

From Policy to Practice:

Commemorating 10 years of Juvenile Justice (Care & Protection of Children) Act, 2015

(National Consultation with Special Focus on Uttar Pradesh)

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Organized by

Dr. Ram Manohar Lohiya National Law University, Lucknow in collaboration with iProbono India, Enfold Trust, Aashiyana Foundation, India Justice Report, and Counsel to Secure Justice

KEY TAKEAWAYS

Session I: The Journey of the Juvenile Justice Act: Past, Present and Future

Challenges

- **JJ Act, 2015 represents a regressive shift from the rehabilitative framework of the 2000 Act:** The introduction of differential treatment for children aged 16–18 years accused of heinous offences made way for some children to be transferred into the adult criminal justice system. This is problematic because a criminal record can undermine the principle of a “fresh start”. The 2015 amendments should have been preceded by a careful assessment of the impact of the 2000 Act rather than being driven primarily by perceptions about juvenile crime. Data showing that a significant proportion of offences are attributed to children above 16 years must also be read alongside the very low conviction rate in such cases and evidence on recidivism. The question should therefore be whether the existing system is being implemented effectively and rehabilitating children, rather than whether a more punitive framework is required.
- **The issues in the JJ system lie in governance and implementation rather than the absence of legislation:** CAG audits in 2021 in just 3 states, Delhi, Odisha and Kerala, reveal persistent vacancies, understaffing, inadequate infrastructure, poor-quality child care institutions and under-utilisation of funds. In one institution in Bhopal, for instance, the post of superintendent remained vacant for five years. These failures raise a fundamental question: how can a rehabilitative system function when its basic institutional infrastructure remains inadequate?
- **Little meaningful rehabilitation for CCLs:** Children are often moved between institutions without sustained rehabilitation or reintegration support. Children are also

sometimes placed hundreds of kilometres away from their families. Family reintegration remains weak, foster care is generally not available to CCLs, and sponsorship mechanisms do not adequately extend to them. The State needs to be more committed to fulfill its responsibility towards children.

- **Punitive “hangover” within the juvenile justice system.** India does not have a cadre of magistrates/judges specialized in dealing with children. Many Principal Magistrates of JJBs come from conventional criminal courts and continue to approach the Board through a criminal justice lens. This is reflected, for instance, in the reasons sometimes given for denying bail in heinous offence cases, such as keeping children away from gangs or hardened criminals, which may appear protective but are inconsistent with the rehabilitative philosophy of the JJ Act. Knowledge of the statutory framework therefore needs to be accompanied by meaningful sensitisation.
- **Changing relationship between the State and civil society organisations:** NGOs, which were historically viewed as partners in implementing juvenile justice, and have been provided legitimate roles (more than 58 roles) in both the Act, 2015 and the Model Rules, 2016, are increasingly approached through a regulatory and suspicious lens and systematically excluded from working within the system. Despite the very low staff: child ratios that are crippling the system, the legal provisions providing for appointing Caseworkers (Model Rule 2(1) iii and Social Workers (Model Rule 2(1)(xviii)) are not being implemented. The Supreme Court-JJC has also consistently recognized the need to enhance the active participation of civil society. This has weakened the culture of collaboration and limited opportunities for joint programmes and shared accountability.
- **CSOs must hold themselves to higher internal standards:** Given the obligations under the POCSO Rules, CSOs must have robust governance mechanisms and child safeguarding practices including the adoption of Child Protection Policies.
- **Significant data and procedural gaps:** State institutions responsible for juvenile justice research and training have not developed a sufficiently strong research culture, while NCRB reporting on the economic background of children accused of offences was discontinued after 2015.

Good Practices & Suggestions

- Structured and experiential training has been particularly effective in addressing the punitive mindset. Training programmes developed with UNICEF and NGOs with grounded expertise, incorporating role play, hypotheticals and presentations by different stakeholders, have helped participants move beyond a purely criminal justice understanding of their roles.
- The POCSO framework offers a useful model for developing child-friendly procedures under the JJ system. Safeguards relating to deposition, care plans, minimising direct contact with the accused and reducing secondary trauma can inform juvenile justice practices.

- NGOs and CSR-supported organisations have demonstrated measurable outcomes and meaningful reintegration work, even if such work is often slow and insufficiently visible because organisations lack resources to document or publicise their outcomes.
- **Shift the centre of gravity from legislative reform to implementation:** Rather than repeatedly expanding punitive provisions, there should be a systematic review of how the existing Act is functioning. Policy decisions should be informed by evidence on conviction, rehabilitation and recidivism rather than public sentiment or assumptions about juvenile crime.
- **The age for preliminary assessment should not be reduced to 14 years.** Any change to age thresholds must follow a comprehensive, evidence-based review and be consistent with constitutional standards, juvenile justice principles and safeguards, and international child rights law. Article 15(3) expressly permits the State to make special provisions for children, recognising them as a class requiring special protection. Consistent with this constitutional mandate, the JJ Act establishes a child-specific system centred on the care, protection, rehabilitation and reintegration of children below 18 years. Any departure from this framework must satisfy the constitutional requirement of reasonable classification under Article 14: the distinction must be based on an intelligible differentia having a rational nexus with the object of the JJ Act. General Comment No. 24 (2019) further emphasises that persons below 18 should, as far as possible, remain within the specialised child justice system and encourages States to raise the minimum age of criminal responsibility to at least 14. Reducing the threshold for preliminary assessment to 14 would run counter to this direction by expanding the possibility of younger adolescents being removed from the child justice system and subjected to adult criminal justice.
- **Civil society should be institutionalised as a legitimate partner as provided for under the law rather than treated as a suspect.** The government must recognise CSO's critical and legitimate role and proactively engage credible NGOs and individuals to provide needed services so as to advance the rights of children. Common minimum standards can be developed across State institutions, NGOs, CSR initiatives and CSOs, accompanied by internal Child Protection Policies, codes of conduct, risk assessments, independent evaluation of outcomes for children, disclosure of conflict of interests and periodic audits. District-level multi-stakeholder convergence round tables can facilitate what may be described as “constructive and critical collaboration” rather than regulation based on suspicion.
- **Training should become structured, layered and recurring, rather than being limited to one-off sensitisation programmes.** Separate stakeholder-specific training should be combined with collective sessions using role play, hypotheticals and practical exercises. A possible 15-day mandatory module could comprise five days on law, five days on child development and sensitivity, and five days of role play and practical application. The objective should be to shift the mindset from that of a “judge” to that of a Board member working within a rehabilitative framework, thereby addressing the punitive hangover within the system.

- **Prioritise family-based rehabilitation and de-institutionalisation:** Foster care and sponsorship should be meaningfully extended to CCLs; Social Investigation Reports should be prepared properly focusing on the child and the child's circumstances and needs rather than on the offence; and institutionalization should be a measure of last resort.
- **The data gap must also be addressed, particularly by restoring NCRB reporting on the socio-economic background of CCLs.** Better data is essential to understand who enters the juvenile justice system, why they enter it, and whether interventions actually reduce reoffending. Ethnographic studies and social audits (possibly using the CAG Guidelines) must be conducted to evaluate the institutions established under the JJ Act, and whether the policy objectives of the Act are being met. The government invests in systematic data collection and MIS systems.
- **The JJ framework must remain conceptually distinct from the ordinary criminal procedure framework.** Bail, surety and bond practices imported mechanically from the CrPC/BNSS can undermine the distinctive philosophy of juvenile justice. A special Juvenile Procedure Code must be developed so as to streamline judicial procedures under the JJ Act in line with the objectives of the Act and juvenile jurisprudence.
- **Overall approach: The solution is not to make juvenile justice more punitive, but to make the existing rehabilitative framework actually work.**

Session II: First interaction of the child with the system: Apprehension, Diversion and Age Determination

Challenges

- **The first interaction frequently becomes an adult criminal-law process.** Participants reported that children are still “arrested” instead of being apprehended, questioned by uniformed police personnel, kept overnight at police stations, and in some cases sent to adult prisons. Safeguards of the JJ Act often begin only after production before the JJB, although age and vulnerability should be examined at the first police contact.
- **Age determination is delayed or conducted mechanically.** The statutory sequence under Section 94(2)—school or examination-board certificate, municipal or panchayat birth certificate, and medical test only in their absence—is not consistently followed. Ossification and wisdom-tooth development are sometimes treated as exact indicators, without considering malnutrition, hormonal conditions, illness and socioeconomic background.
- **Different Views in the Understanding of Diversion Were Shared.**
 - One view was that correct implementation of the JJ Act requires that CCLs are not apprehended, and are thus diverted at the police station level, in cases of petty and serious offences. As per this view, children should be diverted away from

judicial proceedings at any time prior to or during the relevant proceedings. Diversion can be used only if:

- there is **compelling evidence** that the child committed the alleged offence,
- the **child freely and voluntarily admits responsibility**, and no intimidation or pressure has been used to get that admission, and
- the **admission will not be used against** the child in any subsequent legal proceeding.

As per this view, the child's consent "should be based on adequate and specific information on the nature, content and duration of the measure, and on an understanding of the consequences of a failure to cooperate or complete the measure." In addition, the child's records must be kept confidential and cannot be seen as criminal convictions

- The other view stressed that police non-registration of FIRs is not a diversion, and that only the JJB can lawfully dispose of/divert the matter. Proponents warned that police-led diversion, without defined safeguards, could cause coercion (given the wide power given to the police), and prevent the possibility of rehabilitation (since the child will not be in the JJ system)

Good Practices

- **CSJ's Chhattisgarh convergence and diversion initiative** was discussed, a unique model and example of collaboration amongst CSOs and state - UNICEF Chhattisgarh, CSJ and law enforcement agency of Bilaspur, Durg and Raipur which conducted district and police-station-level training on the JJ Act, Section 3 (xv), Rule 8 (DD entry in petty offence cases) and disposal of case under Rule 10(1)(i) in a child-sensitive manner. The model emphasised understanding diversion through international instruments such as the UNCRC, GC-24, and the conditions for diversion. In addition, community safe spaces, i.e. Dishant, were created for children exposed to substance abuse and unsafe neighbourhoods and for linkages to rehabilitation post-diversion. The program has been running for over three years with around 85 case referrals, yet only two cases have resulted in diversion, underscoring the importance of implementing diversion per the current understanding, not calling all cases diversion, and preventing net widening.
- **Medical age assessment through a multidisciplinary board** was supported. The panel explained that age should not be fixed from a single wisdom tooth or ossification centre; dental, skeletal, medical, nutritional, hormonal and socioeconomic factors must be considered collectively.
- **Uttar Pradesh's proposed educational linkage** was also mentioned. According to a participant, discussions were underway to connect suitable children, including those involved in elopement-related cases, with Atal Residential Schools so that education and

mainstream rehabilitation could replace institutionalisation. This was presented as an emerging proposal, not as an already established statewide practice.

- **Age Determination SOP in Patna** was discussed wherein the Patna High Court has developed a specific protocol for age determination, providing clear guidance to concerned courts and authorities on determining whether a person is a child. The protocol ensures that the issue of age is properly examined before punishment or any other serious legal consequences are imposed, thereby safeguarding children from being subjected to adult criminal processes. This institutionalised mechanism represents a significant and commendable practice for ensuring consistent and child-sensitive age determination.

Suggestions

- **Create one uniform national procedure for the first police interaction.** Every police station should have a written checklist covering apparent age, claim of juvenility, available documents, information to parents and Probation Officer, DD/GD entry or FIR, circumstances permitting apprehension, and the time and manner of production before the JJB. Where age is doubtful, the person should receive child protection until determination is completed.
- **Follow Section 94 strictly.** Medical examination must not replace the statutory documentary hierarchy. If medical assessment becomes necessary, it should be conducted within fifteen days by a multidisciplinary board. The report should specify the developmental indicators examined, probable age range and margin of error.
- **Improve JJB–CWC coordination.** Section 8(3)(g) recognises that a CCL may simultaneously require care and protection. Referral to the CWC should support rehabilitation without making the child unavailable for JJB proceedings. A joint production, documentation and follow-up protocol is therefore necessary.
- **Define diversion.** While some believe that the JJ Act is itself a diversion from the criminal justice system, others feel diversion is when a child is diverted away from judicial proceedings. Consensus amongst relevant stakeholders is required. Justice Lokur emphasized that diversion is a very important aspect and there is a need to discuss it and gain greater clarity.
- **Exploring scientific and emerging methods** was suggested, such as epigenetic analysis, for age determination, particularly where conventional methods may not provide conclusive results.

Session III: Bail and Pre-Inquiry/Trial Justice: Addressing Delays and Barriers

Challenges

- The major challenge is the subjectivity regarding what is in the best interest of the child - institutionalisation so rehabilitation can be attempted, or release of the child as soon as possible, so that unnecessary apprehension, detention and institutionalisation can be avoided. In addition, panelists highlighted issues in the mindset of authorities, particularly the reluctance of police to grant bail even in petty offences and the unnecessary escalation of matters to higher courts.
- A major challenge is the lack of timely and reliable information about the child at first production. There are discrepancies between SBR and SIR, delays in SIRs, age verification, tracing families in other States, and inadequate institutional resources.
- The biggest practical barrier in Uttar Pradesh is the delay in declaring a child juvenile, because the bail application may not even be entertained until juvenility is formally determined. This can result in prolonged stay in the Observation Home.
- A major challenge is repeated re-entry of children into the system, particularly because poverty, substance use and adverse family/social circumstances remain unresolved even after bail, sometimes before the Individual Care Plan can be implemented.
- Bail applications of children are often delayed due to the non-receipt of the police report. A lawyer from Bhopal shared that the JJB kept the bail application pending for months, awaiting SIR. There was a debate regarding Section 12 and whether it allows for uncertainty about anticipatory, interim, and default bail.
- The Q&A session brought to light the difficulty in obtaining bail even when the child should be entitled to it in matters as straightforward as petty offences, due to procedural delays.
- There is a lack of clarity on whether anticipatory bail is applicable for children, with contradictory law from different state High Courts.

Good Practices

- In Mumbai, Individual Care Plans, counselling, educational/vocational support and in Bastar, sponsorship schemes are being used to prepare children for rehabilitation and reintegration.

Suggestions

- The JJB should pass a reasoned, fact-based order by identifying the specific ground under Section 12, instead of mechanically reproducing all grounds or rejecting bail solely because of the gravity of the offence.
- Active legal representation and sensitisation of the JJB/court establishment can help ensure that the child's case is viewed through the appropriate child-centric lens rather than through the framework ordinarily applied to adult criminal cases.

- Sensitise all stakeholders—not only JJB members but also court staff and other personnel—to the child-centric nature of juvenile justice, so that procedural practices do not unnecessarily delay the child's access to bail.
- Start rehabilitation and reintegration work early, including counselling, education, sponsorship and family support, so that the child's underlying problems are addressed and the child does not repeatedly return to the justice system.
- Uniform guidelines should clarify the availability of different forms of bail under Section 12, the legal effect of exceeding the prescribed 60-day period, and that a child's bail application should not remain pending merely for want of an FIR or police report.
- Strict implementation of the existing statutory framework, particularly the provisions relating to bail and the relevant Rules, rather than creating or relying on additional procedures that are not required by the law.

Day 2

Open House Session

Challenges

- **Inconsistent Application of Bail under Section 12-** Bail practices vary significantly across States, with some police officers not granting bail and sureties creating additional barriers. Section 12 is also not uniformly understood or practised by police and JJBs. There is inadequate understanding of apprehension, Section 12 and Rule 8 among police personnel and other stakeholders. Justice Lokur emphasised that the offence should primarily determine classification for punishment, not entitlement to bail. Participants shared that FIRs are routinely registered, irrespective of offence.
- **Difficult Bail Conditions and Sureties-** Children may face difficulties in securing bail due to heavy surety requirements. In some places, bail conditions become an additional barrier despite the child's entitlement to bail.
- **Bail Based on Socio-Economic Circumstances-** Bail decisions may be influenced by the child's socio-economic circumstances, with children from disadvantaged backgrounds facing greater difficulty in securing release.
- **Routine Pleading of Guilty-** Pleading guilty has reportedly become a common practice to deal with pendency. Children may plead guilty without being adequately informed of their rights and the consequences.
- **Inconsistent Use of Age Determination Provisions-** Section 94(1) is not uniformly used, and children may face delays in proceedings due to disputes or procedural requirements relating to age determination.

Good Practices

- **Non-Judicial Approach by Police-** In Bangalore, trained SJPU personnel apply Rule 8, counsel the child, prepare the required documentation and submit it to the JJB, reducing unnecessary judicial proceedings.
- **Flexible Bail Conditions-** In Telangana, bail conditions and sureties can be reviewed by the JJB, including the possibility of changing conditions within seven days.
- **Sensitive Police Practices-** In Kolkata, particularly for petty offences, police in many cases do not apprehend children and instead hand them over to their parents. Specialised SJPU and CWPOs contribute to a more sensitive response.

Suggestions

- **Ensure Uniform Application of Section 12-** Section 12 should be consistently understood and implemented, with bail being the norm irrespective of the nature of the offence, subject to the statutory exceptions.
- **Reduce Barriers to Bail-** Surety requirements should not become an obstacle to a child's release. Bail conditions should remain child-sensitive and proportionate.
- **Strengthen Police Training-** Police, particularly CWPOs and SJPU, should be trained on apprehension, Section 12, Rule 8 and child-sensitive procedures to reduce unnecessary judicial intervention.
- **Prevent Uninformed Pleading of Guilty-** Children must be informed of their rights and the consequences before any plea is recorded. Pleading guilty should not become a routine mechanism for reducing pendency.
- **Strengthen Use of Section 94(1)-** Section 94(1) should be properly understood and applied to facilitate timely age determination and prevent unnecessary delays in proceedings.

Special Address by Ms. Maharukh Adenwalla

Challenges

- **Shift from Child-Centric to Offence-Centric Approach-** The focus has increasingly shifted from the child to the offence committed, creating a perception that children aged 16 and above have adult-like maturity. This weakens the child-centric and rehabilitative approach of the JJ Act.
- **Vacancies in JJB-** Vacancies in JJBs adversely impact children during preliminary assessment. If the Board does not have a Principal Magistrate and two social workers, the required majority may not be available, affecting the assessment and potentially the outcome for the child.
- **Transfer and Risk of Adult Criminal Justice-** Sections 15(1) and 20 can significantly determine a child's future, including possible transfer to the adult system or jail.

- **Weak Rehabilitation, Follow-Up and Role of Children's Courts-** Children's Courts have been neglected despite their important role in transfer cases, including ensuring rehabilitation and follow-up. The quality of Individual Care Plans and rehabilitative services remains a concern, with limited data on outcomes after assessment and transfer-related proceedings.

Suggestions

- **Strengthen Implementation and Accountability-** Demands for proper implementation of the JJ Act must be placed more strongly. Vacancies and operational gaps in JJBs should not be allowed to adversely affect children.
- **Focus on Section 20 and the 18–21 Age Group-** Greater attention should be given to children approaching or attaining 21 years, ensuring that rehabilitative measures continue and that they are not automatically pushed into the adult system.
- **Prevent Transfer to Jail-** All efforts should be directed towards narrowing the category of children who may be transferred and ensuring that children do not unnecessarily exit the JJ system or enter jail.
- **Strengthen Children's Courts-** Children's Courts should be recognised as an important part of the rehabilitative framework, with a clear focus on follow-up, care plans and ensuring that rehabilitative measures are actually provided.

Session IV: Transfer of Children to Adult Criminal Justice System

Challenges

- **Arbitrary and Inconsistent Preliminary Assessment and Transfer Processes:** In Delhi, the PA process varies significantly across JJBs and different Boards appear to follow different standards, with limited consistency in the methodology, timelines and criteria used for assessment. The lack of uniformity in PA procedures results in children in similar circumstances being treated differently depending on the JJB or Children's Court before which they appear.

In Uttar Pradesh, data from the past three years indicates that more than 750 children have been transferred after PA each year, representing a transfer rate of over 80%. In some cases, transfer appears to be driven primarily by the age of the child and the perceived gravity or heinousness of the offence, rather than by a holistic assessment of the child. In Tamil Nadu, there are instances where children are transferred on the assumption that Children's Courts will dispose of matters more quickly because JJB magistrates may sit only once a week.

- **PA Becoming an Assessment of Guilt Rather Than Capacity:** PA process becomes an assessment of the case rather than an assessment of the child's developmental capacities.

Questions asked during PA reportedly include:

- What is the offence?
- What was the role of the child?
- What evidence exists against the child?
- What are the chances of conviction?
- How should the evidence be appreciated?

Reliance is also placed on PIRs and other reports. This risks turning the PA into a de facto conviction or sentencing exercise.

- **Lack of Reliable Tools and Methodology:** There is no universally accepted or definitive tool to measure a child's mental capacity for the purposes of PA. SBRs and PA reports are completed mechanically and merely list observations without explaining their significance. They are often inconclusive and should not be treated as definitive assessments. IQ assessments are not appropriate tools for conducting PAs. Further, many existing psychological tests are designed for English-speaking populations and may not adequately account for linguistic, cultural and social contexts in India. The shortage of qualified clinical psychologists further compounds these difficulties.
- **Retrospective Assessment of Capacity:** A fundamental difficulty is determining how a child's developmental and mental capacities can be assessed retrospectively, particularly when proceedings take place long after the relevant period. Unlike physical characteristics that may sometimes be assessed retrospectively through medical or forensic evidence, brain development and cognitive capacity cannot be reconstructed with the same degree of certainty.
- **Insufficient Time for Assessment:** Children are sometimes brought for assessment with a direction that the report be submitted the following day. This does not provide adequate time to understand the child. At least three days may be required for a meaningful assessment, with a longer period being preferable. The child's capacities must be understood in the totality of their life experiences, developmental history, social circumstances and psychosocial vulnerabilities.
- **Children's Statements Being Used Against Them:** Children are not always adequately informed that the PA can result in their transfer or that information disclosed during the process may subsequently be relied upon against them. The PA is presented to children as a counselling process. As a result, children sometimes speak candidly and disclose sensitive information, which are later into reports or relied upon in judicial proceedings. This raises serious concerns regarding informed participation, confidentiality and the child's right against self-incrimination.
- **Conflation of Behavioural and Psychosocial Circumstances with Offending:** A child's behavioural issues, mental health concerns, family circumstances, substance-use history or psychosocial vulnerabilities should not automatically be treated as explanations for or evidence of offending.

The assessment must distinguish between:

- the child's developmental and psychosocial circumstances; and
- the circumstances and allegations relating to the offence.

The purpose of PA should be to understand the child rather than establish why the alleged offence occurred.

- **Inadequate Understanding of the Role of Children's Courts:** In Delhi, there appears to be limited awareness among some Children's Courts regarding their distinct statutory role. In practice, many Children's Courts are also designated as POCSO Courts. Orders are signed in the capacity of an ASJ/POCSO Court rather than as a Children's Court, and ICPs are not routinely called for. There is also confusion regarding the relationship between Children's Courts and JJBs. While the statutory framework contains inconsistencies concerning Children's Courts and Sessions Courts, Section 19 does not empower Children's Courts to remit a transferred case back to the JJB.
- **Failure to Properly Implement Sections 19 and 20:** There are difficulties in ensuring that mandatory proceedings under Section 19 are conducted by Children's Courts. In UP, applications seeking S.19 proceedings have been dismissed as attempts to delay trial, and costs have been imposed in another matter. Section 20 also appears to assume that proceedings will conclude before the child turns 21. In practice, this does not always happen, raising questions about how the statutory framework operates when proceedings extend beyond the child's transition to adulthood.
- **Problems with Legal Aid and Representation:** The quality of legal aid available to children remains a significant concern. Ineffective legal representation can have serious consequences, including substantial delays in filing appeals. In a case in Delhi, bail applications have been decided on the basis of PA or PMDA reports that were not provided to counsel. This undermined the ability of the counsel to effectively challenge the material relied upon by the court.
- **Improper Use of Professionals in the PA Process:** In Tamil Nadu, counsellors have reportedly been asked to determine whether a child is fit for trial under Section 15. The respective roles of psychologists, counsellors, social workers, probation officers, JJBs and Children's Courts therefore need to be clearly delineated.
- **Broader Concerns Regarding Children's Rights and Equality:** In Chattisgarh, it is a practice that children are given 20 years in prison as sentence and the orders use adult criminal justice terminology, including referring to children as "accused".

Good Practices

- **Holistic and Individualised Engagement with Children:** In Bihar, psychologists have been invited to interact directly with children, record observations and participate in

deliberations. This has resulted in a more cautious approach to transfer, with transfer being ordered only in a limited number of borderline cases.

- **Focus on Circumstances Rather Than Definitive Conclusions:** A useful model is the proforma developed by NIMHANS, which focuses on recording observations about the child's circumstances and not regarding the offence. Regular visits to Observation Homes have also helped understand children's psychosocial vulnerabilities and circumstances and facilitate appropriate interventions.
- **Ethical Boundaries for Professionals:** In Mumbai, counsellors have refused to conduct PAs because doing so may conflict with their professional ethics or create a conflict of interest.

Suggestions

- **Reconsider the PA Framework Under Section 15:** There should be a fundamental reconsideration of the existing PA framework under Section 15. The current process should not result in a determination of guilt, assessment of the prosecution's case or an informal sentencing exercise.
- **Develop a National SOP:** A national Standard Operating Procedure should establish:
 - who can conduct a PA;
 - the qualifications and expertise required;
 - minimum timelines for assessment;
 - the methodology to be followed;
 - the information that may be considered;
 - safeguards concerning children's statements;
 - the contents and format of the report;
 - the respective roles of psychologists, counsellors and other professionals; and
 - the manner in which JJBs and Children's Courts should consider the assessment
- **Ensure Adequate Time and Meaningful Engagement:** Children should not be assessed in one-two sittings. The process should allow sufficient time to understand the child's developmental history, social circumstances, family environment, psychosocial vulnerabilities and individual capacities.

- **IQ Tests Should Not Be Used as a Proxy for PA:** IQ assessments should not be treated as tools for determining whether a child should be transferred. Any assessment methodology must account for the child's language, culture, education and social context.
- **Ensure Transparency and Informed Participation:** Children must be informed, in language they understand, about the purpose and possible consequences of the PA. They should also be informed about how information shared during the process may be used.
- **Protect Children's Statements:** Statements made by children during PA should not become a backdoor route for obtaining admissions or evidence against them. Clear safeguards should be established to prevent the PA from undermining the child's rights against self-incrimination.
- **Strengthen Legal Aid:** The quality of legal aid should be systematically reviewed. The concerns regarding ineffective representation should be taken up with NALSA and State Legal Services Authorities.
- **Require Courts to Consider ICPs and Rehabilitation:** Bail and other applications should include appropriate interim prayers seeking production of the child's ICP and information regarding the rehabilitation, care and interventions being provided to the child in the institution.
- **Introduce Child Rights and Social Legislation in Legal Education:** A mandatory course on social legislation, child rights and specialised justice systems should be introduced in law colleges.
- **Develop a Truly Child-Centred Assessment Model:** Ultimately, the PA should focus on understanding the child rather than assessing the offence. The child's life, development, relationships, vulnerabilities, experiences and circumstances should be examined in their totality, without making conclusions about guilt, the strength of evidence or the specific circumstances of the alleged offence.

Session V - Monitoring, Accountability and Review Mechanisms

Challenges

- **Weak and irregular monitoring:** Statutory review mechanisms exist, but inspections, quarterly reviews and institutional evaluations are not consistently undertaken. Multiple agencies conduct inspections without adequate coordination, sometimes resulting in repetitive rather than effective oversight. Standardised monitoring protocols must be made.
- **Severe data gaps:** Lack of reliable, updated and publicly accessible data makes evidence-based monitoring and policy-making difficult.

- **High pendency and uneven functioning:** A significant proportion of JJB cases remain pending for years, including petty offence cases that should be disposed of within six months. JJB workload and disposal vary significantly across districts, with several JJBs functioning without a full bench.
- **Human-resource gaps:** Vacancies of JJB social workers, probation officers, counsellors and other CCI staff weaken the multidisciplinary and rehabilitative approach.
- **Weak accountability of oversight bodies/ Monitoring without accountability:** JJBs and SCPCRAs often lack adequate resources, institutional support and enforcement mechanisms. Multiple bodies are responsible for monitoring, but coordination, follow-up and accountability remain weak—raising the question, “**Who monitors the monitoring authorities?**”
- **Poor Functioning of JJBs:** Justice Lokur recognised the JJBs have become “non-functional, and at some points dysfunctional”. He shared that he has personally struggled to have his proposed interventions pushed forward by a High Court JJB, suggesting to all participants to more actively engage with their respective JJBs.
- **Delays in inquiries:** Summons/warrants, charge sheets, forensic reports, and absence/migration of children and witnesses contribute to prolonged inquiries.
- **Stigma against CCJs:** Derogatory terminology and a punitive mindset continue among some stakeholders.
- **Inadequate institutional evaluation:** Regular evaluation and inspection of CCJs are not consistently undertaken.
- **Infrastructure-focused monitoring:** Monitoring requirements focus on the need to check facilities and records rather than children's safety, rehabilitation, participation and lived experiences.
- **Weak specialised support:** Legal aid and probation services require greater juvenile-justice specialisation.
- **Persistent institutional gaps:** Absence of Places of Safety in some states, shortage of Fit Persons and inadequate resources continue to affect implementation.
- **Need for child-sensitive approaches:** Stigma, punitive attitudes and insufficient trauma-informed care can undermine rehabilitation.

Good Practices

- **Digital monitoring:** State dashboards, data-management centres, CCTV monitoring and High Court portals provide opportunities for real-time oversight.
- **Multi-stakeholder committees:** Participation of judiciary, government departments, DLSAs, NGOs and commissions creates a foundation for coordinated monitoring.
- **District-level monitoring:** DCPOs, DLSAs and cluster-based inspections provide valuable ground-level oversight.
- **Capacity building:** Regular NIPCCD training and guidance to CWCs and other stakeholders strengthen institutional capacity.

- **Child-sensitive practices:** Efforts to eliminate stigmatizing terminology and promote child-friendly approaches were noted.
- **Existing tools and frameworks:** JJ Model Rules, State Rules and research-based monitoring toolkits provide a foundation for standardised monitoring.

Actionable Solutions / Way Forward

- **Institutionalise periodic reviews:** Ensure statutory quarterly, annual and three-yearly reviews are actually conducted and followed by **Action Taken Reports**.
- **Create a unified monitoring framework:** Coordinate DM, DLSA, JJB, CWC, SCPCR, JJs and other inspection bodies to avoid fragmented oversight.
- **Strengthen data systems:** Develop a **standardised, regularly updated government dashboard** covering pendency, staffing, budgets, inspections and rehabilitation outcomes.
- **Address pendency through targeted action:** Identify high-pendency districts/JJBs and develop district-specific disposal plans, particularly for petty offences and cases exceeding statutory timelines.
- **Strengthen human resources:** Fill vacancies of social workers, probation officers, counsellors and other CCI personnel.
- **Continuous mentoring and training:** Move beyond one-time training towards regular mentoring of JJBs, CWCs, police and SCPCR members.
- **Strengthen JJs/SCPCRs:** Provide dedicated secretarial, financial and technical support, with clearer accountability for follow-up.
- **Promote child-friendly practice:** Sensitise all stakeholders on terminology, procedures and the rehabilitative—not punitive—character of juvenile justice.
- **Build civil society–government partnerships:** Use universities, NGOs and experts for research, training, independent evaluation and sustained monitoring.

The challenge is no longer only having laws and monitoring mechanisms—it is ensuring that they work. Monitoring must move from paperwork and infrastructure to data-driven, child-centred and accountable action.

Session VI: Rehabilitation and Reintegration: Beyond Institutional Care

Challenges

- **Changing the lens:** Rehabilitation begins with how we see and treat children—focusing on their strengths and potential rather than defining them by their offence.
- **Risks of institutionalisation:** CCIs sometimes become environments where negative behaviours are reinforced rather than supporting healing and transformation.
- **Difficult reintegration:** After leaving institutional care, children struggle to readjust to family life, neighbourhoods and everyday social environments.

- **Non-linear rehabilitation:** Behavioural change is not immediate or predictable; relapses occur, requiring patience, consistency and continued support.
- **Staff shortages:** Understaffing, inadequate resources and overcrowding limit the ability of institutions to provide consistent, individualised rehabilitation and care.
- **Lack of support for rehabilitation efforts:** A specific example arose from Bihar, where rehabilitation efforts/attempts are not taken seriously by JJB and authorities.
- **Lack of suitable placements:** No one is willing to take responsibility for children requiring placement with a fit person, despite regular vacancies being notified.
- **Limited family engagement:** Family counselling is largely absent, and many families do not attend weekly meetings, leaving children without adequate family support.
- **Limited access to sponsorship:** Sponsorship support is prioritised for categories such as orphaned children, child labourers and POCSO survivors, leaving other children with limited access to support.

Good Practices

- **Community-based rehabilitation:** Community service should not be perceived as a purely punitive measure. Instead, CCLs should be placed in hospitals, libraries, schools and traffic institutions for meaningful community service that would further their rehabilitation instead of merely punishing them. In Delhi, children were sent to hospitals for community service, with clear orders that they should not be engaged in menial work.
- **Building trust with children:** Involving children in institutional decision-making and giving them responsibility to encourage ownership, confidence and accountability.
- **Creative and cultural engagement:** Providing opportunities such as theatre and arts programmes that allow children to express themselves, develop skills and interact with the wider community.
- **Direct Engagement:** In Delhi, JJB members attending morning prayers and regularly interacting with children helped build familiarity and trust.

Suggestions

- **System + society must work together:** Effective rehabilitation requires government, judiciary, NGOs, universities, families and communities to work together, with better staff training and accountability.
- **Strengthen institutional capacity and frontline staff:** Expedited recruitment of adequately trained staff, counsellors and case workers within homes, alongside regular on-site sensitisation and psychosocial training for staff working with children and conduct regular training for them.
- **Make ICPs outcome-oriented:** Ensure every child has an individualised rehabilitation plan that is regularly reviewed, implemented and monitored.

- **System + society must work together:** Effective rehabilitation requires government, judiciary, NGOs, universities, families and communities to work together, with better staff training and accountability.
- **Strengthen convergence and community partnerships:** Build formal partnerships among government departments, NGOs, universities, professionals and employers to support education, counselling, skills development and successful reintegration.
- **Create stronger accountability mechanisms:** Regularly monitor rehabilitation orders, case progress and post-release outcomes to ensure that rehabilitation does not remain merely a paper exercise.
- **Sensitive and child-centred inspections:** JJB inspections of Observation Homes need not be limited to physical inspection; members can also meaningfully monitor children's well-being by speaking directly with them and understanding their concerns and experiences. Those conducting inspections should be sensitive to the environment of the OH and move away from the mindset that “**monitoring means rebuke.**” Inspections should be constructive and child-centred, focusing on listening, identifying concerns and supporting improvements.
- **Vocational training for reintegration:** Skill-based training with certification can create pathways to employment and economic independence. Examples of children securing jobs in Punjab and Mumbai demonstrate the potential of employment-oriented rehabilitation. Children without formal training can be certified by appearing for competency-based examinations conducted by the Life Sciences Sector Skill Development Council (LSSSDC).
- **Strengthen post-release support:** Lawyers and civil society organisations should remain connected with children and their families after release, including through family counselling and continued support through sponsorship and other available schemes.