

3. Indian Justice Report – Polity

More than 50% pending cases before Justice Juvenile Board; JJBs not fully staffed. A recent study highlights that 55% of cases in India's Juvenile Justice Boards (JJBs) are pending, exacerbated by vacancies and a lack of legal aid. The Juvenile Justice Act, 2015 governs this system, distinguishing between children in conflict with the law (handled by JJBs) and those in need of care (handled by Child Welfare Committees).

1. Context – IJR Study on Juvenile Justice

The Study – The India Justice Report (IJR) released a study titled "Juvenile Justice and Children in Conflict with the Law," examining the capacity of India's juvenile justice system at the district and state levels.

Scope – The study covered 14 States and 2 Union Territories, drawing data from 362 Juvenile Justice Boards (JJBs).

Core Issue – The study revealed that more than 55% of cases before Juvenile Justice Boards (JJBs) were pending as of October 2023.

2. Key Findings of the Study

High Pendency Rates

Statistics – Out of over 1 lakh cases analyzed, 55% were pending.

Variation – Pendency varies drastically, from 83% in Odisha to 35% in Karnataka.

Vacancy Crisis – While 92% of districts have constituted JJBs, 25% of these boards operate without a full bench. This vacancy leads to increased backlogs, with each board handling an average of 154 pending cases annually.

Inadequate Legal Aid – 30% of JJBs do not have an attached legal services clinic. This creates a barrier for children in conflict with the law to access necessary legal support.

Gender-Specific Deficits – Data from 292 districts shows only 40 exclusive child care homes for girls, highlighting a severe lack of gender-specific infrastructure.

Transparency and Data Issues

Low Transparency – Only 36% of RTI requests filed to gather data yielded useful responses.

Data Gaps – There is no centralized data system for JJBs comparable to the National Judicial Data Grid for regular courts.

Systemic Constraints

Funding & Monitoring – Lack of funds and inadequate data monitoring hinder effective oversight.

Coordination – Poor inter-agency coordination leads to gaps in service delivery.

3. Legal Framework – Juvenile Justice (Care and Protection of Children) Act, 2015

Framework – The Act provides the statutory basis for handling –

1. Children in Conflict with the Law.
2. Children in Need of Care and Protection.

Heinous Offences & Adult Trials – The Act introduced a provision allowing children aged 16–18 years to be tried as adults if they commit "heinous offences".

Definition – A heinous offence is one carrying a minimum punishment of 7 years' imprisonment.

Assessment – A preliminary assessment is conducted by the JJB (with psychologists/experts) to decide if the child should be tried as an adult.

Adoption – The Act gave statutory status to the Central Adoption Resource Authority (CARA).

4. Institutional Framework – JJB vs. CWC

The Act establishes two distinct bodies for different categories of children.

Feature	Juvenile Justice Board (JJB)	Child Welfare Committee (CWC)
Statutory Basis	Established under Section 4 of the JJ Act, 2015.	Established as a statutory body under the JJ Act, 2015.
Target Group	Deals with Children in Conflict with the Law (accused of crimes).	Deals with Children in Need of Care and Protection (orphans, abandoned, abused).

Powers	Vested with powers of a Criminal Court under the Code of Criminal Procedure (CrPC).	Functions as a Quasi-judicial body with authority to pass orders for safety and welfare.
Composition	1 Judicial Magistrate (First Class) + 2 Social Workers (at least one woman).	A Chairperson and 4 other members (focus on child welfare expertise).
Tenure	Members hold office for 3 years (max 2 consecutive terms).	Term is typically 3 years.
Core Function	Adjudicating cases and determining if a 16-18 year old should be tried as an adult.	Ensuring care, rehabilitation, social reintegration, and restoration of children.

5. Constitutional and International Commitments

Article 15(3) - Empowers the State to make special provisions for women and children.

Article 21 - The Right to Life includes the right to live with dignity and protection against abuse.

Article 39(e) & (f) - Directive Principles mandating protection against abuse and ensuring healthy development.

UN Convention on the Rights of the Child (UNCRC) - India is a signatory, committing to a rehabilitative, child-centric justice system.

Source - <https://www.thehindu.com/news/national/more-than-50-pending-cases-before-justice-juvenile-board-jjbs-not-fully-staffed/article70301965.ece>

