

## **From Legislation To Reality: Bridging the Gaps in the Juvenile Justice Act's effective implementation and outcomes on Children in Conflict with the Law in India**

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### **Abstract**

In the realm of the criminal justice system, there rose a shift in Juvenile Jurisprudence leading to the paradigm shift of the usual justice system which punishes the offender who is accused of a crime. The juvenile justice system has been keen on the subject matter of restorative justice to be provided for children in conflict with the law. However, whether the focus of the legislation lay the foundation for restorative justice and the best interest of the child in line? If so, whether the implementation of the intended legislation is succeeding in the present societal scenario? The author had gone through the question of research on the matters of implementing stats of the JJ Act's restorative justice principles through its established institutions and finding the reason behind its lack of procedural irregularities. The author applied the combination of doctrinal study with the observational study and integrated it along with secondary research on the practical reality behind the effective rehabilitation strategy in childcare institutions through peer-reviewed subjective reports and a qualitative analysis of the present field of this adopted research topic. The study has found that there is a lacunae created by the established special homes for the juvenile delinquents in the present juvenile justice

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system hindering their fostering principle enshrined under the international instruments. With the descriptive hypothesis and research objectives, the paper concentrates on the concept of ensuring the rights of the child in need of care and the children in conflict with the law.

## Introduction

Juvenile delinquency or the Child in conflict with the law is a prevalent concern in our criminal justice system. It ensures the protection of the rights of the children with a different jurisprudence of dealing with their offences specifically through different procedures established by the Juvenile Justice (Care and Protection of Children) Act, 2015<sup>1</sup>. This legislation heads up and intends to consolidate and amend any laws relating to children with allegations found to be in conflict with the law and need protection and care for their development and to feed with their basic needs, treatment and social reintegration by adapting to a child-friendly environment for them in the adjudicating processes and the institutions and bodies established through this legislation. The background of this legislation being enacted has been from a debated controversy famed by the case of the Nirbhaya judgement given by the Supreme Court. The history of this legislation goes back to the Apprentices Act, of 1850<sup>2</sup> which treated children committing offences as apprentices and did not punish them.

It evolved through the recommendations made by the Indian Jails Committee in 1919 concerning children in conflict with the law. Then the Children Act, of 1960<sup>3</sup> was passed. Later in 1986, the Juvenile Justice Act was enacted as the central legislation for dealing with the cases of juvenile delinquency in India. Following this the government got to know about the regular offences being committed by more children continuously. The constitutional provisions of Article 15(3), 39, 45, 47 enshrined under makes an obligation to the state to protect the basic human rights of the children. Subsequently, our country ratified the Convention on the Rights of the

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<sup>1</sup> Juvenile Justice (Care and Protection of Children) Act, 2015, Act No.2 of 2016 (India)

<sup>2</sup> Apprentices Act, of 1850, Act No. 19 of 1950 (India)

<sup>3</sup> Children Act, of 1960, Act No. 60 of 1960 (India)

Children in the year 1992 which struck down the pre-existing law of the Juvenile Justice Act, of 1986<sup>4</sup> due to its lack of standards fulfilling the requirements of the CRC convention. Later then, the JJ Act of 2000<sup>5</sup> came into effect. However, it created an outrage among the public due to this act's implementation procedures which protected a child of age 17 from getting punished for an offence of gang rape committed along with the adults, where the adults were given capital punishment as a result and the child is exempted from it. This landmark case of *Mukesh and Anr. v. The State of NCT of Delhi*,<sup>6</sup> put up the contentions from various legal luminaries and the public that paved the way for the present legislation of the Juvenile Justice (Care and Protection of Children) Act, 2015<sup>7</sup> with more effective measures and inputs from various international instruments such as the United Nations Convention on Rights of Children, of 1989<sup>8</sup>, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, of 1985 (the Beijing Rules)<sup>9</sup>, United Nations Rules for the Protection of Juveniles Deprived of their Liberty, of 1990<sup>10</sup>, the Convention of Hague on 1993<sup>11</sup> and other related conventions. On the whole, this legislation is currently under effect with certain amendments called the Juvenile Justice (Care and Protection of Children) Amendment Act, of 2021<sup>12</sup> which got its effect from September 1, 2022.

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<sup>4</sup> Juvenile Justice Act, of 1986, Act No. 53 of 1986 (India)

<sup>5</sup> Juvenile Justice (Care and Protection of Children) Act of 2000, Act No. 56 of 2000 (India)

<sup>6</sup> *Mukesh and Anr. v. State of NCT of Delhi*, AIR 2017 SC 2161

<sup>7</sup> *supra* note., 2

<sup>8</sup> UN General Assembly, Convention on the Rights of the Child, United Nations, Treaty Series, vol. 1577, p. 3, 20 November 1989

<sup>9</sup> UN General Assembly, United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") : resolution / adopted by the General Assembly, A/RES/40/33, 29 November 1985

<sup>10</sup> UN General Assembly, United Nations Rules for the Protection of Juveniles Deprived of Their Liberty : resolution / adopted by the General Assembly, A/RES/45/113, 2 April 1991

<sup>11</sup> Hague Conference on Private International Law, Hague Convention on the Civil Aspects of International Child Abduction, Hague XXVIII, Hague Conference on Private International Law, 25 October 1980

<sup>12</sup> Juvenile Justice (Care and Protection of Children) Amendment Act, of 2021, Act No. 23 of 2021 (India)

## Statement of Problem

The Juvenile Justice Act, of 2015<sup>13</sup> has brought out a big revolution in the jurisprudence of dealing with crimes committed by children of age between 16-18 years. It has set up the criteria of mental status and agility to determine the criminal activity of the child as to whether he should be treated as an adult or as a child. After the determination of the age through the preliminary enquiry held by the Juvenile Justice Board, the child is either sent to the observation home or the jail according to its decision. The problem here is the implementation of those mechanisms of restorative justice and ensuring the child's best interest in it. It is because of the nature in which the bodies established by this legislation in various names and forms work on it in reality. The Observation homes, special homes and places of safety, children's homes, child care institutions, open shelters and specialized adoption agency where all these various forms of institutions established by the Juvenile Justice Act have not ensured the primary intent of the legislation which is to provide the child should be given the group foster care that is family care and the protection to the child in need of it to the fullest extent that ensures the best interest of the child. However, this invokes the question of the effectiveness of these established institutions in the manner which it should be checked for the reason to find out whether really these institutions are good-looking and are way forward working for the welfare and well-being of the children providing them the family care upholding the primary principle of this act that ensures the child's needs and best interest. The nature and standards of those observational homes play a crucial role in bringing up the children's welfare and development but this lacks a ton in the Juvenile Justice System reality being contrary

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<sup>13</sup> *supra* note., 2

to the theoretical writings and sayings. This problem has to be addressed with the intended writings of the legislation.

## **Aim of Study**

The rationale behind this study focuses on ensuring the significance of implementing the child's well-being and rights so that the criminal jurisprudence and restorative justice system focussed towards the children is provided to them in a justifying manner. This study aims to explore the true nature of the institutions established by the Juvenile Justice legislation as provided in its provision. It should lie greatly with the intention of the legislation and the proviso of the sections to greatly succeed in upholding the principle of the child's best interest and care and protection ensuring future safety and welfare of the child. The procedures followed in those institutions such as the observation homes and the children's homes have better infrastructure and environment with skilled welfare officers to provide them with adequate necessities and education and learning to be a more socially responsible and respectful person in society when he comes out, becomes more important. The literature on the legislation aims for this, but the reality is different from the ideals. This study aims to concentrate on the grounds and recommendations to have a better way to improve the conditions and safety and importantly to concentrate on the guaranteeing of the family care to be provided by the officers in the homes. Conclusively, this study aims to provide a comprehensive view on the grounds established by the legislation and the need for change in the atmosphere and nature of the daily activities carried out in those observation homes and other institutions where it is primary to include group foster care that is the family care and its environmental setup.

## Literature Review

The author has reviewed several research papers specifically on those concentrated on the lack of implementation procedures and lack of adequate resources advancing the motto of such established institutions and the written legislative provisions. Significantly the Juvenile Justice Act provides an alternative system for juveniles which should advocate for decriminalization and importantly deinstitutionalization in its interventions, in parallel it should ensure that the rehabilitation process is effective and strong enough to prevent them from coming into conflict with the law again.<sup>14</sup> While there arises a need for robust evaluation methods, including measured outcomes, analysis of cost-effectiveness, randomized controlled trials, and longitudinal studies are essential for understanding the effectiveness of rehabilitation programs and making informed decisions regarding resource allocation. These would be better to cover the loopholes in the effective rehabilitation strategy.<sup>15</sup>

There is a lack of direct or face-to-face human contact, play and nurturing facilities and wholesome nutrition, with adequate space for living and medical care, etc are observed as common problems amongst children who spend their long span of a lifetime in childcare institutions.<sup>16</sup> While glancing over the American restorative justice system for juveniles, the results of the evaluation of restorative programs and practices revealed a moderate reduction in future delinquent behaviour relative to traditional or classical juvenile court processing.

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<sup>14</sup> A.J. Regis, *Rehabilitation Focus in the Juvenile Justice System in India: The Ideal vs The Real*, OBSERVATORIO INTERNACIONAL DE JUSTICIA JUVENIL, [https://www.oiji.org/sites/default/files/documentos/documental\\_10184\\_en.pdf](https://www.oiji.org/sites/default/files/documentos/documental_10184_en.pdf)

<sup>15</sup> Nishant Chauhan and Deepti Yadav, *Juvenile Justice Reforms: Evaluating the effectiveness of Rehabilitation Programs*, PENACCLAIMS JOURNAL, Vol 26 (June, 2023) <http://www.penacclaims.com/wp-content/uploads/2023/06/Nishant-Chauhan.pdf>

<sup>16</sup> Komal Audichya & Sunil Tiwari, *Juvenile Delinquency - Restorative Justice Juvenile Homes Implementation is the only Reform*, JOURNAL OF LEGAL STUDIES AND RESEARCH, Vol 6 (April 2020) <https://thelawbrigade.com/wp-content/uploads/2020/03/Juvenile-Delinquency-Restorative-Justice-Juvenile-Homes-Implementation-is-the-only-Key.pdf>

However, the results of the study were small for more credible assignment studies randomly that raised contentions about the robust nature of the conclusion findings. The evidence regarding the specific restorative justice programs, however, is still mixed.<sup>17</sup> The usage of epidemiological and public health principles in the context of the juvenile justice system has not been well studied. To begin addressing these transfers to the adult system. This analysis intends to examine the social complexities of juvenile violence.<sup>18</sup> All this literature has given a view on the implementation procedures to be taken for the restorative justice system programs to ensure the protection of children in need of care and developmental welfare.

## Research Objectives

The primary objectives of this research adopted for this study rely on the following matters. These include the legislative intent towards Juvenile care, the social obligations of the state to implement such provisions and the practical reality of such schemes.

1. To identify and analyze the legal gaps and ambiguities in the Juvenile Justice Act of 2015 that hinder effective implementation concerning the possibility and difficulty in achieving and filling up the ambiguities.
2. To explore how international human rights standards and comparative law can inform and improve the implementation of the Juvenile Justice Act, 2015 concerning other countries in the same matter comparatively.

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<sup>17</sup> David B. Wilson & et.al., *Effectiveness of Restorative Justice Principles in Juvenile Justice: A Meta-Analysis*, NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE, (June 2017) <https://www.ojp.gov/pdffiles1/ojdp/grants/250872.pdf>

<sup>18</sup> Madan & Kannappan, Juvenile Justice in India with Special Reference to Juvenile Justice Act 2015, INTERNATIONAL JOURNAL OF PURE AND APPLIED MATHEMATICS, Vol 119(17), 2018 pp. 1215-1232 <https://acadpubl.eu/hub/2018-119-17/2/103.pdf>

3. To conduct a comprehensive content analysis of reports, documents, research studies and data to identify key themes and patterns that can inform policy reforms and improve implementation outcomes so that the present situation in the implementation of restorative justice can be identified.
4. To conduct an observational study on how stakeholders like judges, social workers, advocates and legal luminaries interact and interpret the law in practice through analysis of interviews and surveys opinions and comments on reports and statistics.

The objective of this study is to ensure transparency in the act's effective measures and its reach out to the need. This is because of the status of life stage being undergone by the children, to face out the society in a well-established and promoting societal changes influencing in a way to be a responsible person to the country.

## **Research Questions**

The author has considered certain things and has framed out these questions to simplify the objective and need for the study. This ensures the presumption of the present situation of the legislation being on a hypothesis of better implementation of its objectives to achieve the scheme of restoring the secure and welfare institutions that had been established by the state. The questions on research lay on these issues:-

1. What are the legal gaps and ambiguities in the Juvenile Justice (Care and Protection of Children) Act, 2015 that contribute to the implementation challenges?
2. How do international human rights standards and comparative law inform the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015?

3. What are the key themes, statistical trends and patterns that emerge from a content analysis of reports, documents, and data of peer research studies related to the Juvenile Justice Act's implementation?
4. How do different stakeholders (e.g., judges, and social workers) interpret and implement the restorative justice of the juvenile justice care system in practice?

All these questions aim towards the establishment of a connection between the scriptive work of our legislature and the effect of the administration of our executive authorities to achieve the primary objective of the Juvenile Justice Act, 2015.

## **Research Methodology**

The author has approached this study by way of a couple of research methodologies. It is by dealing the first part of this study in a doctrinal legal research methodology through the interpretation of the statutory declarations and provisions of the state acts and the international instruments in support to uphold the principles of the juvenile justice care and protection system focussed on providing them with the restoration of life to live in the future as a society with responsibility towards the nation.

Secondly, the author has applied the secondary qualitative research methodology through the reference to various peer-reviewed reports and statistical analysis of data provided by documents and credible research studies relying on the hypothesis of this study and to work towards the research questions about the realm of possibility and practical difficulty and differences in reality to implement the intended institutions.

While, collecting add-ons to the significant results on the quality of requirements in the restorative institutions such as the observational homes, child care institutions, special homes, family foster care and others along

with the opinions and interpretation of the stakeholders in the primary juvenile justice league, the author has focussed on an observational study by reducing to the writing of the recorded and credential interviews and surveys for the purposes. This makes the study very less progressive but qualitatively scrutinized for the referral of present existing data and information.

## **Limitation of Study**

The limitations of the study include the present practical analysis of the existing institutionalization of the statutory establishments. The current procedures may have been ridden by the procedural aspects present inside those mechanisms. All the relevant materials on record have been under a presumption on the effective rehabilitation strategy in progress with the implementation of the restorative justice system through JJ Act's institutions. It limits the study to the quantitative analysis of the outcome of this research adopted utilizing observational and secondary qualitative research methodologies. This hinders the present numbers on the effectiveness of which has either reduced or been increased from the researched data. The scope of the limitation has a wider reach out in the technical and out-field surveys or observatory reports.

## **Statutory and the International Instrumental Implications**

The statutory establishment of the Juvenile Justice (Care and Protection of Children) Act, 2015 along with the amendment in the year 2021 in compliance with international instruments such as the Convention on Rights of the Children, 1992<sup>19</sup> and the United Nations Standard Minimum Rules for the Administration of Juvenile

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<sup>19</sup> *supra* note., 9

Justice, of 1985 (the Beijing Rules)<sup>20</sup> and the Hague Convention on 1993<sup>21</sup> has been a significant contribution in the field of legislative compliance over the juvenile delinquency and their rights.

## **Juvenile Justice (Care And Protection Of Children) Act, 2015**

Under the Juvenile Justice Act, 2015, it is provided that the State Government establishes and maintains observation homes, registered under section 41 of this Act, or it may even register any such institutions if it deemed fit for it, for temporary care, reception and rehabilitation of a child alleged to be a delinquent, specified during the pendency of any complaint or enquiry.<sup>22</sup> Section 48 of the JJ Act has defined the special homes for those who have been ordered by the Juvenile Justice Board as children in conflict with the law. This provision includes the ensuring of high-quality standards and types of services that are necessary for the social reintegration of the child to be provided through the established special homes by the authorities. It also authorizes the authorities to provide for the separation or the segregation of children found to conflict with the law based on their age and gender or the nature of the offence committed by them inclusive of the child's mental status and physical status. The place of safety described under this act has been categorized for children between the ages of 16 to 18 and if they are accused of a heinous offence where they would be kept during the inquiry being a separate arrangement and facilities for the stay of such children that should be registered.<sup>23</sup>

Importantly, the State Government establishes Children's Homes, through voluntary or non-governmental organisations that are expected to be places for children in need of care and protection for their care and

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<sup>20</sup> *supra* note., 10

<sup>21</sup> *supra* note., 12

<sup>22</sup> The Juvenile Justice (Care and Protection of Children) Act, 2015, § 47, Act No. 2 of 2016 (India)

<sup>23</sup> *Id.*, § 49

treatment along with education, training and development ensuring rehabilitation as a home that deems fit for the children with special needs delivering specialized services, depending on requirement.<sup>24</sup> The services provided by the established institutions shall focus on rehabilitation and re-integration of children in such a manner guaranteeing the basic requirements of food, shelter clothing and health-related equipment if required. It should provide appropriate education including supplementary as well as special education concentrating on skill development, life skill education and mental health care or counselling to the child in need; recreational activities including sports and cultural activities.

These institutions should always provide legal aid to those who require, vocational training and de-addiction treatment when required and help in obtaining proof of identity like birth registration and others when in need of it. For this, there is a management committee to be established to maintain the management of the institution and the progress of every child should be monitored. The officer in charge of the institution should set up the committee for the safety and well-being of the children.<sup>25</sup> These are the primary focus held by our juvenile justice restorative institutions established by the legislation. All these set-ups and amenities should line with the principle of restoration and the best interest of the child.

## **The Convention on the Rights of the Child**

The UNCRC helps to define the rights of the children relating to cultural, social, economic, and political sectors.<sup>26</sup> Countries ratifying this convention would have to ensure the security of the children and should be

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<sup>24</sup> *Id.*, § 50

<sup>25</sup> *Id.*, § 53

<sup>26</sup> The United Nations Human Rights Office of the High Commissioner (November 20, 1989) Convention on the Rights of the Child. <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (last visited on 22nd July, 2024)

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presenting their reports on the upgradation of the progress of the children in their country. It ensures the nations appear before the United Nations Committee to document their findings and concerns on the articles enshrined. This convention brings in the principle of the best interest of the child.<sup>27</sup> It provides the right to life and prohibition of inhumane activities including punishments for juveniles and explicitly prohibits the death penalty and life imprisonment.<sup>28</sup> It also emphasizes the rule of arrest, detention, and imprisonment shall be considered as a measure of last resort.<sup>29</sup> The child apprehended should be treated with humanity.<sup>30</sup> The Beijing rules had given establishment to minimum conditions on an international scale in handling children who conflict with the law documenting six parts on different phases of juvenile justice.

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<sup>27</sup> Id., Article 3

<sup>28</sup> Id., Article 37a

<sup>29</sup> Id., Article 37b

<sup>30</sup> Id., Article 37c

## **Secondary Research Analysis on Child Care Institutions**

There arises a situation of lack of commitment and selflessness and the lack of coordination between various stakeholders like the judges, social workers and scientific social workers in the implementation of Child protection administration with a definite organisational structure.<sup>31</sup> Children should be counselled by taking responsibility and accountability for the commission of their actions. They are supposed to make a fresh start in their life and they must be supported emotionally and financially to become self-reliant as they would reintegrate back into society. Depriving their liberty alone on the whole period of stay at the Special Homes will not amount to achievement in reforming children unless it is accompanied by processing, where children will begin to take responsibility for their actions and find ways in which they can help to repair the problem that they have caused. Taking accountability for the harm will help the offenders to come to certain conditions with what they have done and accepted. It helps them to find the purpose of their life and move forward with their lives to avoid committing crimes and become a more responsible citizen in future.<sup>32</sup>

## **Secondary Qualitative Data Analysis on Procedural Methods**

Every position and order of an establishment like a juvenile home or a special home must contain an “Individual Care Plan” prepared by the child welfare officer to facilitate the rehabilitation process of the children. Assessment and Monitoring of the bilocation process and child's progress along with the pre-release reports and post-release reports will help in implementing the individual care plan while the lack of in-depth

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<sup>31</sup> Selvi Nithya & Shankar Narayan, *Gaps and Challenges in Implementing Juvenile Justice (Care And Protection Of Children) Act 2015 - A Critical Analysis*, SHANLAX INTERNATIONAL JOURNAL OF ARTS, SCIENCE AND HUMANITIES, 5(7) April (2018) pp. 71-80

<sup>32</sup> *supra* note, 5

analysis in cases would amount to rehabilitation of children amounting to non-fulfilment of the Best Interest Doctrine.<sup>33</sup>

In an observational study conducted by MSHRC<sup>34</sup> at the observation homes in Mumbai, the reported study has been observed and referred as such that the actual condition of the institution where further inquiry and investigation of children are done in an environment which is neither child friendly nor in a well-maintained condition; those rooms were provided with only a low light and stiff and congested conditions, in which the case of the children who are brought there may not feel safe and so may not open up for their further procedure. Therefore, it was suggested that the infrastructure such as the inquiry room, courtrooms, counselling room, and play area should be developed keeping child child-friendly approach providing them with a contributing environment to achieve their best interest.<sup>35</sup>

Segregation of offenders in accordance to their severity of offence and their age difference is appreciated but which is lacking in this case, due to the lack of segregation and a single open room environment in the observation homes. The reason behind keeping them in an observation home is that their proceedings will be still ongoing. Keeping 18+ offenders with minors of different ages may influence and could have a negative influence on minors, like bullying, ragging, and other forms of harassment. To reduce this negative influence, more segregation becomes essential and should be significantly done based on age and first-time and habitual offenders.<sup>36</sup>

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<sup>33</sup> *supra* note, 3

<sup>34</sup> Sahil Sanjay Kadam & et.al., *A Research Study on The Juvenile Justice System and its Impact on Juveniles*, REPORT BY MSHRC, 3rd January (2023) <https://www.mshrc.gov.in/pdf/internship/winter-program/Report%20PDFs.pdf>

<sup>35</sup> *Id.*, at pp. 14

<sup>36</sup> *Id.*, at pp. 15

Discipline maintenance along with more vocational training and education is important for them as it has been observed that the children present in the observation homes have no discipline, Roaming here and there during training classes and being seen with rings, chains and improper hair cut which spoils the environment that the JJ Act aims to achieve. In vocational training and educational programs, it is seen that the subjects covered include mechanical works, carpentry and with very basics of computer operating science. This doesn't work for all and provides the environment in the best interest of the child for him to face the society in future.<sup>37</sup>

Safety measures inclusive of segregation become most important for the assurance of children's welfare as it is important for the children to be protected by the children welfare officer to protect them from harassment The usage of materials and objects from the workshop classes should be supervised. Safety gear measures like the proper treatment of children by the authorities to provide them care rather than fear should be verified. CCTVs are to be improvised more than present or should be effected in whichever places it has been seen a lacking proof of safety and also to prevent the motive to engage in illegal activities.<sup>38</sup>

All these data searches in the observational study emphasize the weak administration motto towards the effective rehabilitation strategy and measures taken by the institutions established by the way of the restorative justice system for juvenile delinquents.

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<sup>37</sup> Id., pp. 15

<sup>38</sup> Id., pp. 15

## **Analysis and Findings**

The study has enclosed herewith the analysis of the abolishment of the effective restoration of the institutions established by the Juvenile Justice Act.

1. The findings of the study based on the secondary research and the doctrinal study with the basic presumption, because it has been implemented, has shown that there is a lack of effective rehabilitation strategy and a lack of procedural evidence towards the children's best interest towards the society.
2. The data on qualitative research on the institutionalization of juveniles reveals the lack of the primary objective of the statutory declarations. This makes the ambiguity on the intent of the legislation when compared to the actual reality in practice.
3. It is found that the presumption of the hypothesis that the present juvenile justice system has focussed on the primary rights of the child and is in compliance with the same has been pushed to the contrary.
4. The results of the analysis show that the present juvenile justice system and its implementation procedures and technicalities lack its core intent of protecting the child's best interest to make him eligible and diligent to face the society in future.
5. Finally, the resilient discussions and observations on this matter of implementation are not yet to the mark as intended but have to concentrate more on encouraging the infrastructural and technical support to the development of the child by foster care which is the primary objective of the JJ Act, 2015.

All these findings have answered the objective questions in negative and descriptive and also have contributed in line with the hypothesis of this study.

## **Conclusion and Recommendations**

In conclusion, it is hereby analysed that the present juvenile justice system is not in its fullest to its implementation procedures as with the legislation and its objectives due to the lack of relevant needs and deficiency towards the children. It should focus on the principle of restorative justice along with the best interest as enshrined under the JJ Act, 2015 and the CRC convention by the UN. It is said that the effective rehabilitation strategy amounts to the foster care and treatment of the children to make them responsible for preventing them from doing any further harm to others. The ambiguity arises from the internal alignments of the institutions where the children have been declared the special homes who are declared to be children in conflict with the law.

The Recommendations of this study would suggest the proper manner of the procedures and rules to engage these lacunae or loopholes in the current system should be addressed. The primary recommendations would be as follows:

1. Improvising the effective rehabilitation strategy through individual care plan while focussed on providing the child in need of foster care and treatment in the best interest of the child keeping in mind the social status of the child not to be affected in future.
2. Concentrated study and supervision of providing effective education and mental training to the children and foster them the discipline of maintenance along with the quorum to maintain the decorum of the surrounding environment.

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3. Emergent safety measures and reasonable segregation become essential to safeguard the interests of the child in conflict with the law as it is important to protect them from damages and unexpected harms, ensuring their right to life and non-humiliation from others.
4. The concerned authority of the state should analyse and report to the government on the standards of these juvenile homes or the special homes established for the delinquents.

In conclusion, all these recommendations had to be rectified by the government to foster for complete and full-fledged restorative justice system broadly focussed on the principles of the international instruments and the statutory legislations.

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