children's court for trial. The Act also discovered that a child who has come in conflict with law possibly a child in need of care and protection. In this case it may be referred back to Juvenile Justice Board for referral to Child Welfare Committees. Institutional placement is considered as a last resort and should only be considered for the shortest of time necessary to place the child. The Juvenile Justice (Care and Protection of Children) Act 2021

was enacted to initiate the amendment of JJ Act 2015 and in Lok Sabha on 15th March 21 and passed by the Rajya Sabha on 28th July 21. In the consecutive NCRBs¹³, high percentage of crimes by adolescents has been observed. This is indicative of the fact that children are continuing to engage in crimes. The existing juvenile justice Act demands further support on a number of fronts, such as infrastructure and skilled staff, in order to be implemented properly. The National Commission for the Protection of Child Rights has noted that even after the enactment of 2015 Act, the Child Care Institutions were not well established. It is found that most of the non-governmental homes where children lived were not registered and did not fulfil the registration criteria. These homes rarely bother about social re-integration of children and their rehabilitation. As such, several important amendments have been initiated, District Magistrate including Additional District Magistrate are given additional duties over the existing ones.

2.3 LATEST AMENDMENT IN JUVENILE JUSTICE ACT 2015

The in Nirbhaya Rape Case¹¹ had let a minor convict go on the basis that he was a juvenile. This decision faced a lot of criticism and the question arose what the rationale behind 18 years as a bar for adulthood is. And that was the background behind the Juvenile Justice (Care and Protection of Children) Act, 2015, which provided for trials of juveniles in conflict with the law between the age of 16-18 years as adults for heinous crimes. Ms. Maneka Gandhi, the then minister of women and child development highly emphasized on heinous crimes that are done intentionally and are organized. Heinous Crimes have the punishment of minimum sentence of 7 years as per the law. This was a beneficial reform, but it was not clear in the degree of crime and was not following laws pertaining to child welfare. The changes to be brought by the new Bill: Major change: 'serious crimes' (the major addition). Now, there are two categories of crime "Heinous Crimes" and "Serious Crimes". Serious Crimes is defined as crimes for which the minimum is at least three years and the maximum is not more than seven years imprisonment.

This removes the vagueness and it will bring to ensure juveniles maximum protection by keeping them safe from the adult justice system. Now, the Juvenile Justice board will ask in these cases and decide whether the juveniles would be dealt with as a minor or an adult.

Power of District Magistrate: Mrs. Smirti Irani addressing the house, said that the new law seeks to make District Magistrates as synergizing officers. After the amendment, the act will provide

¹³ NCRB <https://share.google/vXPXkQwZkxAgjamwY>

the District Magistrate has an additional duty which will include the watching of Children Welfare Committees, Juvenile Justice Board, or other juvenile - related agencies. Now, he has to carry out a quarterly review of the functioning of these various agencies. The NCPCR report, 2018 revealed that when a survey was done on 7000 CCIs and not even a single CCI was found to be complying with the provisions of the Act and 29% of CCIs had major shortcomings in their management.

Adoption: Presently, the court issues adoption orders establishing the child belongs to the adoptive parents but now with the coming of this bill, this function will transfer to the District Magistrate and Additional District Magistrate. If a person is aggrieved by the adoption order then he may file an appeal before the divisional commissioner within 30 days of the order issue. Those appeals should be resolved in four weeks of the filing. This provision will have a positive impact on the process of adoption.

Child Welfare Committee: The new amendments make it difficult to start new children's homes and opening can be done only after permission of the District Magistrate. Now they need to ensure certain norms and procedures to be in continuation. The amendment also sets out some requirements regarding who can be a member of Child Welfare Committees. Some of which are:

- a. He/She is not a convicted offender of a moral turpitude offence.
- b. He/She has no record of violation of human rights especially child rights.
- c. He/She is not a member of the management of a childcare agency in a district.
- d. He/She may not be separated from the service of the central government or any state government or a government enterprise.

The State government shall terminate the appointment of any member who for any period of three months in succession, is absent from the proceedings of the CWCs without any satisfactory cause during the inquiry or who absent himself from less than three-fourths of the sitting of the year. The bill also puts direct supervision on the accountability of CCIs as it has been found in surveys that rehabilitation of children is not their priority and children are kept there just to get the funds which further leads to corruption.

2.4 Legal provisions relating to the classification of offences

The JJ Act 2000 was revoked and Juvenile Justice Care and Protection 2015 Act was passed.

➤ New Act classifies offences. A 'heinous offence' is the offence with minimum punishment of seven years of imprisonment & more. A 'serious offence' are the crimes with three to seven years of imprisonment and a 'petty offence' is less than three years of imprisonment.

The children below 18 years were treated equally in the old Act (JJA, 2000) but the new Act (2015) has made an excuse of 16-18 years age group under which if a kid commits a heinous offence he may be trialed as an adult¹⁴.

The following is a list of essentials to play the crime when you are an adult.

Sec 19 of new Act – The Children Court to Decide – whether the child is to be tried as an adult if

- age group of child is 15-17
- committed a heinous crime having minimum punishment of imprisonment of more than seven years.
- The Board should conduct an inquiry then assessment of child under section 15
 - his ability to commit such offence (mental and physical),
 - ability to understand consequences of such offence and
 - the time of the offence (date and/or time)
- The JJBs will coordinate a preliminary assessment of a crime committed by a child within a specified time period and decides if the child should be sent to rehabilitation centers or send to the children's court to be tried as an adult. The board can seek assistance of psychologists, psycho-social workers and other experts to make the decision.

➤ Pursuant to Section 14, any such inquiry has to be conducted within a period of four months from the date of first delivery of the child before the Board; otherwise, the duration of time will be extended by two more months by the Board taking into the matter in the circumstances of that particular case. Any inquiry by the Board regarding petty offences, which fails to come to a conclusion within the time limit, shall be discontinued. In case the Board wishes to conduct an inquiry beyond the above-mentioned time period for a serious or heinous offence, then permission has to be sought from the Chief Judicial Magistrate or, in case of metropolitan areas, from the Chief Metropolitan Magistrate. The procedure of inquiry and trial under new act.

¹⁴ Section 15 of Juvenile Justice Care and Protection Act 2015

The Board shall deal with petty offences in terms of section 14 (5) (d) by conducting summary proceedings in accordance with the procedure established in the Code of Criminal Procedure 1973.

➤ that the Board shall dispose of any inquiry into serious offences, following the procedure, in trial in summons cases provided for in the Code of Criminal Procedure, 1973.

➤ Section 14 (5) (f) - dealing with inquiry of heinous offences,—

(i) For a child below the age of sixteen years as on the date of commission of an offence shall be arrangement made by the Board under clause .

(ii) where a child is 16 years or older on the date of the commission of an offence shall be dealt with in the manner provided in section 15.

The Juvenile Justice Act 2015 stipulates the procedures and processes in relation to children who offend in sections 10 – 26. This section focuses with Detention of children who are against with law and give that children who are under suspicious of a crime but not convicted are keeping them under the safe custody in place of jail and are not get beaten up by police officials. The Act also contains specific provisions regarding the penalties that will be imposed for offences against children, including for acts of cruelty (Section 75)¹⁶, the acquisition or disposal of children (Section 81)¹⁷ or the use of children for begging (Section 76). Additionally, the Act provides penalties for failure to comply with its provisions such as failing to disclose information (Section 34), failure to register a child care institution (Section 42)¹⁸.

2.5 JUDICIAL INTERPRETATIONS

Sheela Barse v Union of India (1986) 3 SCC 596.

In the public eye this case raised issues about how children are treated in custodial environments, and issues about their safety and well-being. The Supreme Court commented that children were frequently placed in environments not appropriate for their age or vulnerability, thus exposed to physical and psychological risks. The Court stressed that the State must take steps to keep children away from these situations. It made it a requirement to keep children away from adult offenders, and to ensure that they have access to legal aid and suitable care. The decision also emphasized the need to establish a process which is child-friendly and not a copy

¹⁶ Section 75 of Juvenile justice Care and Protection Act 2015¹⁷ Section 18 of Juvenile justice Care and Protection Act 2015¹⁸ Section 42 of Juvenile justice Care and Protection Act 2015

and paste of the formal and intimidating adult court process. The importance of this case is that it recognizes that justice for children needs to be shaped.¹⁹ It put in place the principle that maintaining dignity and the well-being is a fundamental part of the justice process.

V. Giri v. State of Kerala (1990) 1 SCC 445.

The Supreme Court in this decision explains the purpose of Juvenile Justice laws and lays stress on the fact that laws are meant to guide and reform a child, not to punish him. The Court understood that children would not be evaluated as an adult. The judgment emphasised that a significant number of children involved in illegal activity are not responsible for their actions, but are influenced by factors outside of their control. The goal of the system should be to address these core issues, and offer opportunities for positive development, rather than punishment. The Court's logic reaffirmed the notion that juvenile justice should be about the future, not the past. This case will be significant for being the first to create a clear conceptual distinction between juvenile justice and adult criminal law, thus giving space for a child to be developed and reintegrated in a system that is adequate for children development.²⁰

Laxmiprasad Kesari v. State of Odisha (2012) 8 SCC 250.

In this case, the Supreme Court was commenting on the procedure to be followed after a child has been found guilty of an offence. It emphatically stated that a shift towards punitive measures should not follow from such a finding. Rather, emphasis should be placed on helping the child to recover and grow. The Court stressed that the use of institutional placement should not be automatic. It helped to raise a child's awareness of alternative care options that may keep the child within a supportive setting, such as family care or community-based care. The court also noted that inappropriate institutions may sometimes perpetuate bad habits and not correct them. This case helped to ensure the continuity of the reformative approach to the juvenile justice system by continuing the focus on rehabilitation after adjudication.²¹

Mukesh & Anr. v. State for Nct of Delhi & Ors.

Outraged over one of the Nirbhaya's perpetrators being slightly under 18, the Juvenile Justice Act of 2012 was largely reformulated. The new Juvenile Justice Act, 2015, gives a juvenile board the power to refer minors aged 16-18 for trial as adults in cases of "heinous offenses."²²

¹⁹ *Sheela Barse v Union of India* (1986) 3 SCC 596²⁰ *V. Giri v State of Kerala* (1990) 1 SCC 445²¹ *Laxmiprasad Kesari v State of Odisha* (2012) 8 SCC 250.²² *Mukesh & Anr. v. State for NCT of Delhi & Ors.* (2017) 6 SCC 1

Paramvir Singh v. State of Punjab (2016) 8 SCC 253.

This case was about rights of children in care. The Supreme Court ruled that the basic rights of children are not abated just because they are put in such institutions. The Court made it clear that they have the right to dignity, safety, education and proper care at all times. It also set out the duty of the authorities to make sure that institutions are a place where there is development and well-being. The Court emphasized the importance

of mechanisms for monitoring to avoid any risk of neglect or abuse and to ensure that children have access to the support they need for reintegration into society. The significance of this judgment is that it's based on the quality of the care provided, which moves away from just 'placement' and towards 'rehabilitation' of the case.²³

Aman Kumar v. State of Haryana (2012) 6 SCC 46.

In this case, the court considered the circumstances in which older juveniles might be subject to adult criminal proceedings. The Supreme Court was sensitive to the implications of such rulings on a child's future, and was mindful of the significance of such decisions. The Court stressed that such a move to the adult system should not be a regular occurrence. It should be a thoughtful evaluation of the child's maturity, intelligence and situation. The court's decision focused on the transfer should not only be made based on the seriousness of the crime alone²⁴. The court's decision underlined the importance of keeping juvenile justice and juvenile justice system and to avoid unwanted abuse of children to unnecessary punitive systems in the event of serious crimes.

Salil Bali v. Union of India (2013) 7 SCC 705.

In this instance, the Supreme Court answered questions about the age requirement for juveniles. The Court agreed with the concept that the young people below eighteen years old should be considered as children under the law. Developmental understanding and standards from around the world were used to inform this judgment. It admitted that teenagers are still growing and may not be known of the consequences of their behaviour. The Court said exposing them to the adult criminal system, "may impede their growth and lessen the likelihood of their reform."²⁵ This case is important as it helps to uphold uniformity in legalism and reaffirms the juvenile justice approach of protection.

Mini Mathew vs State Of Kerala (2024)

The amendments that increased the jurisdiction of the Children's Court (S. 1339 of the CrPC)

²³ Paramvir Singh v. State of Punjab (2016) 8 SCC 253

²⁴ Aman Kumar v. State of Haryana (2012) 6 SCC 46

²⁵ Salil Bali v. Union of India (2013) 7 SCC 705

were held to be constitutional by the Kerala High Court. 86) do not have a retrospective effect, so that the Magistrate retains jurisdiction over cases pending before the amendment in 2022.²⁶

Hansraj v. State of Uttar Pradesh (2025)

The Supreme Court upheld that the Juvenile Justice (Care and Protection of Children) Act 2000 was retrospective in nature and that the provisions of the Act should be applicable to minors even if the crime was committed before the Act was enacted²⁷.

2.6 CONCLUSION

In India, the Juvenile Justice (Care and Protection of Children) Act, 2015 is the Act which provides for a juvenile justice system with an emphasis on rehabilitation instead of punishment for young offenders. But this has been heavily criticized, especially for committing serious offenses. Systemic weaknesses, especially in court age determination and judicial waiver systems, have severely hampered the implementation of the Juvenile Justice (Care and Protection of Children) Act of 2015, which falls short of its rehabilitative mandate. Research shows that the legislation is strong but there are significant gaps in implementation, such as the lack

²⁶ Mini Mathew vs State Of Kerala (2024)²⁷ Hansraj v. State of Uttar Pradesh (2025)

CHAPTER –III

JUVENILE JUSTICE BOARD: FINDING ITS FUNCTIONS, ROLES AND OFFENCES COMES UNDER THE ACT

3.1 INTRODUCTION

The Juvenile Justice (Care and Protection of Children) Act, 2015 was passed due to the increasing concerns about juvenile crime in India after the Nirbhaya incident. The law enables teenagers between 16 and 18 years old to be charged as adults if they commit a "heinous offense" which has been a dramatic change from the more lenient previous legislation. The Act is focused on child centeredness with emphasis on rehabilitation instead of punishment and devises structures like Juvenile Justice Boards and Child Welfare Committees.

The Juvenile Justice (Care and Protection of Children) Act, 2015 brings together laws relating to children who are against with the law and children in need of care and protection, for them institutions like Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs) are working. It contains key elements such as classification of offences (petty, serious, heinous) and the procedures for investigation and rehabilitation, and social reintegration. The Act also provides protections of the sentencing of juveniles (e.g., juveniles may not be sentenced to death or life imprisonment without parole). This chapter contains the major functions of juvenile justice board, the role of social workers, exploring the benefits of the classification of offences, the main reasons for the commission of offences, finding the role of expert opinion in heinous offences and unveiling the efficacy of juvenile justice in modern justice system.

3.2 MAJOR FUNCTIONS OF JUVENILE JUSTICE BOARD

The Juvenile Justice Boards provided for in districts have been given the authority to conduct all proceeding under the JJ Act in respect of children in conflict with law in the area of jurisdiction of the respective Board. [Section 8(1)]

Section 8 of JJ Act and Rule 7 of Model Rules states the functions and responsibilities of the Board, which include-

- Ensure the informed participation of the child and the parent/ guardian, in each and every step of the process. (Section 8(3)(a)) .
- Ensure the child's rights are respected during the apprehension of the child, the enquiry process and after care and rehabilitation. (Section 8(3)(b))
- Ensure legal service institution is available for legal aid for child. (Section 8(3)(c))

If the child does not understand the language used in the proceedings, provide an interpreter or a translator of such qualifications, experience and on payment of such fees as may be prescribed to the child wherever necessary. To direct Direct Probation Officer/Child Welfare Officer/Social Worker to carry out social investigation to find out the circumstances surrounding the alleged offence and to provide a report to JJB in less than 15 days from the date of first time producing of the child before the Board. (Section 8(3)(e))

• resolve and determine issues of children involved in conflict with law pursuant to the process of inquiry provided in section 14. (Section 8(3)(f))

If a CCL is in need of care and protection, JJB will also refer the same issues to Child Welfare Committee. (Section 8(3)(g))

It will give an individual idea for the child's rehabilitation and restoration in the final order make over of the action. (Section 8(3)(h))

• Conduct enquiry for declaring fit persons in case of children in conflict with law. (Section 8(3)(i))

Perform at least one inspection of the residential facilities of children in conflict with the law each month and recommend action to improve the quality of services to the DCPU and the State Government. (Section 8(3)(j))

• If a complaint is made in this problem the order the police to register FIR in related to all the offences committed against child in conflict with law. (Section 8(3)(k))

• Registration of F.I.R. against child in the need of care and protection for offences on the basis of a written complaint of a Child Welfare Committee by the police. (Section 8(3)(l))

Periodically check jails intended for adults to make sure that no child is in custody in such jails and take prompt action to remove such a child to the observation home. (Section 8(3)(m)).

The JJB shall make an order for the destroy of such records of conviction of the Police after the period of appeal or after a reasonable period has pass . (Section 24(2)).²⁷

3.3 ROLE OF SOCIAL WORKERS

Section-4 of Juvenile Justice Act 2015 is describing about Juvenile Justice Board. It states that, the State government shall establish one or more Juvenile Justice Boards for each district to carry out its powers and functions in respect to children in conflict with law provided for by this

²⁷ Section 8-24(2) of Juvenile Justice Care and Protection Act and Rule 7 of Model Rules 2016

Act¹. The Bench of a board shall consist of the Principal Magistrate, a woman and two or more social workers, as the case may be, to be appointed in such manner as may be prescribed and the powers of a Board shall be the same as those of a Metropolitan Magistrate or, as the case may be, of a Judicial Magistrate of First class, as provided by the Code of Criminal Procedure, 1973 (2 of 1974).

Social work, a specialised and professional area in social services, has always been about improving the quality of life of people, families and groups. In order to assess the effectiveness of the social worker's role in preventing juvenile delinquency, three main points are taken into account: level of danger, family situation, and the special educational needs of the individual children. A proven intervention in this area is 'intermediary corrective behaviour'; a behavioural intervention that aims to build the motivation and will of youth against reoffending. The duration of this program is typically 12 weeks, and then, the judge's ruling following 'post-punishment' is enforced. The operation consists of four parts, namely: changing treatment for the behavior of the child, social education, vocational and professional training for children, and suitable children's recreation activities. Practitioners with their expertise are able to assist in the identification of the root causes and issues resulting in inappropriate behaviour in children which can inform the development of corrective and rehabilitative measures. An important guideline is to do a thorough psychological, social and family

evaluation to better understand the child's living situation, which social workers do. The assessments might involve checking a child's educational status, family relationships, economic status, behavioral patterns and past experiences. This information will all be used to help the judge to make accurate and effective decisions. In this context they obtain information by thorough social, psychological and family evaluations and analyze the problems that could have contributed to the criminal activity. These evaluations can involve looking at the child's environment, family, psychology and social factors, etc., can be an important part in understanding what is causing them to behave in a deviant way. Some of the contributing factors to criminal behaviour in children may, for instance, be unfavourable family conditions, psychological issues, or negative social environments.

In addition, social workers have the opportunity to stop the occurrence of new crimes through the introduction of preventive and supportive programmes for children. These

²⁸ Section 4 of Juvenile Justice Care and Protection Act 2015

programs can involve psychological counseling, social and professional skills training, and/or involvement in social and support groups, etc., all geared towards enhancing the child's mental and social well-being. These programs have succeeded in many instances in assisting children who have previously experienced a psychological and/or social crisis, to successfully manage it and thereby prevent criminal activity. Social workers may serve as a link between the family and the judicial system, helping to restore family relationships and setting the scene for the child's reintegration into the family. If a family is not able to provide support, a social worker can help the child to find a different environment with appropriate and supportive services for the child's special needs. Furthermore, social workers can act as a link between the child and his/her family and other judicial systems. Children who have legal problems may have additional problems communicating with their families. In doing so, social workers can improve communication within the family, and provide the environment for family members to support their child and participate in rehabilitation process.

3.4 ROLE OF EXPERT OPINION IN HEINOUS OFFENCES

The expert opinion is playing an increasing part in heinous offences. The Parliament of India enacted a new Juvenile Justice Act (JJ) in 2015. It is amended from a previous version in 2000, which added a process of "preliminary assessment" to trials of 16- to 18-year-olds accused of heinous crimes to see if they should be treated as adults²⁸. The act mandates the juvenile justice board to evaluate four things when deciding on a minor:

The minor's physical ability to commit the offence alleged against him or her
The minor's mental health and the ability of committing the offence alleged against him/her will help to understand the consequences of a crime is alleged.

Any other facts or information of relevance to the offence that are not covered by the above categories.

If a minor meets all the criteria for this assessment, he or she will be subject of punishments as harsh as those for adults, which were previously reserved for adults. However, as of now, this assessment is done at a stage when the trial is yet to commence and there are not sufficient facts on which to evaluate their case, concerning the minor. The Juvenile Justice boards have been basing their orders to transfer children to be tried as adults

²⁸ Section 15 of Juvenile Justice Care and Protection Act 2015

and this has created the objections from different categories in society. Decision made by the courts, including the Supreme Court, have noticed that there are no clear guidelines for the assessment explained in the act. The law has met with criticism from legal experts as a step backward in the field of juvenile justice. Individuals and organizations engaging with children have find out how the assessment goes against the different rights of minors, for example equality before law upheld by the Constitution of India. They have claimed that it is a form of discrimination because that although juveniles are minors, legally, they can be tried and punished as adults. The procedure is set for children in conflict with the law to ensure that the justice system does not focus more on punishment but adopts a method of rehabilitation and reincorporation of the child back into the society for them to grow in their future efforts. The challenging procedures given in the act do ensure that the children are tried in a children-friendly way and not as an adult. Still, if a child commits an offense of heinous type then he should go through the same trial as an adult in order to get the result of justice. The Board will ascertain the reasons behind running away from the child and it can pass necessary orders of sending the child back to the institution, person or any other place that the Juvenile Justice Board thinks is safe for the child. In addition, the Board shall also provide further directions of special steps to protect the interests of the child. There has been consistent advocacy challenging the rush to implement 'preliminary assessment' by juvenile justice boards without taking account of the realities of juveniles in the country. There is a very progressive provision for the use of experienced psychologists, psycho-social workers or other experts in Section 15 of the JJ Act, 2015. The opinion and expertise of these professionals are valuable input and insights for the Board. The opinion of these professionals, however, is only advisory and the Juvenile Justice Board has the final say in accepting or rejecting the opinion of these professionals. The student will examine various types of offenses. The student will analyze the different classification of offenses.

3.5 EXPLORING DIFFERENT CLASSIFICATION OF OFFENCES

In simple terms, crime is the act of any person to commit any wrongful act with some punishment attached for the same. The Juvenile Justice Act, 2015 has divided crime into three categories, which are mentioned below:

Petty offences

Offences are as stated in Section 2(45) of the Juvenile Justice Act, 2015.

The minimum sentence mentioned is three years under the Bharatiya Nyaya Sanhita, 2023 (erstwhile Indian Penal Code) or any other law in force at the time of the commission of the offence. Petty offences are defined as offences such as stealing or housebreaking²⁹.

Serious Offences

As per Section 2(54) of Juvenile Justice Act 2015, some serious offences have prescribed imprisonment ranging from three to seven years under the BNS 2023 or as per any other law which was in working at the time of the crime. Some serious offences are kidnapping, dacoity and counterfeiting³⁰.

Heinous offences

According to Section 2(33) of the Juvenile Justice Act, 2015, Heinous offences are offences with a minimum punishment of seven years or more as prescribed for such offence under the BNS, 2023 or any other law in applicable at the time of the offence. Crime like rape and murder comes under the ambit of a heinous crime.³¹ Juvenile crimes can be seen in various ways or behaviours. There are unique social settings for each pattern. A young child activist, Yamini Abde, emphasises interesting facts behind the driving motivations that encourage children to get involved in horrible crimes i.e., rape and murder is, the desire to do something new, brave, unique, and thrilling. On the other hand, peer pressure, such as a dire need to grab cash quickly and having easy access to images related to the crime and pornographic content that publishing on the media. All these factors are bringing about greater hostility and sexual activity among young people. This is a very illusionary belief, believing that they won't be prosecuted by the criminal justice system because they are minors, and this belief really elevates them in their encouragement to commit serious crimes.

LIST OF 'HEINOUS OFFENCES' AS PER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

A. THE INDIAN PENAL CODE 1860

s.121 Waging or attempting or abetting to wage war against Government of India -Death of imprisonment for life

²⁹ Section 2(45) of JJ Act 2015

³⁰ Section 2(54) of JJ Act 2015

³¹ Section 2(33) of JJ Act 2015

s.195 Giving or fabricating false evidence with intent to procure conviction of offense with imprisonment for life or imprisonment. Punishment is same as the person tried for that offense will be liable to be punished – min 7 years

s.195A Threatening any person to give false evidence – If any innocent person is convicted and sentenced in consequence of such false evidence with death or imprisonment for more than seven years -Punishment same as the sentence received by innocent person

s.302 -Punishment for murder -Death or imprisonment for life s.304B -Dowry death -Minimum 7 years and can extend to life

s.311 -Punishment for thugs -Imprisonment for life

s.326A -Acid Attack causing permanent or partial damage/deformity -Min 10 years and upto life s.370(2) - Trafficking -Min 7 years and upto 10 years

s.370(3) -Trafficking of more than one person-Min 10 years upto life s.370(4) --Trafficking of minor -Min 10 years upto life

s.370(5) -Trafficking of more than one minor -Min 14 years upto life

s.370(6) -Trafficking of minor on more than one occasion -Imprisonment for life – remainder of that persons' natural life

s.376(1) -Punishment for rape -Min 7 years upto life

s.376(2) -Custodial rape, rape on minor or pregnant women, etc. -Min 10 years and upto life s.376A -Rape resulting in death or permanent vegetative state of women -Min 20 years or remainder of persons' natural life or death

s.376D -Gang rape -Min 20 years or remainder of persons' natural life

s. 6E -Repeat of s.376, 376A or 376D -Imprisonment for remainder of persons' natural life or death

s.397 -Robbery, or dacoity with attempt to cause death or grievous hurt -Min 7 years

s.398 -Attempt to commit robbery or dacoity when armed with deadly weapon -Min 7 years³²

B. THE COMMISSION OF SATI (PREVENTION) ACT, 1987

s.4(1) -Abetment of Sati when sati committed - Imprisonment for life or death s.4(2) Abetment of sati – when sati attempted -Imprisonment for life.³³

³² Section 121-398 of Indian Penal Code 1860

³³ Section4(1),(2) of The Commission of Sati Prevention Act 1987

C. THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

s.15(c) -Punishment for contravention in relation to poppy straw involving commercial quantity - Min 10 years and upto 20 years

s.17(c) -Punishment for contravention in relation to prepared opium involving commercial quantity -Min 10 years and upto 20 years

s.18(b) -Punishment for contravention in relation to opium poppy and opium involving commercial quantity -Min 10 years and upto 20 years

s.19 -Punishment for embezzlement of opium by cultivator -Min 10 years and upto 20 years s.20C - Punishment for contravention in relation to cannabis plant and cannabis involving commercial quantity -Min 10 years and upto 20 years

s.21(c) -Punishment for contravention in relation to manufactured drugs and preparations involving commercial quantity -Min 10 years and upto 20 years

s.22(c) -Punishment for contravention in relation to psychotropic substances involving commercial quantity - Min 10 years and upto 20 years

s.23(c) -Punishment for illegal import in to India, export from India or transshipment of narcotic drugs and psychotropic substances involving commercial quantity -Min 10 years and upto 20 years.

s.24 Punishment for external dealings in narcotic drugs and psychotropic substances Min 10 years and upto 20 years

s.25 Punishment for using premises, etc., to be used for commission of an offence. As per the said punishment for that offense.

s.27A Punishment of financing illicit drug traffic and harbouring offenders. The time period of 10 years of rigorous imprisonment with minimum R.s. one lakh fine, with the possibility of increasing to R.s. could be for a period of till 20 years of harsh confinement. 2 lakhs.

s.29 Punishment for abetment and criminal conspiracy As much as the punishment for that offense

s.31A Repetition by persons convicted of commission, attempt, abetment, conspiracy of offenses under s.19, 24, 27A and for offences involving commercial quantity of any narcotic drug or psychotropic substance who are subsequently convicted of the commission, attempt, abetment, criminal conspiracy of a crime which is related to certain NDPS in the specified quantity. Death³⁴

D. THE ARMS ACT, 1959

s.27(2) Use of any prohibited arms or prohibited ammunition in contravention of section 7 (relating to 'Prohibition of acquisition or possession, or of manufacture or sale, of prohibited arms or prohibited ammunition')-Minimum 7 years and upto life

s.27(3) Use of any prohibited arms or prohibited ammunition or does any act in contravention of section 7 that results in death -Death³⁴

E. THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967

s.10(b)(i) Penalty for becoming a member of an unlawful association ,that person will be who does any act that results in death of any person -Death or imprisonment for life

s.16(1)(a) 16. Punishment for terrorist act if such act has resulted in the death of any person Imprisonment for life or death³⁵

F. THE FOOD SAFETY AND STANDARDS ACT, 2006

s.59(iv) Punishment for unsafe food where a contravention or failure results in death of a person Min 7 years and up to life³⁶

G. THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989

s.3(2)(i) Giving or fabricates false evidence intending to lead to a conviction of any member of a Scheduled Caste or a Scheduled Tribe to be convicted of a capital offence.-Imprisonment for life If an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence-Death

s.3(2)(iv) Commission of Mischief by fire or explosive substance intending to cause destruction of a building used by a member of SC/ST Imprisonment for Life

s.3(2)(v) Commission of any IPC offense with imprisonment of more than 10 years against the person or property of a member of SC/ST-Imprisonment for Life³⁷

H. THE MAHARASHTRA CONTROL OF ORGANISED CRIME ACT, 1999

s.3(1)(i) Punishment for organized crime which has resulted in death of a person Death or imprisonment for life³⁸

³⁴ Section 15-31 A of The Narcotic drugs and Psychotropic Substance Act 1985

³⁴ Section 27(2)&(3) of The Arms Act 1959

³⁵ Section 10 &16 of The Unlawful Activities Prevention Act 1967

³⁶ Section 59 of The Food Safety Standards Act 2006

³⁷ Section 3(2)(i-iv) of The Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities) Act 1989

I. PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

s.4 Punishment for penetrative sexual assault Minimum 7 years which may extend to life imprisonment + fine

s.6 Punishment for aggravated penetrative sexual assault Rigorous imprisonment for 10 years which may extend to life + fine

s.14(2) Using a child for pornography and committing penetrative sexual assault Minimum 10 years which may extend to life +fine

s.14(3) Using a child for pornography and committing aggravated penetrative sexual assault Rigorous life imprisonment +fine³⁹

J. IMMORAL TRAFFIC (PREVENTION) ACT, 1956

s.5B Trafficking in person and attempt to commit or abet trafficking First conviction is punishable with rigorous imprisonment of minimum seven years and second or subsequent conviction is punishable with life imprisonment.

s.6(1) Detaining of a women or girl in premises where prostitution is carried on Minimum seven years s.7(1-A) Prostitution in or in the vicinity of public place in the aspect of a child Minimum seven years

s.9 Seduction of a person in custody⁴⁰

3.6 REASONS FOR OFFENCES COMMITTED BY JUVENILES

The children in India are more likely to commit crimes due to poverty and media (social media) influence. One of the leading factors that compels kids to commit crimes is financial hardship, along with modern social media that leaves more negative than positive impressions on children these days. Juvenile delinquency has many causes, but we can broadly classify it into two categories:

A. Social Factors.

B. Personal Factors

³⁸ Section 3(1)(i) The Maharashtra Control of Organised Crime Act 1999

³⁹ Section 4-14 of Protection of Children from Sexual Offences Act 2012

⁴⁰ Section 5-9 of Immoral Traffic Prevention Act 1956

A. Social Factors

Broken Homes: Death of one or both parents, long-term illness or insanity, desertion, and divorce can all disrupt a family. Conversations at home are critical for the child's growth and socialization. In a family mother is the most important person for a child. The child's growth will be hampered if the mother divorce etc, leaves her husband, or dies. But, it is not correct to assume children from broken homes are less likely to have healthy relationships with their peers.

Poverty: Some of these kids grew up in poor conditions, and they have turned to crime as gang members. Low-income parents daily have to work long hours away from home in order to protect and survive their families.

Companions and Gangs : To the deep version is that kindergarten aged child is getting to a group which that is in favor of crime, he will be attached to it, just as adolescents are attracted to other young people who make them feel safe and loved. The fact that a youngster likes to hang out with friends can lead to bad behaviors which lead to bad lifestyles and crime. They feel anger because they think they cannot help but influence the children through their careers or example. It is not possible to force a teenager to involve in good behavior without a purpose. If a child is not take care with love they may shout and they became so angry and frustrated that they may decides to move away from home and enter into a life of crime. The following factors may contribute to a poor love and care from the parent: inadequate knowledge and curiosity, a mom who does housework, and family support.

B. Personal or Individual Factors

Teenagers are also susceptible to mental retardation or emotional instability, which may affect their behavior.

Mental Deficiency in Delinquency: A large percentage of criminals have had mental disabilities. Children are more likely to have mental retardation than adults. The older members of the gang or the smarter members of the group would often exploit the children for their own purposes.

Emotional Problems of the Individual Problems: Mind and emotions play a big part in criminality. Delinquents are typically afflicted with inferiority and jealousy. Criminality on child is a war and it is an expression of anger that is look at damaging, breaking down, or altering the environment one psychologist explained. The social constraints which prevent a person from getting his basic wants and rights are the main targets of this uprising. They aren't born as delinquents; they are developed into such as a result of enironmental and internal factors. These are often afflicted with mental distress and performing criminal acts out in protest or seeking attention from their family.

Substance Abuse Risk Factors: In most cases of juvenile delinquency, there is a problem with the use of substances. Two modes are identified based on substance abuse and minors. Firstly, it's the fact that today's young people are taking more powerful drugs than 10 years ago. Second, some juvenile users start using drugs at a younger age. The students will receive the illegal substance basically from shops nearby schools. These illegal substances or the illegal use of legal substances encourages youth to commit crime to get money for drugs. In the overwhelming majority of the time these folks find themselves engaged in crime they would never have gotten into in any other way. In such cases, therapy professionals can be called upon to help children get their sense of self-worth and value back⁴¹.

Furthermore, when youth are under the influence of drugs and alcohol, they are much more susceptible to engaging in destructive, harmful and illegal activities. Using of children in an abusive way has been a practice of a long time. These children go through a lot of abuse which is different in nature as physical, sexual, or psychological or as a combination. The abuse will be a long lasting impact and found effect on a child's life. The issue of child abuse is a serious one and it is not likely that it gets solved any soon. In juvenile delinquency, therefore, there is a possibility of attributing it to both internal and external factors.

3.7 UNVEILING THE EFFICACY OF JUVENILE JUSTICE IN MODERN JUVENILE JUSTICE SYSTEM

Not every interpretations of effectiveness in juvenile justice are cause and effect not all are firstly considering with the using of juvenile justice to bring about change in young offenders or in the wider social world. Rather, on some views, juvenile justice is an effective response to youth crime if it is a fitting or satisfying response. Here are some examples: One way of thinking about effective juvenile justice is offering the morally and legally right response to youth crime. On this interpretation, responses to youth offending are constructed as sanctions or punishment, as in the adult system, even though the sanctions deemed can be less severe and different in quality if

⁴¹ Social Welfare Department, Government of Meghalaya <https://share.google/zJRYAwu6UrZvMUZE8>

suitable for juveniles. The importance of prevention is beyond the sense of justice. The realization of punishment is out of the box of justice. The goal of a just response to young criminal behaviour will have been accomplished irrespective of a change in the young person's sanctioned behaviour.

Using a theory of punishment as communication, effective juvenile justice may involve communicating to the general public using suitable symbolic gestures. Politicians have the chances to show that the juvenile justice system and they can send the proper message in the wake of such devastating acts of crime. Effectiveness might also be seen as meeting the needs of victims of crime perpetrated by youth, such as through mediation, apology or restoration, or again through retribution (but with focus on how victims are feeling). So when considering new and modern solutions to youth crime that includes the concept of regeneration of justice it is often claimed that the focus is as much on the useful to be gained for victims as it is on any impact on the offending behaviour of young people. Again with the caring as opposed to punitive measures for youth crime could be considered a reaction to the need of the child in trouble more than the need to change their behaviour. Meanwhile, this separation is likely to be a false one.

3.8 CONCLUSION

Few studies show that on average training and treatment programmes offered as part of juvenile justice, where they are specifically identified as deserving of a sophisticated scientific analysis, have a moderate impact on the future behavior of youth offenders. It's not all of these programmes that have a lot of impact, but it's some of them that do. When compared to another programme, with similar goals, e.g. a psycho-therapy one for adults, it is obvious that the effects of the juvenile delinquency programmes are considerably less. There are probably fundamental reasons that these effects will always be relatively small. Young offenders are frequently prisoners and they do not choose to be. They might not want to change, or not be aware that there is another way in life for them. Additionally, even if the training or treatment is totally positive, the setting in which the training or treatment occur may be negative or stigmatizing. In contrast, most mental health sufferers are aware of their need to get help. It's better, if the treatment is opposed by the patient, at least the stigma of medical treatment is not as bad as the stigma of criminal justice treatment. So this chapter contains the functions, roles of the social workers, and the experts role and classifications of the offences and efficacy of Juvenile Justice

CHAPTER IV EMPIRICAL DATA

4.1 ANALYSIS OF THE DATA FROM THE OFFENCES

My study is to analyze the applicability of Juvenile Justice Care and Protection Act 2015 and I took Juvenile Justice Board Thodupuzha ,Idukki as my sample since data from the whole of Kerala is not possible in this study. As per the data obtained from the Juvenile Justice Board Thodupuzha and Child Welfare Committee following is the data showing the cases filed in Juvenile Justice Board for 3 years and the cases which is referred to counseling. The data chart shows the how many cases reported in Idukki District by Police Station wise, cases reported under the category of petty offences, serious offences and heinous offences.

For analyzing the applicability of Juvenile Justice (Care and Protection) Act 2015 and to study about the barriers and social challenges which reduce the effectiveness of Juvenile Justice (Care and Protection) Act 2015 questionnaire were distributed and interview were conducted among the litigants, police officers and social workers .Social workers (2), Principal Magistrate, Police officers(5) advocates (10).

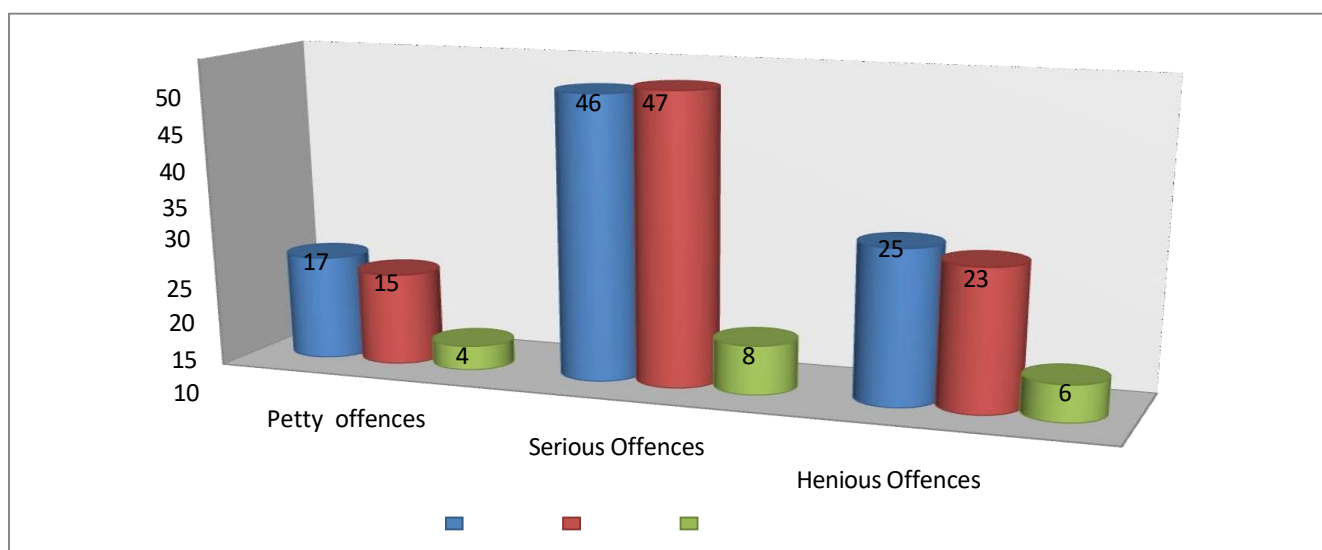
The responses were recorded and converted in to the form of tables, bar graph and pie chart. The following are the results of the research study. In Idukki district total 31 Police Station are there excluding Cyber Police station and Vanitha Police Station and I have collected data from 27 police station during the year of 2024-2026 till March. This is also a way of getting informations by the means of direct and indirect observation or experience. Empiricism values this research more than other kinds. Empirical evidence which the record of one's direct observations or experiences can be analyzed quantitatively or qualitatively. A researcher can quantify it or make sense of it in qualitative terms, and can answer empirical questions which should be clearly worded and answered by the evidence that has been collected, typically referred to as data. It helps me to get more and more knowledge regarding Juvenile Justice Board and this study helps me to get more knowledge about the procedures and the functioning of the board and it as a post graduate student it will help me in future for my education purposes and for the practical and theoretical studies. This project helps me a lot in understanding the difference between the procedural law and the applicability of the procedures used in practical sense.

CRIMES OF JUVENILES (2024-2026)

POLICE STATION	2024	2025	2026(till March)
191	88	85	18
1. ADIMALI	10	3	2
2. CUMBUMMETTU	3	1	
3. DEVIKULAM	5	2	
4. IDUKKI	3	7	1
5. KALIYAR	3	3	
6. KANJAR	2	5	
7. KANJIKUZZHI	2	3	
8. KARIMANOOR	4	3	1
9. KARIMKUNNAM	1	1	
10. KATTAPANA	6	6	2
11. KUMALI	4	3	
12. MARAYOOR	4	1	
13. MUNNAR	1	4	
14. MURIKKASSERI	1	3	1

15. MUTTOM	2	3	1
16. NEDUMKANDAM	2	6	2
17. PEERMADE	1	1	
18. RAJAKADDU	4		1
19. SHANTHAMPARA	3	3	
20. THANKAMANI	1		1
21. THODUPUZHA	10	9	5
22. UDUMBANCHOLA	3		
23. UPPUTHARA	1	4	
24. VAGAMON	2	1	
25. VANDENMEDU	1	1	
26. VANDIPERIYAR	4	6	
27. VELLATHOVAL	3	6	

From the above data we can understand the crimes reported in the Idukki Police Station and the crime rates shows the places in which the crime rates are increasing and decreasing is shown and it shows mainly from the places where offences are more and more during the year 2024 and the amount of cases which are reported can be seen clearly 50 above cases have been reported. It is evidently seen the area of crime has occurred and based on the report out of 31 stations in the Idukki District 27 Police Station has reported the crimes by the juveniles and the crime reporting has increasing drastically every year. So based on the crime report I am conducting the study of the crimes, preliminary assessment and the roles and functions of the Juvenile Justice Board.



From the above bar graph it is evident that crimes of juveniles are increasing year by year. The crime rate of the serious offence is increasing comparing with heinous offence and petty offences. During the year of 2024 and 2025 the increase of serious offence is clearly visible. The Heinous Offence is also present in the year 2024.

4.2 QUESTIONNAIRE TO THE BOARD MEMBERS

1. What is the difference between child in conflict with the law (CCL) and child in need of care and protection(CNCP)?

A Child in conflict with the law means a minor who is alleged or found to have committed an offence and a Child in need of care and protection is a minor who needs to get sufficient care and protection and who lacking from the parental care and subjected to get exploitation.

2. How does the JJB conduct the "preliminary assessment" to determine whether a heinous crime was committed by a child as an adult or a minor?

A child who committed a heinous offence the preliminary assessment is conducted with regard to his/her mental and physical capacity and also conduct investigation regarding the matter of surroundings that child is living. Then JJB will verify the child was 16 at the age of committing that offence then refer to the assistance of experienced psychologist or psycho-social workers or other experts.

3. How many cases have taken "preliminary assessment" in Idukki District?

Almost 20 cases in a year

4. What are the punishments provided for them?

In heinous offences they have been sent to Children's Court and some cases they were given 3 years of punishments, social services, old age homes they will refer them

5. Where is the observation homes and special homes located in Idukki District?

In Idukki District there is no observation homes or special homes for the Juveniles.

6. Where are the children's got shifted in the absence of observation homes and special homes?

The boys are shifted to Government Observation Homes Kottayam observation homes and the girls are shifted to Government Observation Homes at Kakkanad (Ernakulam)

7. How many days a week sitting of the Juvenile Justice Board is here?

3 days in a week, Tuesday, Friday and Saturday. Fridays are the days which the Principal Magistrate is available, the rest of the days are social workers are available and they will conduct the cases.

8. Who are conducting assessment in heinous cases?

In Idukki District JJB the assessment is conducted by the Board itself and for the expert opinion they refer to the Idukki Medical College and take expert opinions.

9. What are the circumstances in which bail is rejected?

* Will bring the child into contact or association with any known criminal. Is likely to expose the child to moral, physical, or psychological danger.

* Will defeat the ends of justice (e.g., tampering with evidence, threatening witnesses, etc..)

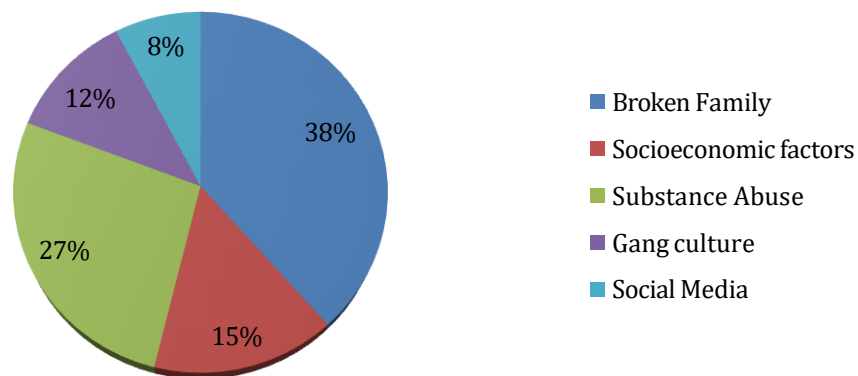
4.3 QUESTIONNAIRE TO THE POLICE OFFICERS

1. What are the major reasons for juvenile crimes?

As we see in the below pie chart it is evident that the major reasons are Broken Family relationships which leads a child to commit crimes and the circumstances and the factors which include the socio economic factors to live for money and to survive in our land children become criminals and for the substances abuses are large in Idukki District and to get attention and

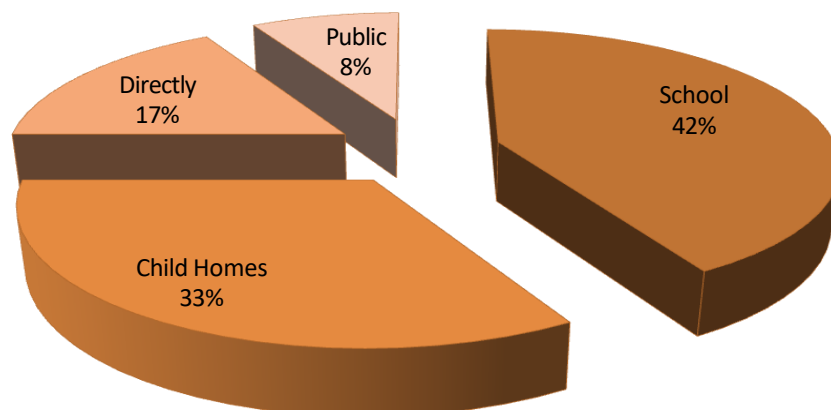
promotions they get into bad relationships and a gang can be evolved from there and that will ruin the future of the kids and finally the usage of social media, after Covid 19 there occur a huge usage of the media and children are more aware of phone and usage of it. These are the major reasons.

REASONS FOR JUVENILE CRIMES



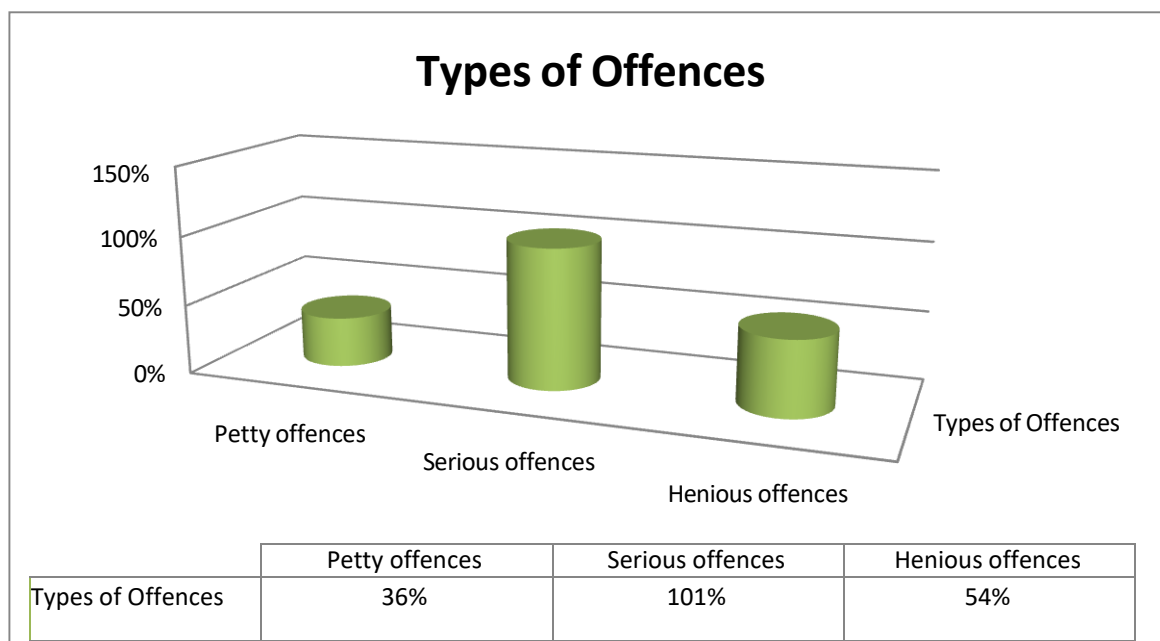
2. How do you receive information regarding the juvenile offences?

Receiving Informations



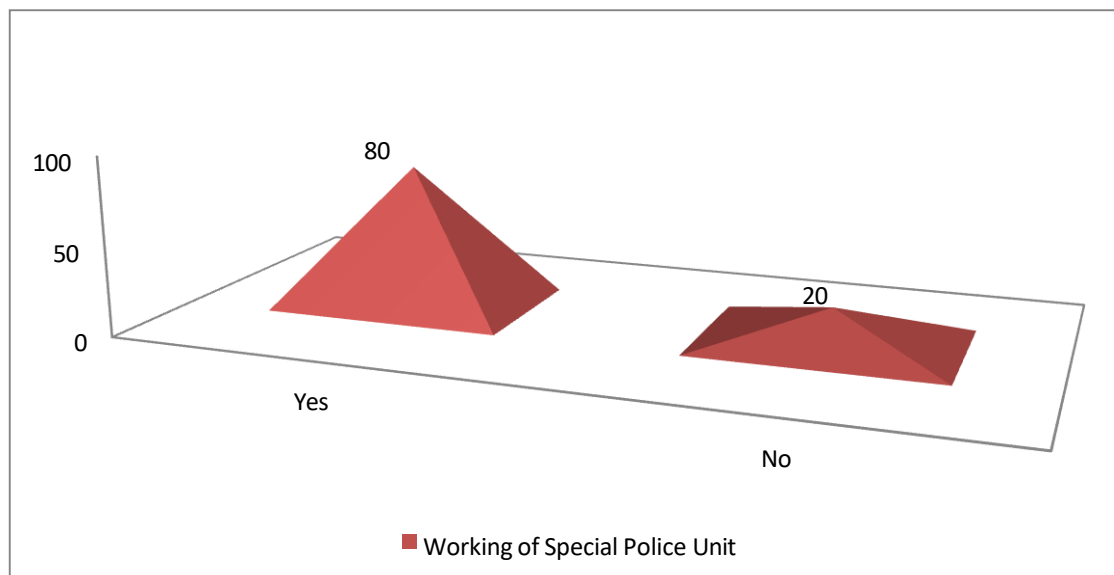
Here in the chart it is seen that the information is receiving information from schools and child homes mainly. The receiving of information from directly and from the public is less and the collection of information taken from child homes, different schools, and it is obtained from police officers, social workers, and advocates.

3. Which type of cases are reporting more?



The chart shows that there is Serious Offence is 100% and above cases are reporting and the heinous offences are also not so less 50% and above is reporting and the rate of petty offences is less comparing to the heinous offences and the serious offences. So as per the data it is evident that Serious offences are high in Idukki District.

4. Whether the Special Juvenile Police Unit is working properly?



80% of the police officers are accepting the factor it is working properly rest of them are not.

5. Which type of cases FIR is registered against CCLs?

Only for heinous offences

6. Whether rehabilitation or punishments are needed for juvenile offenders?

Rehabilitation	Punishment
40%	60%

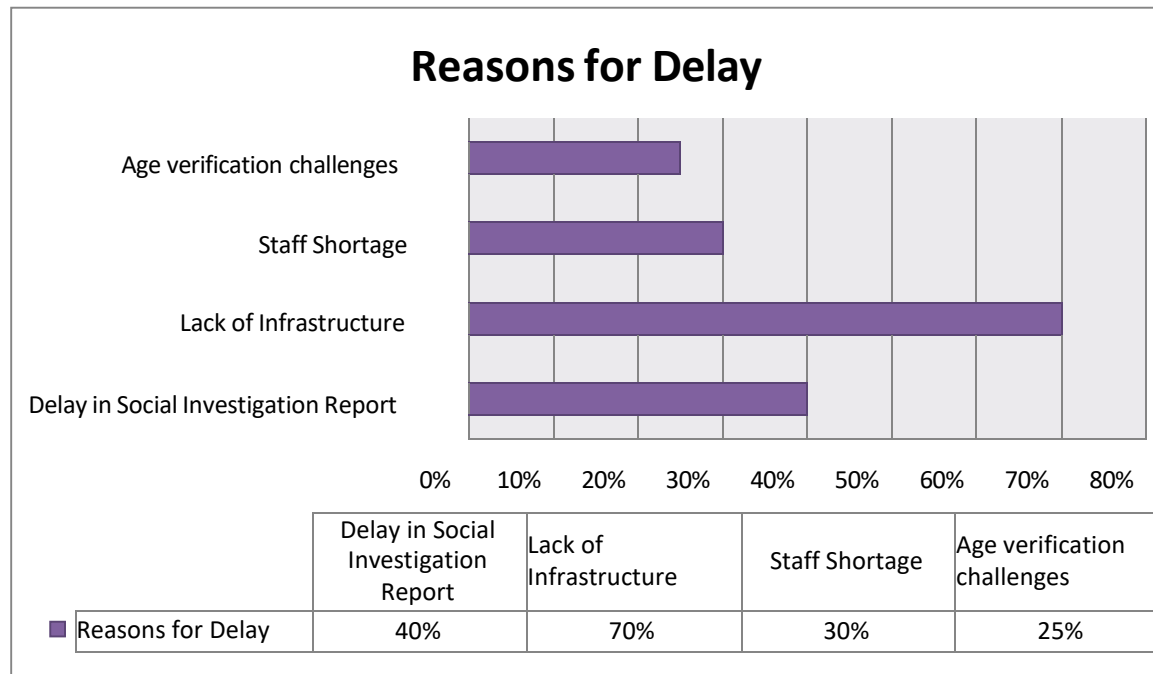
7. Whether same offences committed by same offenders are there?

YES -70%

NO-30%

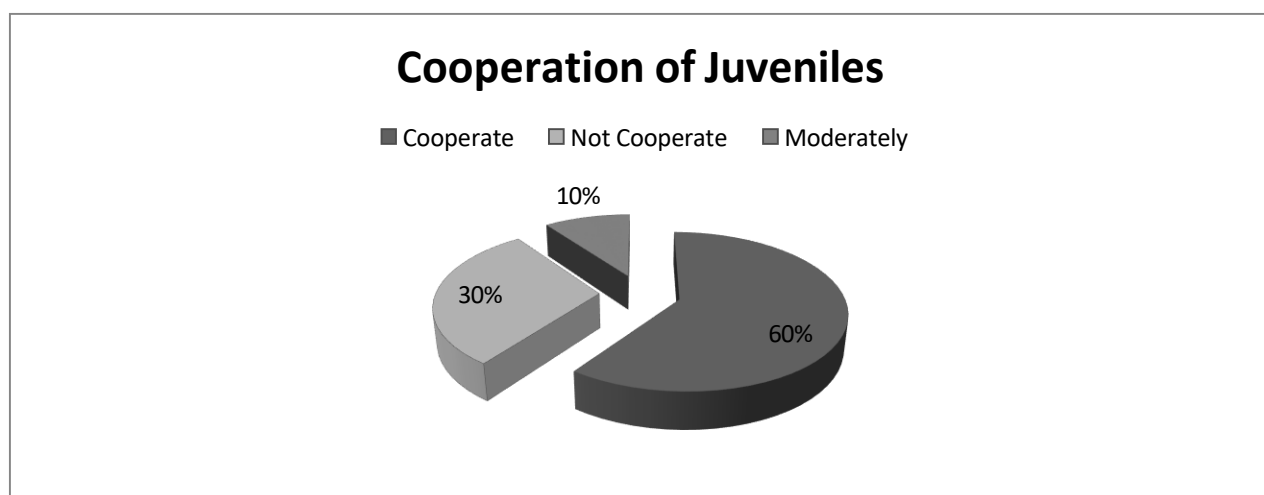
4.4 QUESTIONNAIRE TO THE ADVOCATES

1. What are the reasons for delay in the proceedings of Juvenile Justice Board?



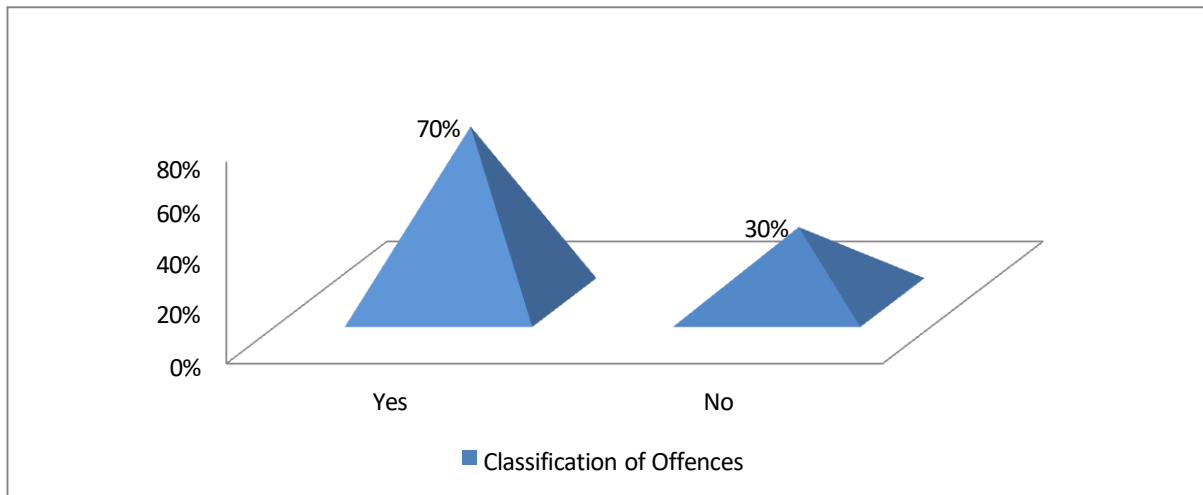
The reasons for delay in the proceedings from the graph it is evident that the lack of infrastructure is the main reason and also there is a delay in the social investigation report 40% of the people suggests that there is delay and the rest of the people explains the staff shortage and age verification challenges are there. So these are the main reasons for the delay of proceedings.

2. Will Juveniles corporate with the proceedings?



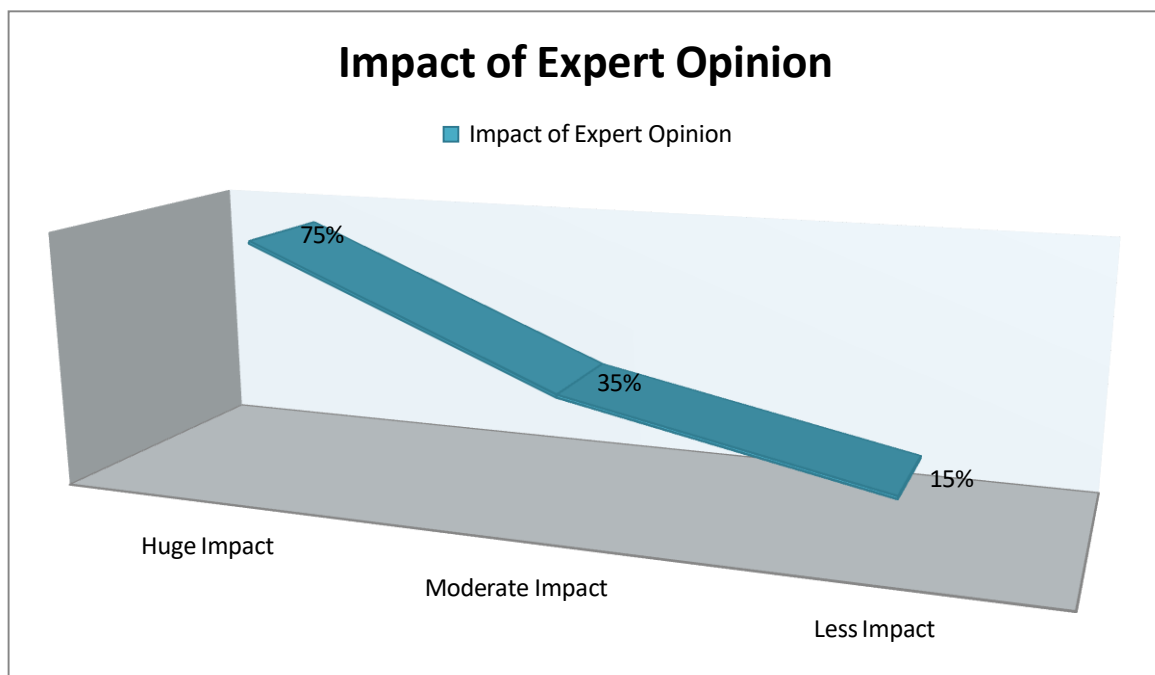
From the above graph there is 70% of juveniles are corporating with the proceedings and the rest of 30% are not. The information is collected from different police officers and from Special Police Officers.

3. Whether the classification of offences under Juvenile Justice (Care and Protection of Children) Act 2015 is needed or not?



From the above chart it is evident that 70% of advocates said yes to the classification and 30% said no to the classification.

4. How much impact is taken in expert opinion in Idukki District on heinous offences?



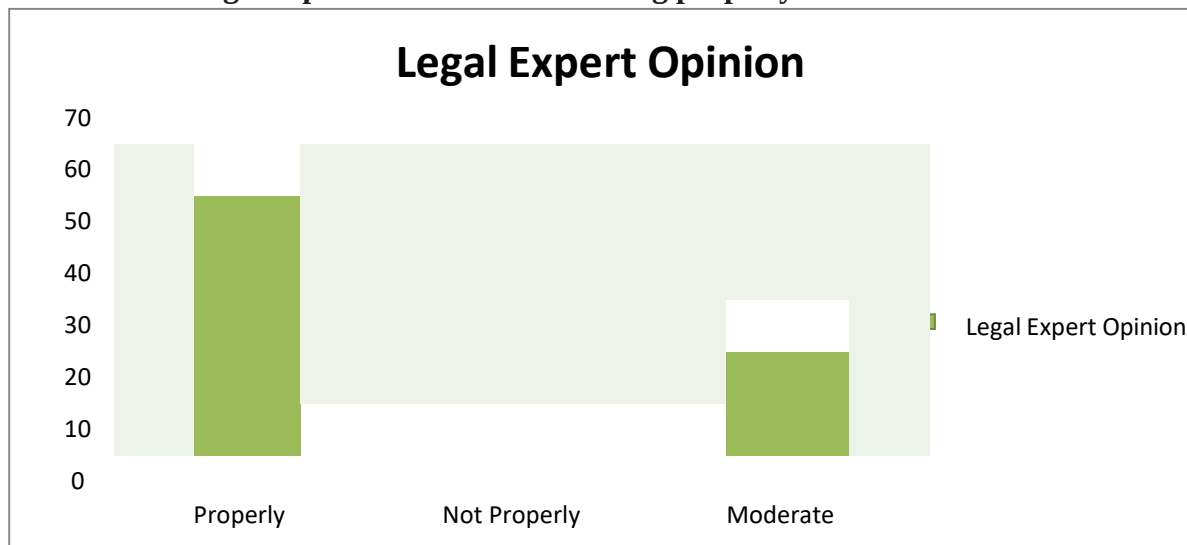
The impact can be seen as a huge impact because in different types of cases the expert opinion is taken to solve the matters and also based on the opinion the cases are solved. So as per the data collected from different advocates who is focusing on the juvenile cases and also from the social workers of the Juvenile Justice Board it is clearly stated the importance and the impact of the expert opinions.

5. Are mandated rehabilitation services provided in Special homes and Observation Homes in Idukki District?

Observation Homes	Special Homes
No 90%	No %

6. Is there any shortage of probation officers in Idukki District?

YES 90%	NO 10%
---------	--------

7. Whether the legal expert assessment is working properly?

From the above chart it is clear that the opinion of legal experts are working properly and it is accepted by 60% of advocates and it is working moderately because their opinion is mainly used for heinous offences and it is about 30% advocates accept the factor and 10% view is it is not working properly.

4.5 ANALYSIS OF DATA AND THE RESPONSES

My study is focusing on the usage of Juvenile Justice Care and Protection Act 2015. The study is focusing on the Juvenile Justice Board with special reference to Idukki District. Statistical data were collected to identify the number of cases filed in Juvenile Justice Board in last 3 years and then find the number of cases which is classified under the category of petty offences, serious offences and heinous offences. By the analyzing of data it is clear that the number of heinous crimes and serious offences are increasing day by day. This data shows that in the year of 2024 the number of petty offences reported is 17 and the number of serious offences is 46 and the number of heinous offences is 25. During the year of 2025 the number of petty offences reported is 15, the number of serious offences reported is 47 and the number of heinous offences is 23. During the year of 2026 till March the crime reported as petty offences is 4, the number of serious offences is 8 and the number of heinous offences is 6. For the study purposes I have collected the number of cases reported in 27 Police Station. During the year of 2024 total 88 cases are reported and in the year of 2025, 85 cases are reported and during the year of 2026 till March 18 cases are reported. For analyzing the implementation of the Juvenile Justice Act social workers of Juvenile Justice Board, advocates and Police officers were involved in the interview. Among the social workers in Juvenile Justice Board they have explained the importance of the Act and the applicability of the Act. They have drastically seen the juvenile recidivism almost, 30% in cases and female are also committing crimes after Covid 19. The usage of substances has increased 40% among the juveniles and they are addicted and committing crimes unconsciously while under the influence of drugs.

They also explained about the problems they facing in the office , they don't have enough facility to provide special homes in Idukki District there is no homes for juveniles they are referring to Kakkanad it is for girls and Kottayam is for boys. There is lack of infrastructure facilities and also delay in getting the expert opinion is also only from medical officers of Idukki Medical College and that is the only expert opinion available. In the case of petty offences and serious offences they are using the Social Background report which is prepared by the officers, and take actions regarding the reports. In the case of heinous offences they take the background study and also take consider the Best Interest of Child. But based on the gravity of the offences they are taking actions and send them to the Children Court and they will refer them back and they will punish them for the 2 years punishment or social works or community works and all. They observe the juveniles by the Kaval App. The juvenile offenders are observed by the officials and the information are send to the Board in case they have committed any offences or crimes in the Homes.

From the analyzing by the Police Officers they have claimed that they are observing the kids but the involvement of them in bad gangs and drugs are drastically increasing and the percentage of using this substances are also increased after the Covid 19 and they are advanced about the social media and technology the crimes committed under IT Act also increased comparing with other crimes and also in the field of the juvenile recidivism also increased about 40% of Police Officers accept the factor of juvenile recidivism. The Juveniles are also aware of the punishments and the time period is also very less. The committing of serious and heinous offences are increasing and the punishments like community services, admonition, fines are given and they are send for the probation period in between they are released based on the Good Conduct. Probably there are fundamental reasons why these effects will always be relatively modest. Young offenders are often unwilling captives. They may not want to clear or may not recognize that a different way in life is a possibility for them . In contrary, most people with mental health problems knowingly want to get better, even if there is unconscious resistance to the treatment also, the stigma associated with medical treatment is less than that associated with criminal justice.

The long going failure in the implementation of juvenile laws resulting in the increase of minor crimes, failure of minor agencies, lengthy procedures of adoption, corruptions, etc. To carry forward the spirit of reformation and rehabilitation of juvenile justice, this new bill has segregated the offences which not only removes ambiguity but also protects the children from adult justice system as much as possible. This act and state is responsible for ensuring minor agencies falling in the districts to follow all rules and regulations. The problems come with the lack of manpower to carry out all these functions. This bill provides the bureaucracy with more responsibility in spite of the fact that they are already over-saddled with a lot of functions. In my opinion, a new system should have been considered to yield the desired results, since the over- burdening of functions will only cause disaster if not properly monitored. This shows that the bill will be out dated like the previous acts. By getting the informations from the advocates it is clear that analysis emphasizes that all decisions must give importance to the best interest of the child, ensuring legal aid and non-marginalizing treatment often highlight deficiencies in infrastructure, such as a shortage of probation officers and the need for better-trained Special Juvenile Police Units (SJPU)

.Advocates highlight the transition from strict reformative, child-friendly approaches to a more punitive system for specific cases. The 2015 act introduced a significant provision allowing juveniles aged 16 to 18 to be tried as adults if they commit heinous crimes (e.g., offences punishable with 7+ years imprisonments). Legal experts stress that the JJB must perform a rigorous assessment of the child's "mental and physical capacity" to commit a crime, along with their understanding of the consequences. In Idukki District focuses on Ensuring that the "place of safety" remains a rehabilitative institution rather than a punitive prison for juveniles and also there is no sufficient fund is provided from the side of Government and that is the main reason for not having a proper homes for Juveniles in Idukki District comparing that with other districts. The opinions are recorded and represented accordingly. 4.1 represents the analysis of the data of the cases from the offences .4.2 shows the responses of the Board members of Juvenile Justice Board and the responses were charted accordingly. 4.3 shows the responses of the Police officers and 4.4 shows the representation of the advocates. Both categories responses were charted accordingly.

CHAPTER-V

FINDINGS, CONCLUSIONS AND SUGGESTION

5.1 SUMMARY OF FINDINGS

From the responses and data derived from the empirical study I derives the following conclusions which are explained here below.

- As per the data it is clear that the number of offences committed by Juveniles are increasing.
- From the responses recorded from the litigants it is evident that most of the litigants were not satisfied with the procedure in the preliminary assessment.
- The majority responded that they have no chance of Special Homes or Observation Homes in Idukki District.
- Most of the litigants responded that the process is not timeliness but they agree that there is some open space is there to communicate. But most of them are unwilling to communicate.
- The majority of them responded that the role of social workers is not much impartial and neutral. But the responses are quite neutral.
- Most of the litigants have the responses that this process cause unnecessary delay in the court proceedings.
- From the responses it is clear that majority of the litigants believes that lack of understanding, rush feeling and ineffective improvement in communication are the major reason for ineffectiveness of process.
- From the responses recorded it is clear that most of the advocates accept the fact that emotional intensity, communication breakdown, external influences and psychological barriers are the major challenges for working of Juvenile Justice Board.
- Most of the police officers responded that involvement of family hinders the children to commit offences to survive.

- According to the response of social workers it is evident that the classification of offence is helpful to identify whether it comes under petty offences, serious offences, heinous offences.
- As per the response of members of JJB the need of special experts to understand the mentality of child is really needed.
- Most of the response speaks about the lack of infrastructure facilities is highlighting.
- Lack of usage of modern technology is visible in the field of Juvenile Justice Board.
- The rate of Juvenile recidivism is increasing from the response of Police officers.
- From the response of advocates the lack of experienced psychologists or psycho-social workers is seen.

5.2 CONCLUSION

The Juvenile Justice System is established on a progressive model of law that takes into account constitutional and international norms. It focuses on the values of rehabilitation, protection, and identification of those children who can be changed. But the efficiency of this model depends entirely on its successful implementation, which is impeded by the issues of non-availability of institutions, resources and poor coordination. The success of juvenile justice system in India lies in the bridging of this gap between intention and application. This requires constant investment in infrastructure and capacity building as well as innovations towards a preventive and community-oriented approach. A model, which works solely based on punishment, will not suffice since it needs to deal with many underlying problems that lead to juveniles committing crimes such as socioeconomic issues and psychological disorders. An ideal model will also work towards uplifting the status of children by offering them avenues for growth and development as well as opportunities for reintegration into society.

5.3 SUGGESTIONS

Based on my research, I would like to suggest the following to improve the overall applicability of Juvenile Justice (Care and Protection) Act 2015 in Idukki District.

- Infrastructure Development
 - * In Idukki District the mandatory homes like Special Homes and Observation Homes are not constructed so, for the purpose of the stay of Juveniles there is a need of immediate establishment of required facilities
 - * Upgrading existing infrastructure like the adoption centers, place of safety in section 49 of the Act.
 - * Implementation of standardized facilities like Juvenile homes, it should be clean, safe and secured
- Human Resource Management
 - * Fast-track recruitment processes
 - * Implementation of standardized training programs are needed for the Probation Officers, Child Welfare Police Officers and Special Juvenile Police Unit to study about handling the children and to understand and

analyze the procedures .

* Improvement should be made in performance monitoring systems and should be needed in the field of inspections and data collections.

- Procedural Improvements

* Digital case management system should be needed rather than the paper pen usage.

* Standardized operating procedures which needed to be strict and properly

* Regular monitoring and evaluation that is needed to understand the changes and situation in whether the child has a bad company or going through good times.

- Legislative Reforms

Amendment of problematic provisions, as per Section 15 speaking about the preliminary assessment for heinous offences and that the Board may take the assistance of psychologist it must be needed as a mandatory one. Introduction of time-bound procedures will help to solve the pendency of the cases.

Enhanced accountability measures may help to functioning the Juvenile Justice Care and Protection Act more effectively.

- **Rehabilitation Focus**

They should need enhanced after-care programs and it will help them overcome the social stigma and trauma they experienced in their life. Skill development initiatives should be introduced to the children for earning money and growth of them can be seen. Community integration programs. Skill certification should be given for juveniles which helps in employment. Mental health evaluation it must be a psychological assessment mandatory within 30 days. Faster assessment which helps to reduce the timeline from 3 months to 60 days. Add formal provisions for victim-offender mediation when appropriate. Expand the option for community-based sentences instead of institutionalization for petty offences.

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ANNEXURE

1. Whether there is homes in Idukki District for Juveniles?
Yes No
2. Can a Juvenile Justice Board order counseling instead of detention?
Yes No
3. Does a Juvenile Justice Board decide if a minor's case goes to court or to rehabilitation?
Yes No
4. Does the board have the power to send a Juvenile to Correctional facility?
Yes No
5. Does first time offenders typically referred to the board?
Yes No
Based on the offence committed
6. Can juveniles aged 16-18 be tried as adult under the Act for heinous offences?
Yes No

7. Does the Act mandate that the inquiry by the Board be complete within 4 months?

Probably Mostly Never

8. Does the Act prohibit disclosing the name of a Juvenile in conflict with the law?

Yes No Never

9. Does the Act require a Juvenile Justice Board in every District?

Yes No

10. Does the Board conduct preliminary assessment before transferring a 16+ juvenile to a children's court?

Yes No

Sometimes

11. Do you feel that social workers prolonged the process of Juvenile Justice Board?

Yes No

12. Do you think involvement of lawyers in JJ Board affects its result?

Yes No

13. What are the specific reasons for a child to become an offender?

Family and Home environment Socio economic adversity Psychological and behavioral factors

14. Does the Principle of Presumption of Innocence mandate rehabilitation over incarceration?

Yes No

Depends

15. Do the Special Juvenile Police Units ensure a child-friendly approach during apprehensions?

Yes No Maybe

16. Is the Board liable to ensure free legal aid for the child?

Yes No

17. Mention the timelines for police to submit reports to Juvenile Justice Board?

5 months

2 months

3 months

18. What is the term of members of the Board?

2 terms

3 terms

4 terms

19. Where is the Juvenile Justice or children's rights included in the Constitution?

Clause (3) of Article 15 Clause (e) of Article 15 Clause (f) of Article 39 All of the above

20. Juvenile Justice (Care and Protection of Children) Act was passed by the Government of India in?

1984

1993

2000