

**EXAMINATION OF THE ROLE OF JUVENILE JUSTICE BOARDS AND
CHILD WELFARE COMMITTEES IN RESPECT OF JUVENILE JUSTICE
ACT, 2015**

- Souvik Chatterji¹, Ankan Basu² & Samrat Samaddar³

Abstract

Child Welfare Committees (CWCs) and Juvenile Justice Boards (JJBs) are essential parts of India's juvenile justice system. They are the main institutional processes responsible for determining cases involving minors who are in legal trouble and for attending to the requirements of children in terms of care and protection, respectively. These organizations are given a lot of weight under the Juvenile Justice (Care and Protection of Children) Act, 2015, which gives them the duty of delivering justice in a way that is both child-centered and rehabilitative. The efficiency of these processes is frequently hampered by systemic inefficiencies, operational difficulties, and resource limitations, which may have consequences that might compromise the adequate capacity and sustainability of India's juvenile justice system. Ensuring that adolescents in legal trouble are decided in a way that puts their welfare and reformation ahead of harsh punishments is one of the main duties of JJBs. However, the delay in case disposal is a significant effect of systemic inefficiencies in JJBs. The boards frequently have too many cases and insufficient staff and funding to guarantee prompt resolution of issues.

Introduction

Delays like this can result in juveniles being held in observation homes for extended periods of time, which can harm their schooling and mental health in addition to exposing them to an

¹ Associate Professor & Head of the Department, Juridical Sciences, JIS University, Kolkata

² Ph.D Scholar, Department of Juridical Sciences, JIS University, Kolkata

³ BBA LL.B(H) Student, JIS University, Kolkata

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institutional setting that may not always be supportive of change. These issues are made worse by overcrowding in observation centers brought

on by ongoing cases, which results in worse living circumstances and a higher chance of young people being affected by unfavorable social networks. The needs of children who need care and protection, such as those who are abandoned, neglected, or saved from abuse, must also be met by CWCs. However, CWCs frequently encounter major operational difficulties, such as insufficient member training, a lack of established protocols, and poor collaboration with other child protection organizations. The incorrect evaluation of a child's needs, which could result in unsuitable placements in childcare facilities, is one possible outcome of these gaps.

Children who require special care, such those who have been abused or traded, would not get the counseling or rehabilitation services they need, which would make it more difficult for them to heal and reintegrate into society. The uneven operation of JJBs and CWCs in different states is another important problem that reflects larger differences in how the Juvenile Justice Act is being implemented. Uneven access to justice and care is caused by differences in state-level priorities, money, and administrative capacities, equal though the Act requires consistent rules for their implementation. Lack of properly qualified staff, such as social workers and psychologists, frequently results in cursory evaluations of cases in jurisdictions with little funding. This raises problems regarding the equity and fairness of the juvenile justice system in addition to having an impact on the caliber of decisions rendered by CWCs and JJBs. The effectiveness of CWCs and JJBs is further impacted by the absence of interagency collaboration. To make well-informed judgments on the welfare of minors, both bodies primarily depend on input from law enforcement, probationary officers, and non-governmental organizations. However, the submission of important reports, including social investigation reports, is frequently delayed in the absence of defined communication routes and accountability procedures. The objectives of the juvenile justice system may ultimately be undermined by this lack of coordination, which may result in improper interventions or lost chances for early rehabilitation. The manner in which that JJBs and CWCs operate is also greatly influenced by cultural prejudices and perceptions. The public's increasing demand for more severe penalties for young offenders has occasionally affected JJBs' decision-making. Despite the Juvenile Justice Act's emphasis on

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rehabilitation, choices that portray young people as "hardened criminals" may end up being more punitive than reformatory. Similar to this, CWCs frequently find it difficult to uphold the child's best interests when dealing with sociocultural biases like caste or gender, which might impair their capacity to provide objective and child-centered results. Another crucial element with far-reaching effects is the insufficient emphasis on JJB and CWC members' training and capacity growth. Many members are not knowledgeable in trauma-informed care, child psychology, or restorative justice concepts. Decisions that are not in the child's best interests are frequently the consequence of this information gap. For example, when community-based rehabilitation options like foster care or sponsorship programs would have been more suitable, young people may be placed in institutional care. Lastly, the accountability and accessibility of JJBs and CWCs are seriously hampered by the lack of strong monitoring and evaluation systems. It becomes challenging to find holes in their functioning and put remedial measures in place if their performance is not regularly evaluated. In addition to impairing these organizations' general effectiveness, this supervision undermines public confidence in the juvenile justice system. In conclusion, the efficiency of India's juvenile justice system depends on the efficient operation of Child Welfare Committees and Juvenile Justice Boards.

However, their capacity to provide justice and care in a way that is child-centric is severely impacted by systemic inefficiencies, resource limitations, and societal views. Building capacity, improving stakeholder coordination, and increasing infrastructure and human resource investment are some of the strategies needed to address these issues. In addition to making the juvenile justice regime more adequate and achievable, strengthening the institutional processes of JJBs and CWCs will guarantee that children's rights and welfare continue to be prioritized within the legal system.

Functioning of Observation Homes and Special Homes

Under the Juvenile Justice (Care and Protection of Children) Act of 2015, observation homes and special homes are essential parts of the institutional processes. They are intended to give children who are in legal trouble short-term, rehabilitative care. While special homes offer rehabilitative care for adolescents who have been adjudicated and need long-term intervention,

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observation houses provide a temporary home for juveniles while inquiries are being conducted. These organizations are essential to the juvenile justice system's rehabilitative ideology, which aims to establish a reformative and encouraging atmosphere. Systemic difficulties with its operation, however, have a major impact on the effectiveness of the juvenile justice system's institutional framework, eventually influencing its sufficiency and viability. These residences overcrowding and poor infrastructure are among the main problems. In India, a large number of observation and special homes are overcrowded, which results in subpar living conditions, inadequate amenities, and a lack of privacy for young people. In addition to impeding the desired reformative environment, such overcrowding makes the youngsters more hostile, stressed, and conflictual. Juveniles are sometimes made to share space with those who have committed more serious crimes, which raises the possibility of harmful behavioral effect. Additionally, the Juvenile Justice Act and international child rights conventions' principles are frequently violated when children are denied access to essential facilities like clean water, adequate sanitation, and wholesome food. The lack of qualified staff in these schools is another major issue. To meet the diverse needs of the young people in observation and special homes, a multidisciplinary team comprising social workers, counselors, psychologists, and vocational trainers is needed. However, the lack of qualified personnel frequently leads to a lack of tailored treatment and direction, which is essential for young people's recovery and reintegration into society. Since many young people have untreated behavioral disorders, emotional discomfort, or trauma, the lack of trained counselors and mental health specialists makes the problem much worse. The primary goal of these homes, which is to offer therapeutic and developmental support, is compromised by this systemic failure. Another significant influence is the absence of efficient educational and vocational training programs in observation and special homes. These establishments are required to give young people the information and abilities they need to reintegrate into society. But a lot of houses don't offer meaningful and structured programs that meet the various requirements of kids. In addition to restricting chances for skill and personal development, this weakness makes youngsters more prone to returning into a cycle of misbehavior after they are released from prison. Such children have a difficult time creating a secure and fulfilling existence outside of the legal system if they don't receive the right education or acquire employable skills. Inadequate responsibility and monitoring systems in these

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households are also a major worry. Reports of abuse, mistreatment, and neglect in special homes and observation facilities persist despite the Juvenile Justice Act's regulatory framework. Inadequate complaint settlement procedures and a lack of routine inspections and audits enable such malpractices to continue, undermining institutional processes' credibility. Furthermore, the lack of strict accountability procedures frequently results in financial and resource mismanagement, which further lowers the standard of care given to minors. Attention should also be paid to the psychological and emotional effects of extended stays in special homes and observation facilities. During their stay in these facilities, many young people feel dismissed, rejected, and isolated. The absence of proper therapy and support services frequently makes this psychological burden even worse. The institutional setting might make kids feel discouraged and cut off from society rather than encouraging optimism and resiliency. Juveniles' rehabilitation and reintegration may suffer long-term effects if their psychosocial needs are not met. Furthermore, the way that observation and special homes operate is significantly impacted by how society views young people who are in legal trouble. The way that minors are treated in these institutions is frequently influenced by a punishing mindset among law police, court officials, and even communities. They are occasionally treated like criminals rather than as children in

need of protection and care, which feeds the stigmatization and marginalization looping process. This social bias affects communities' willingness to help these children's reintegration as well as undermining the juvenile justice system's reformative approach. Lastly, the effectiveness of special houses and observation is further limited by the neglect of aftercare programs. Although these facilities offer short-term care, many young people leave without a network of support because there aren't strong aftercare programs in place. Juveniles frequently struggle to adapt to life outside of the institutional structure as a result of this continuity gap, leaving them open to exploitation or reoffending. In conclusion, the effectiveness of India's juvenile justice system depends on the operation of special homes and observation houses. However, its efficacy is severely hampered by systemic flaws like overpopulation, poor infrastructure, a shortage of skilled staff, and poor accountability procedures. It is crucial to address these issues by increasing infrastructure investment, personnel capacity building, and the implementation of comprehensive rehabilitation programs in order to guarantee the sufficiency and viability of the

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juvenile justice system. To establish a juvenile justice system that is really child-centric and reformative, it is equally important to strengthen monitoring systems and cultivate community support. The intended function of observation and special homes as pillars of the juvenile justice system can only be realized by overcoming these obstacles.

Rehabilitation and Reintegration Mechanisms

In India, where the Juvenile Justice (Care and Protection of Children) Act, 2015 seeks to take a child-centric and constructive posture, rehabilitation and reintegration processes serve as the foundation of juvenile justice systems across the world. These procedures are necessary to guarantee that kids who run afoul of the law are not only held responsible for their behavior but also given the chance to grow up to be responsible adults.

However, structural constraints, implementation difficulties, and societal hurdles frequently cast doubt on the effectiveness and viability of these systems. These problems raise a number of potential results that might compromise the efficacy of the institutional processes responsible for providing rehabilitation and reintegration services as well as the larger objectives of the juvenile justice system. The increased likelihood of recidivism among young people is one of the main effects of inefficient rehabilitation systems. Children frequently lack the psychological, intellectual, and vocational resources necessary for reform when organized and customized programs are absent from observation homes and special homes. In India, rehabilitation facilities usually lack qualified staff who can offer individualized treatment and direction, such as social workers, psychologists, and vocational trainers. Juveniles who leave these facilities without the knowledge or assistance needed to reintegrate into society are therefore more prone to commit crimes again or fall victim to criminal networks. In addition to sustaining criminal behavior, this recurrent pattern undermines public trust in the juvenile justice system's reformatory goals. The insufficiency of aftercare programs, which are essential in helping young people reintegrate into society, is another serious effect. Although aftercare programs are required under the Juvenile Justice Act, each state has a very different level of availability and effectiveness. Juveniles frequently struggle to adapt to society norms and expectations when follow-up procedures and support systems, such as mentorship, housing aid, or community reintegration activities, are lacking. This disparity makes reintegration more difficult and increases the risk of social

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exclusion, financial difficulties, and a possible return to criminal activity. Juveniles are unprepared for independent life when institutional processes fall short of completing the reformative process in the absence of a comprehensive aftercare framework. The social stigma attached to young people who are in legal trouble is another difficulty for institutional processes. Instead of seeing these kids as victims of systemic issues like poverty, illiteracy, or exposure to violence, societal views frequently see them as delinquents. They become even more marginalized as a result of this discrimination, which makes it difficult for individuals to reintegrate into communities, businesses, and schools. This social prejudice is frequently not adequately addressed by organizations in charge of rehabilitation and reintegration, such as Juvenile Justice Boards (JJBs), Child Welfare Committees (CWCs), and special homes. These kids are further excluded by the absence of community-based rehabilitation programs and awareness initiatives to fight discrimination, which restricts their chances for a new beginning and feeds public suspicion of institutional systems. The institutional framework's disregard for restorative justice is another important effect. Despite the Juvenile Justice Act's emphasis on reform, its application frequently takes a punishment rather than therapeutic approach. There are either none or insufficient mechanisms in place that engage the kid, their family, and the community in a process of accountability and healing. In addition to addressing the harm done to the victim and society, restorative justice practices—like victim-offender mediation, community service, or reconciliation programs—are essential for helping the juvenile develop a sense of responsibility. Lack of such procedures restricts the reach of rehabilitation and upholds a system that places more emphasis on institutionalization than on true reform and reintegration. Additionally, an inconsistent approach to juvenile justice results from inadequate coordination between parties involved in rehabilitation and reintegration. Law enforcement authorities, non-governmental organizations (NGOs), child protection services, JJBs, CWCs, and other institutions frequently function in divisions, which results in gaps in service delivery, miscommunication, and duplication of effort. Inappropriate interventions or extended incarceration may arise, for example, from inadequate social investigation reports or from poorly organized juvenile transfers between facilities. The efficiency of institutional systems are compromised by this lack of cooperation, which lowers their ability to properly rehabilitate and reintegrate adolescents. In juvenile care facilities, housing conditions and overcrowding make

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rehabilitation even more difficult. In India, a lot of special homes and observation homes run on a shoestring, which results in overpopulation, a lack of personnel, and subpar conditions. These challenges not only endanger young people's physical and mental health, but they also make it more difficult to implement organized rehabilitation programs. Overworked institutions frequently lack the resources necessary to handle each child's particular needs and circumstances, such as counseling, vocational training, and specialized care. As a result, the objectives of reintegration are undermined when young people leave these facilities without the knowledge or assistance they need to live fulfilling lives. In conclusion, India's juvenile justice system has several obstacles that have a significant impact on the rehabilitation and reintegration processes. The system's capacity to offer significant change for children in legal trouble is hampered by deficiencies in infrastructure, skilled staff, recovery programs, community reintegration, and social attitudes. A comprehensive and coordinated strategy that places an emphasis on community-based treatments, restorative justice procedures, and tailored care is needed to address these problems. To achieve the larger goals of the Juvenile Justice Act—making sure that every kid is given the chance to reform, reintegrate, and make a good contribution to society—it is necessary to strengthen institutional procedures and promote social acceptability. The Indian juvenile justice system can only fully carry out its responsibility of defending and advancing children's rights and welfare by making such efforts.

A key element of India's juvenile justice system is the rehabilitation process for children under the Juvenile Justice (Care and Protection of Children) Act, 2015, which prioritizes restorative and reformative methods over punitive ones. Through adoption, foster care, or after-care programs, the Act aims to create a child-centered system that guarantees customized care plans that include education, career training, psychiatric assistance, and reintegration into families or society. When it comes to evaluating and meeting the needs of children who are in legal trouble or who require care and protection, institutional processes like Juvenile Justice Boards, Child Welfare Committees, and Child Care Institutions are crucial. Despite the Act's innovative legislative framework, inadequate infrastructure, a shortage of qualified experts, uneven state execution, and social stigma frequently compromise the effectiveness and viability of these rehabilitation initiatives. Although the legal provisions are generally sufficient and in line with international norms such as the UN Convention on the

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Rights of the Child, more community involvement, improved funding, stricter oversight, and systemic changes to close the gap between policy and practice are necessary to achieve the desired results. Therefore, even if the rehabilitation process is an essential component of India's juvenile justice system, the country's dedication to institutional responsibility and child rights will determine how effective it is in practice.

Certain requirements and circumstances are legally required to guarantee the safety, development, and dignity of children while they are in a rehabilitation institution under the Juvenile Justice (Care and Protection of Children) Act, 2015. Depending on the child's legal status, these institutions include Children's Homes, Special Homes, Observation Homes, and After-care Homes. Usually, the requirements consist of:

Conditions:- (during stay)

A safe and hygienic to live

Accommodations for children must be hygienic, secure, and kid-friendly. Adequate nourishment, cleanliness, and adherence to dietary guidelines are required. Regular health examinations, enough ventilation, and safe drinking water must all be provided by facilities.

Education and Career Development

It is essential to have access to both formal and informal education. Children must get vocational training in order to develop the skills necessary for self-sufficiency. Digital access, libraries, and educational resources are promoted.

Emotional and Psychological Assistance

Social workers or psychologists with the necessary training must lead regular therapy sessions. Support for mental health is crucial for kids who have experienced addiction, abuse, or trauma. Emotional health and behavioral development receive particular emphasis.

Cultural and Recreational Activities

Youngsters are encouraged to take part in cultural, artistic, musical, and athletic events. These exercises promote personality development, social connection, and emotional recovery.

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Plans for Individual Care

kid protection officers are required to create a customized care plan for each kid. Long-term rehabilitation, family reunification, emotional needs, and educational objectives are all included in the plan.

Security and Defense

During their stay, children must be shielded from all types of exploitation, abuse, and neglect. Employees must get training and awareness-raising on kid protection and rights. External inspections and routine monitoring by Child Welfare Committees are required.

Reintegration and Family Contact

If it is in the child's best interest, efforts must be taken to keep or reestablish contact with the child's family. As part of the reintegration process, family therapy and parental visits are encouraged.

Individual Care Plan (ICP):

A thorough Individual Care Plan that addresses the child's physical, emotional, educational, and occupational needs must be created and maintained prior to release by the Juvenile Justice Board (JJB) or Child Welfare Committee (CWC).

Post-Release Follow-up and Monitoring:

There must be sufficient aftercare procedures in place. This involves supervision by Non-Governmental Organizations (NGOs) or District Child Protection Units (DCPUs) for a certain amount of time in order to track reintegration and offer the required assistance.

Family Readiness and Environment Assessment:

Only after evaluating the family's emotional environment, safety, and socioeconomic status can the kid be released. Foster care, group homes, or supervised independent living may be set up if the family is determined to be unsuitable.

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Educational/Vocational Continuity:

Continuity must be guaranteed if the child was enrolled in a school or vocational training program throughout rehabilitation. For a child to finish their school or find employment, the right connections must be made.

Counseling and Psychological Support:

It is crucial to maintain access to mental health care. If the kid needs counseling, therapy, or trauma treatment, the discharge plan should make sure they can get it.

Legal and Identity Documentation:

Identity documents (birth certificate, Aadhaar, etc.) must be given to the kid prior to discharge since they are necessary for job, education, and government programs.

Aftercare Program (Section 46 of JJ Act):

If a child above the age of 18 is not prepared for complete independence, they may be placed in an aftercare program, which offers schooling, training for a job, shelter, and other forms of assistance, for a maximum of three years.

Challenges in Institutional Frameworks

The sufficiency and viability of the juvenile justice system as intended by the Juvenile Justice (Care and Protection of Children) Act, 2015, are greatly impacted by the various obstacles that India's institutional frameworks controlling juvenile justice must overcome. These difficulties have a direct impact on the effectiveness of the systems put in place to reform and rehabilitate kids who have run afoul of the law, and they frequently have unforeseen repercussions that compromise the goals of the system. The effective execution of the juvenile justice framework and its institutional processes is hampered by systemic inefficiencies, resource shortages, and sociocultural issues, according to a critical examination. The problem of inadequate infrastructure is one of the main obstacles. Overcrowding, poor cleanliness, and subpar living

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circumstances are common problems in observation homes, special homes, and child care facilities—all of which are essential to the rehabilitative objectives of juvenile justice. Juveniles' psychological and emotional health is compromised by these inadequacies, which can also create a hostile and neglectful atmosphere. Such institutions may unintentionally contribute to children's increased estrangement and increased likelihood of reoffending rather than acting as venues for change. Furthermore, these institutions' inadequate leisure opportunities, counseling services, and vocational training programs impede young people's overall development and do not adequately prepare them for reintegration into society. The lack of qualified staff within the institutional framework is another major obstacle. The skills of social workers, psychologists, probation officers, and legal aid specialists are critical to the efficient operation of Juvenile Justice Boards (JJBs), Child Welfare Committees (CWCs), and child care facilities. However, these staff members lack the specific training and capacity building necessary to effectively and professionally manage the complex requirements of adolescents. Decision-making procedures in JJBs and CWCs may become capricious or punishing in the absence of proper training, which runs counter to the juvenile justice system's emphasis on rehabilitation. Procedural delays make the institutional framework's problems even worse. Juveniles are frequently held in observation homes or special homes for extended periods of time as a result of overworked JJBs and CWCs' inability to finish cases quickly. In addition to undermining the idea of child-friendly justice, these delays leave young people in a condition of inconsistency, which causes

them unnecessary psychological suffering. This is especially troublesome when minors are wrongfully accused since prolonged incarceration can damage their future chances and cause long-lasting mental trauma. The shortcomings of the institutional structure are further highlighted by the disparities in how the Juvenile Justice Act is implemented in different states. Although the Act offers a consistent legislative framework, differences in state-level resources, goals, and administrative capacities cause considerable variations in how it is implemented. Juveniles in jurisdictions with inadequate financial and infrastructure resources frequently lack access to necessary rehabilitative programs because these states are unable to construct or maintain suitable child care facilities. These geographical disparities result in unfair treatment of minors and cast doubt on the system's ability to administer justice consistently throughout the nation. The stigma associated with children who are in legal trouble is a significant social issue. Even though the Act places a strong focus on rehabilitation and reform, cultural attitudes frequently favor retaliation over rehabilitation. Social exclusion is a common experience for young people who interact with the legal system, and it can make it more difficult for them to re integrate into their families, communities, and schools. By emphasizing on the immediate legal and procedural components of juvenile justice, institutional processes frequently fall short in addressing these larger societal issues. Institutional procedures run the risk of being disconnected from the reality that young people experience after being released from prison if community-based rehabilitation initiatives and awareness campaigns to combat stigma are not implemented. The inability of players in the juvenile justice ecosystem to coordinate is another significant issue. The community, non-governmental groups, child protection services, the police, and the judiciary must work together harmoniously for institutional systems to operate effectively. In reality, though, the lack of distinct responsibilities and open lines of communication frequently results in redundant work or serious gaps in the provision of services. The psychological health of minors may suffer, for example, if probation officials fail to carry out prompt social investigations, which may lead to improper interventions by JJBs. Furthermore, the focus on punitive measures in well-known instances involving minors has sparked worries about how the juvenile justice system's rehabilitative ideals may be weakened. Following horrific crimes, public indignation frequently results in calls for heavier penalties and even changes to the law, such as adding clauses allowing minors between the ages of 16 and 18 to be tried as adults in specific situations. Since these actions move the juvenile justice system's emphasis from care and protection to punishment, they run the danger of compromising the long-term objectives of rehabilitation and reform, even if they may allay

immediate public concerns. Finally, a strong preventative mechanism to address the underlying causes of adolescent criminal behavior, such as poverty, illiteracy, and exposure to violence or abuse, is frequently absent from the institutional structure. Instead of avoiding delinquency, the majority of juvenile justice system initiatives are reactive, dealing with it after it has already happened. The system's capacity to permanently lower the rate of adolescent crime is still constrained in the absence of a substantial emphasis on prevention. In conclusion, India's institutional juvenile justice systems deal with a number of issues that have a big impact on their effectiveness. A multimodal strategy that prioritizes infrastructure development, interagency collaboration, community-based rehabilitation, and capacity building is needed to address these issues. The juvenile justice system can only fully accomplish its objectives of defending children's rights and fostering their holistic development by removing these structural and societal obstacles.

