

Juvenile Delinquency in India: An Empirical and Socio-Legal Assessment of Trends, Patterns and the Institutional Response

¹Manjiri Gautam Joshi

¹Research Scholar, School of Law, Sabarmati University, Ahmadabad (Gujarat)

²Dr. Mehul R. Shah

²Research Guide, School of Law, Sabarmati University, Ahmadabad (Gujarat)

ABSTRACT

The analysis finds that the incidence of juvenile offending declined by approximately thirty per cent between 2013 and 2022 but has risen in each of the two most recent years, and that the crime rate per lakh of the child population — a more reliable indicator than the absolute count — rose from 6.5 in 2020 to 7.9 in 2024, indicating that the apparent decline has been overstated. The composition of juvenile offending is dominated by theft and hurt, which together account for roughly half of all juvenile offences, while murder and rape account for approximately three and four per cent respectively; offending is overwhelmingly concentrated among males and among adolescents aged sixteen to eighteen years; and it is associated with low family income, educational discontinuation and disrupted parental care. The paper argues that the reformatory design of the 2015 Act is well supported by this evidence, that the transfer provision addresses a statistically small minority of cases, and that the principal failing of the framework lies not in its design but in the gap between its design and its implementation — a gap evidenced by delays before the Juvenile Justice Boards, under-resourced observation and special homes, an acute shortage of trained psychologists and counsellors, and the near-absence of systematic data on recidivism and reintegration outcomes.

Keywords: juvenile delinquency; juvenile justice; NCRB; children in conflict with law; preliminary assessment; rehabilitation; socio-legal analysis.

I INTRODUCTION

Juvenile delinquency occupies an uneasy position in the criminal law. It is at once a problem of public

order and a problem of childhood, and the response of the State to it must reconcile two claims that do not sit easily together: the claim of society to protection and accountability, and the claim of the child to a response calibrated to a personality still in formation. Indian law has, since the enactment of the Children Act, 1960 and through the successive juvenile justice enactments of 1986, 2000 and 2015, resolved that tension in favour of reformation, treating the child in conflict with law as a subject of care rather than of punishment. That resolution was qualified, though not abandoned, by the Juvenile Justice (Care and Protection of Children) Act, 2015, which for the first time permitted an adolescent aged between sixteen and eighteen years alleged to have committed a heinous offence to be tried as an adult following a preliminary assessment under Section 15.

The qualification was enacted in a climate of considerable public feeling, and it was defended and attacked in terms that were largely normative rather than evidential. What was seldom asked, in the parliamentary debate and in the public argument that surrounded it, was what the statistical record of juvenile offending in India actually discloses: how much juvenile offending there is, whether it is rising or falling, what it consists of, who commits it, and what becomes of the children who pass through the institutions established to reform them. These are empirical questions, and although the available data answer them only imperfectly, they answer them well enough to discipline the argument.

This paper accordingly undertakes an empirical and socio-legal assessment of juvenile delinquency

in India. It analyses the secondary statistical record for the period 2013 to 2024, drawing principally upon the annual Crime in India volumes of the National Crime Records Bureau, and it reads that record in the light of the legislative framework, the decisions of the constitutional courts, and the criminological and developmental literature. The object is twofold: to establish what the data show about the incidence, composition and correlates of juvenile offending, and to assess the operation of the juvenile justice framework against the standards that the framework itself prescribes and that India's international obligations require.

The paper proceeds in ten sections. Section 2 reviews the literature and identifies the research gap. Section 3 sets out the methodology and the limitations of the data. Sections 4 to 8 present the empirical analysis - trends in incidence, the composition of offending, age and gender patterns, regional variation, and socio-economic correlates. Section 9 assesses the institutional and rehabilitative response. Section 10 states the findings and recommendations and concludes.

II REVIEW OF LITERATURE AND STATEMENT OF THE PROBLEM

The scholarly literature on juvenile justice in India is substantial but unevenly distributed between doctrinal and empirical work. Ved Kumari's study of the Indian juvenile justice system remains the authoritative doctrinal treatment, tracing the movement from a welfare model to a rights-based model and identifying the persistent distance between statutory entitlement and administrative reality. The doctrinal literature that followed the 2015 Act has concentrated almost exclusively on the transfer provision, examining its consistency with Article 14 of the Constitution, with the Convention on the Rights of the Child, and with the reformatory philosophy that the Act elsewhere professes.

The developmental and criminological literature supplies the evidential foundation on which that doctrinal debate ought to rest. Moffitt's distinction between adolescence-limited and life-course-

persistent antisocial behaviour established that the great majority of adolescent offending is transient and desists without intervention, while a small minority of persistent offenders account for a disproportionate share of serious crime. Steinberg's dual-systems account of adolescent development explains why: the socio-emotional system governing reward-seeking matures early, while the cognitive control system governing impulse regulation matures late, producing a window in mid-to-late adolescence in which sensation-seeking is high and self-regulation immature. This body of work is directly relevant to a statute that draws its critical line at sixteen years.

The empirical Indian literature is thinner. Studies of NCRB data have generally been descriptive and confined to short periods, and they have tended to report absolute case counts without adjusting for the size of the child population — a methodological weakness that, as this paper shows, materially distorts the picture. Institutional studies, including the inspections conducted by the National Commission for Protection of Child Rights and the inquiries that prompted the Supreme Court's directions in *Sampurna Behura* and in the orphanages matter, have documented serious deficiencies in child care institutions, but they have rarely been integrated with the crime statistics into a single assessment.

The research gap therefore lies at the intersection. There is doctrinal analysis of the framework and there is descriptive analysis of the statistics, but there is relatively little work that reads the statistical record against the framework in order to ask whether the framework, as it actually operates, is answering the problem that the data actually disclose. That is the problem this paper addresses. It tests three propositions: first, that the apparent decline in juvenile offending is substantially an artefact of unadjusted counting; second, that the offending profile disclosed by the data supports a reformatory rather than a punitive response; and third, that the framework's deficiencies are

deficiencies of implementation rather than of design.

III RESEARCH METHODOLOGY AND SOURCES OF DATA

3.1 Design and sources

The study is doctrinal and empirical in combination, resting on the analysis of secondary data. Four classes of source are used. The first and principal source is the annual Crime in India series of the National Crime Records Bureau, established in 1986, which compiles data reported by the state police agencies and validated at district and state level, and which contains a dedicated treatment of juveniles in conflict with law covering cases registered, juveniles apprehended, offence heads, age and gender composition, state-wise distribution, and the family, economic and educational background of those apprehended. The second consists of the reports of the Ministry of Women and Child Development, the National Commission for Protection of Child Rights and the National Legal Services Authority, which supply information on institutional infrastructure and on the delivery of legal aid that the crime statistics do not capture. The third consists of the decisions of the Supreme Court and the High Courts, which supply the authoritative construction of the statute and, in the directions, they have issued, an independent record of implementation failure. The fourth consists of the legislative and policy instruments themselves.

3.2 Method of analysis

The quantitative analysis is descriptive and trend-based. Year-on-year percentage change is computed on absolute case counts; incidence is additionally expressed as a rate per lakh of the child population aged seven to eighteen years, in order to control for demographic change; and offence composition is expressed as a cumulative percentage share across the period 2017 to 2022 in order to smooth annual fluctuation. The qualitative analysis reads the statistical findings against the statutory standards and the judicial

pronouncements, assessing conformity rather than merely describing outcome.

IV RESULTS AND DISCUSSION

4. Trends in the Incidence of Juvenile Delinquency, 2013–2024

The headline trend is one of substantial decline followed by recent reversal. The total number of cases registered against juveniles fell from 43,506 in 2013 to 30,555 in 2022 — a reduction of approximately thirty per cent across the decade — before rising to 31,365 in 2023 and 34,878 in 2024. Table 1 sets out the year-wise series and Figure 1 depicts it.

Table 1. Year-wise juvenile cases registered (IPC/BNS and SLL), 2013–2024

Year	Total cases	Change over previous year	Direction
2013	43,506	—	Base year
2014	38,455	– 11.6%	Decline
2015	33,526	– 12.8%	Decline
2016	35,849	+ 6.9%	Increase
2017	33,606	– 6.3%	Decline
2018	31,591	– 6.0%	Decline
2019	32,269	+ 2.1%	Increase
2020	29,768	– 7.8%	Decline
2021	31,170	+ 4.7%	Increase
2022	30,555	– 2.0%	Decline
2023	31,365	+ 2.7%	Increase
2024	34,878	+ 11.2%	Increase

Source: Compiled from NCRB, Crime in India (annual series, 2013–2024). Figures rounded; some year-on-year values approximate.

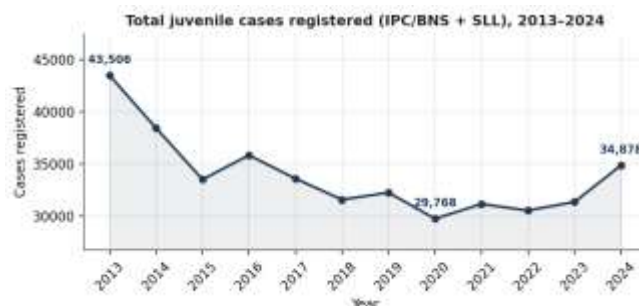


Figure 1. Trend in total juvenile cases registered, 2013–2024.

The decline is, on its face, encouraging, but it will not bear the weight that has sometimes been placed on it. It may reflect a genuine reduction in

offending; it may equally reflect changes in the propensity to report and register, changes in police practice, or changes in the size of the child population. The sharp fall in 2020 coincides with the pandemic restrictions and is almost certainly an artefact of them rather than evidence of reform. The eleven per cent increase in 2024 is the largest single-year movement in the series since 2015 and warrants close attention, though it is too early to say whether it marks a sustained reversal.

4.1 Cases, apprehensions and the crime rate

A more reliable picture emerges when apprehensions and population are brought into account. The number of juveniles apprehended exceeds the number of cases, because a single case may involve several juveniles, and it has risen more sharply than the case count in recent years. Critically, the crime rate per lakh of the child population — which adjusts for the size of the population at risk — has risen in every recent year but one, from 6.5 in 2020 to 7.9 in 2024, an increase of over twenty per cent. Table 2 and Figure 2 present the position.

Table 2. Cases registered, juveniles apprehended and juvenile crime rate, 2020–2024

Year	Cases registered	Juveniles apprehended	Juveniles per case	Crime rate per lakh
2020	29,768	35,352	1.19	6.5
2021	31,170	37,050	1.19	7.0
2022	30,555	37,780	1.24	6.9
2023	31,365	40,036	1.28	7.1
2024	34,878	42,633	1.22	7.9

Source: Compiled from NCRB, Crime in India 2020–2024. Crime rate is per lakh of the child population aged 7–18 years; juveniles per case computed by the author.

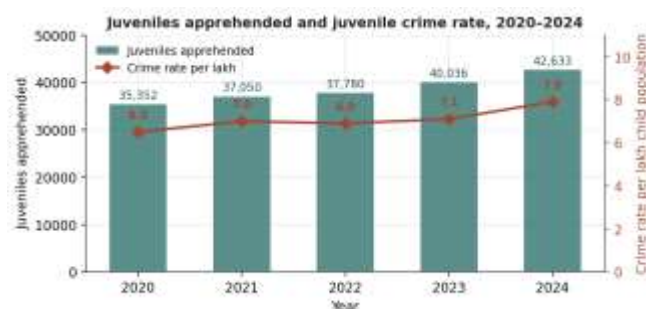


Figure 2. Juveniles apprehended and juvenile crime rate per lakh child population, 2020–2024.

Two observations follow. The ratio of juveniles apprehended to cases registered, consistently above 1.19 and rising to 1.28 in 2023, is a quantitative indication of the group character of much juvenile offending, a matter to which Section 5 returns. And the movement of the rate, as against the movement of the absolute count, confirms the first hypothesis of this study: when adjustment is made for the child population, the incidence of juvenile delinquency has not declined as dramatically as the raw numbers suggest, and in the most recent years it has risen. The inference is that studies reporting the decline without population adjustment have materially overstated it.

4.2 General penal law and special and local laws

The NCRB data distinguish offences under the general penal law — the Indian Penal Code, and since July 2024 the Bharatiya Nyaya Sanhita — from offences under the Special and Local Laws. The general penal law accounts for the great preponderance of juvenile cases, but its share has fallen sharply in the last two years, from 87.0 per cent in 2022 to 77.1 per cent in 2024. Table 3 sets out the distribution.

Table 3. Distribution of juvenile cases between general penal law and special and local laws, 2018–2024

Year	IPC / BNS cases	SLL cases	IPC/BNS share	SLL share
2018	26,670	4,921	84.4%	15.6%
2019	27,936	4,333	86.6%	13.4%
2020	25,384	4,384	85.3%	14.7%
2021	26,948	4,222	86.5%	13.5%

2022	26,571	3,984	87.0%	13.0%
2023	26,003	5,362	82.9%	17.1%
2024	26,893	7,985	77.1%	22.9%

Source: Compiled from NCRB, Crime in India 2018–2024. Figures approximate; categories reflect the IPC to 2023 and the BNS from July 2024.

The doubling of Special and Local Law cases between 2022 and 2024, from 3,984 to 7,985, is the single most striking movement in the recent data and it deserves more attention than it has received. General penal law offending was essentially flat across the same period, so the entire increase in the 2024 headline figure is attributable to this category. It is likely to reflect increased registration under the narcotic drugs legislation and the Protection of Children from Sexual Offences Act, 2012, and it suggests that the emerging problem of juvenile offending in India is a problem of specialised legislation rather than of ordinary crime.

V COMPOSITION AND PATTERNS OF JUVENILE OFFENDING

What juveniles are apprehended for matters as much as how often. The data disclose an offending profile heavily concentrated in a small number of ordinary offence heads. Across the cumulative period 2017 to 2022, theft accounted for approximately 27.8 per cent of juvenile offences under the general penal law and hurt for approximately 22.3 per cent; together these two heads account for slightly over half of all juvenile offending. Table 4 and Figure 3 present the composition.

Table 4. Composition of juvenile offences under the general penal law, 2017–2022 (cumulative)

Ran k	Offence head	Approx . share	Approx. cumulativ e cases	Characte r
1	Theft	27.8%	44,474	Property / acquisitive
2	Hurt (incl. grievous hurt)	22.3%	35,576	Violent / reactive

3	Criminal trespass / burglary	8.0%	14,059	Property
4	Rape	4.0%	—	Sexual
5	Assault on women (modesty)	4.0%	7,165	Sexual / violent
6	Robbery	4.0%	8,600	Property with violence
7	Murder	3.0%	6,232	Serious violent
—	Other offences	26.9%	—	Mixed

Source: Compiled from NCRB, Crime in India 2017–2022; percentages cumulative and approximate. Cumulative case figures include attempt to murder (4,979), not separately ranked above.

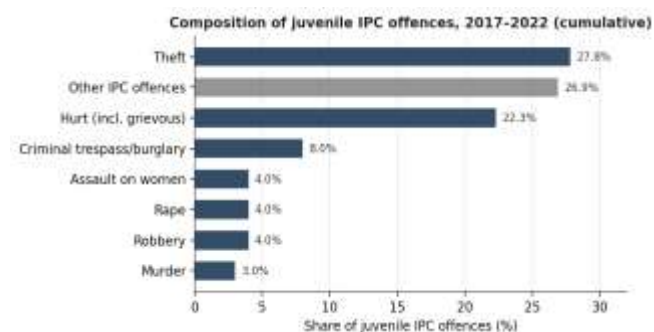


Figure 3. Composition of juvenile offences under the general penal law, 2017–2022.

Three features of this profile are material to the legal assessment. First, the offending is predominantly acquisitive and predominantly minor: property offences of theft, burglary and robbery together constitute approximately forty per cent of the total, and the association of acquisitive offending with material want connects the pattern directly to the socio-economic correlates examined in Section 8. Second, the leading violent head is hurt rather than homicide, and hurt of this kind is characteristically reactive, situational and impulsive rather than premeditated — a profile consonant with the developmental account of adolescent aggression, in which emotional volatility and immature self-regulation produce aggression that is responsive to provocation rather

than instrumentally planned. Third, and decisively for the transfer debate, the offences that engage Section 15 are statistically marginal: murder accounts for approximately three per cent of juvenile offending and rape for approximately four per cent. The category of case that dominated the public argument for the 2015 Act constitutes a small fraction of the problem the Act must actually manage.

5.1 Sexual offences and the POCSO Act

The one category that has grown sharply is offending under the Protection of Children from Sexual Offences Act, 2012, where cases registered against juveniles rose from 794 in 2017 to 2,356 in 2022 — an increase of approximately 197 per cent in five years. Table 5 and Figure 4 present the series.

Table 5. Juvenile cases registered under the POCSO Act, 2017–2022

Year	POCSO cases (juveniles)	Change over previous year	Index (2017 = 100)
2017	794	—	100
2018	1,189	+ 49.7%	150
2019	1,506	+ 26.7%	190
2020	1,330	– 11.7%	168
2021	1,888	+ 42.0%	238
2022	2,356	+ 24.8%	297

Source: Compiled from NCRB, Crime in India 2017–2022; index computed by the author.

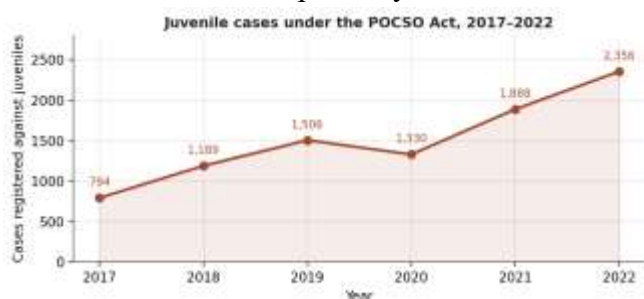


Figure 4. Juvenile cases registered under the POCSO Act, 2017–2022.

This series must be read with particular care, because the offence it records is not homogeneous. A significant proportion of POCSO cases

registered against adolescents arises from consensual romantic relationships between adolescents of similar age, which the Act criminalises by fixing the age of consent at eighteen years and admitting no proximity-of-age exception. Several High Courts have remarked on the phenomenon and the Law Commission of India has examined it. The increase disclosed by Figure 4 may therefore reflect, in substantial part, the criminalisation of adolescent relationships and an increased propensity to invoke the Act, rather than a proportionate increase in predatory sexual offending by juveniles. Since certain offences under the Act carry minimum sentences of seven years or more, and thus fall within the definition of a heinous offence, this classification difficulty feeds directly into the transfer machinery — with the consequence that an adolescent in a consensual relationship may in principle face preliminary assessment for adult trial. The data cannot resolve how often this occurs, because the outcomes of preliminary assessments are not systematically published; that absence is itself a finding.

5.2 Group offending, recidivism and emerging categories

Two further patterns deserve note. The ratio of juveniles apprehended to cases registered, computed in Table 2, exceeds 1.19 throughout and indicates that a substantial share of juvenile offending is committed in company — consistent with the criminological finding that peer influence is among the most powerful proximate determinants of adolescent offending. Yet the framework's dispositional repertoire remains almost entirely individual in its focus. Cyber-enabled offending, meanwhile, is an emerging category that the published statistics barely capture, and the absence of any disaggregated series on juvenile recidivism is the most serious single gap in the record, since it makes it impossible to measure whether the rehabilitative machinery achieves its object.

VI AGE-WISE AND GENDER-WISE PATTERNS

The demographic profile of juvenile offending is among the most stable findings in the data and among the most consequential for the law. Offending is concentrated overwhelmingly in the oldest juvenile age band and overwhelmingly among males. In 2022, of 37,780 juveniles in conflict with law, some 29,690 — 78.6 per cent — were aged between sixteen and eighteen years; males accounted for approximately 96.8 per cent of those apprehended. Table 6 presents both distributions together.

Table 6. Age and gender distribution of juveniles apprehended, 2022

Dimension	Category	Approx. share	Legal and analytical significance
Age	Below 12 years	1.9%	Rare; doli incapax considerations arise
Age	12 to 16 years	19.5%	Uniform reformatory disposal; no transfer possible
Age	16 to 18 years	78.6%	Age band to which Section 15 transfer applies
Gender	Male	96.8%	Population the system is de facto designed around
Gender	Female	3.2%	Distinct protective and trauma-informed needs

Source: Compiled from NCRB, Crime in India 2022; shares approximate.

The age concentration is a developmental finding before it is a legal one. Offending peaks in late adolescence precisely because that is the period in which reward-seeking is at its height while the capacity for impulse control is still maturing — the window described in the dual-systems literature. The statutory line at sixteen years therefore falls not at the point where developmental immaturity ends but close to the point where it is most acute. This is the central tension of the 2015 Act: the transfer provision applies to the very age band whose neurodevelopmental profile most strongly supports

a reformatory response, and it applies to it on the basis of a preliminary assessment that, as the Supreme Court held in *Barun Chandra Thakur v. Master Bholu*, requires expert psychological assistance and cannot be reduced to a perfunctory exercise. Against that requirement must be set the documented shortage of trained psychologists in the system, discussed in Section 9.

The gender concentration is equally consistent and is replicated internationally. Its practical consequence is one of institutional design. A system in which ninety-seven of every hundred entrants are male will tend, without deliberate correction, to be provisioned for male entrants — in the location of institutions, the design of vocational programmes, and the training of staff. Yet the offending of female juveniles differs in composition, being less concentrated in violent heads and more frequently connected with circumstances of vulnerability including abuse, exploitation and trafficking. The small size of the female cohort is a reason for, not against, deliberate attention to its distinct needs, because small numbers invite institutional neglect. The interaction of the two dimensions sharpens the picture further: the most serious violent and sexual offences are committed almost exclusively by older adolescent males, so that the population exposed to the transfer provision is, demographically, a narrow and identifiable one.

VII STATE-WISE AND REGIONAL VARIATION

The national aggregate conceals substantial regional variation. A small group of states accounts for a disproportionate share of reported juvenile offending: Madhya Pradesh and Maharashtra have each reported over fifty thousand juvenile cases across the decade from 2013 to 2022, and in 2022 alone they accounted for 5,551 and 4,681 cases respectively. Table 7 and Figure 5 present the eight highest-reporting states for that year.

Table 7. Highest-reporting States for juvenile cases, 2022

Rank	State	Approx. cases	Share of the eight States	Also among highest rate States
1	Madhya Pradesh	5,551	24.9%	Yes
2	Maharashtra	4,681	21.0%	Yes
3	Rajasthan	2,916	13.1%	No
4	Delhi	2,340	10.5%	No
5	Tamil Nadu	2,074	9.3%	Yes
6	Chhattisgarh	1,786	8.0%	Yes
7	Haryana	1,521	6.8%	Yes
8	Gujarat	1,402	6.3%	No

Source: Compiled from NCRB, Crime in India 2022; shares computed by the author against the eight-State total of 22,271 cases.

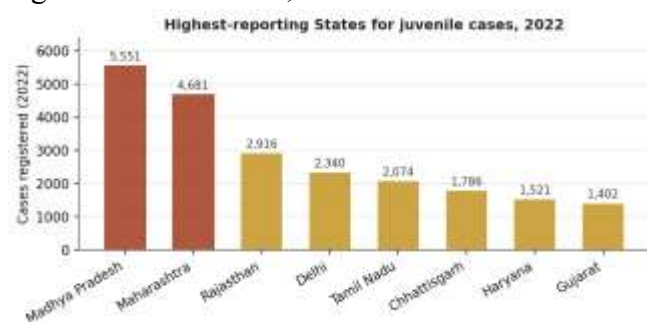


Figure 5. Highest-reporting States for juvenile cases, 2022.

The interpretation of state-wise data requires unusual caution. The high-reporting states are in general the more populous states, and a higher absolute count may reflect population size rather than a higher underlying incidence. Registration practice varies markedly between states, so that a state with an efficient and accessible police response may record more offences than a state with a higher true incidence but weaker registration. High reporting does not establish high incidence, and low reporting does not establish low incidence. What can be said with more confidence is that when the child population is controlled for, Madhya Pradesh, Chhattisgarh, Maharashtra, Haryana and Tamil Nadu appear among the states

with the highest juvenile crime rates, so that for these states the high absolute count is not merely a population artefact.

The regional pattern also carries an implication for the design of the response. The composition of offending differs between states as well as its volume, some reporting a higher proportion of violent heads and others a higher proportion of property offences, reflecting differences in urbanisation, poverty, educational participation and social organisation. A framework administered uniformly across jurisdictions that differ this much in both the volume and the character of the caseload is unlikely to be efficient in any of them. The case for state-specific prevention strategies, and for resource allocation weighted by rate rather than by count, follows directly from the data.

VIII SOCIO-ECONOMIC, FAMILIAL AND EDUCATIONAL CORRELATES

The NCRB records limited but valuable information on the background of juveniles apprehended, covering living arrangements, family income and educational attainment. Read together, these fields describe a population marked by economic disadvantage and educational exclusion. Table 8 consolidates the three distributions.

Table 8. Familial, economic and educational profile of juveniles apprehended (indicative)

Domain	Category	Approx. share	Interpretation
Family	Living with parents	82%	Structure intact; quality of care not captured
Family	Living with guardians	12%	Absence of parental care
Family	Homeless / no fixed guardian	6%	Acute vulnerability
Income	Up to ₹25,000 per annum	32%	Deep poverty
Income	₹25,000 – ₹50,000	27%	Low income; 59% below ₹50,000
Income	₹50,000 – ₹1,00,000	22%	Lower middle

Income	Above ₹1,00,000	19%	Offending not confined to the poor
Education	Illiterate	19%	Complete educational exclusion
Education	Below primary / primary	42%	61% at or below primary level
Education	Above primary to matriculation	36%	Discontinuation common
Education	Above matriculation	3%	Rare

Source: Compiled from NCRB, Crime in India (family, economic and educational background tables); figures indicative. Cumulative percentages computed by the author.

The economic distribution is the more arresting of the two. Approximately fifty-nine per cent of juveniles apprehended came from households with an annual income below ₹50,000, and approximately thirty-two per cent from households below ₹25,000. The association with the offending profile established in Section 5 is direct: a caseload dominated by theft and burglary is a caseload shaped by material want. The association must not, however, be read as simple causation. Most children in poverty do not offend, and nineteen per cent of those apprehended came from households above ₹1,00,000. Poverty operates not as a cause but as a context, working through its effects on family functioning, school participation, supervision and neighbourhood, and through the greater likelihood that poor children are policed, apprehended and formally processed rather than diverted.

The educational distribution points the same way. Approximately sixty-one per cent of juveniles apprehended were illiterate or had not progressed beyond primary level, and only three per cent had studied beyond matriculation. Educational deprivation is both antecedent and consequence: disengagement from school removes the strongest institutional source of routine, supervision and prosocial attachment, while apprehension and

institutional placement interrupt schooling further. The Right of Children to Free and Compulsory Education Act, 2009 is therefore properly understood as delinquency prevention legislation, and the finding gives that Act a criminological significance it is rarely accorded.

The family data require the most careful handling. That eighty-two per cent of juveniles apprehended were living with their parents defeats any simple narrative of the broken home. Living arrangement is a crude proxy that captures structure and not function, and the criminological literature is clear that the quality of parental supervision, the consistency of discipline and the level of conflict within the household predict delinquency far better than household composition does. What the data do establish is that a not insignificant minority — approximately eighteen per cent — were outside parental care altogether, and that group overlaps heavily with the category of the child in need of care and protection. That overlap is itself important: it indicates that effective functioning of the Child Welfare Committees is a delinquency-prevention measure and not merely a welfare measure.

IX THE INSTITUTIONAL AND REHABILITATIVE RESPONSE: A SOCIO-LEGAL ASSESSMENT

The 2015 Act establishes an elaborate institutional architecture: Juvenile Justice Boards for adjudication, Child Welfare Committees for children in need of care and protection, observation homes for temporary care during inquiry, special homes for post-inquiry rehabilitation, places of safety for older adolescents in heinous cases, and a rehabilitative programme organised around the individual care plan prescribed by the Model Rules, 2016. Approximately seven hundred Boards and a similar number of Committees have been constituted, alongside roughly six hundred and fifty observation homes, some one hundred and twenty special homes and about two thousand children's homes. Measured by the existence of institutions, the framework has been substantially established.

Measured by their functioning, the assessment is far less favourable, and the evidence of deficiency comes from the State's own monitoring bodies and from the courts. The Boards are beset by delays that exceed the statutory timelines, by a shortage of members with the psychological expertise that Section 15 assumes, and by non-child-friendly physical settings. The Supreme Court's directions in *Sampurna Behura v. Union of India* addressed precisely these matters, and the National Commission for Protection of Child Rights was obliged to frame guidelines for the conduct of the preliminary assessment because the legislation itself supplied none. Observation homes are frequently overcrowded and under-resourced; institutional conditions have in some instances descended into abuse and neglect, a matter that compelled the Supreme Court's intervention in the orphanages litigation. Places of safety, the designated placement for adolescents processed under the transfer provision, have been established unevenly, with the consequence that the very children whose treatment is most legally contested risk placement in inappropriate settings.

The rehabilitative content of the framework is weaker still. Individual care plans, the instrument through which rehabilitation is to be individualised, are inconsistently prepared and still more inconsistently implemented. Counselling and psychological intervention — the response directed at precisely those impulsivity, aggression and trauma factors that the data profile implies — are limited by an acute shortage of trained psychologists and counsellors. Education and vocational training within institutions are frequently inadequate. Family counselling and community-based intervention, on which sustainable reintegration depends, are largely absent, so that the framework operates with an institutional orientation notwithstanding its formal preference for family and community-based measures and its declaration that institutionalisation is a measure of last resort. Legal aid, though guaranteed in principle and structured

by the NALSA Legal Services to Children Scheme, 2015, is unevenly available, variable in quality and often assigned late in the proceedings.

Assessed against the framework's own general principles, the picture is one of systematic divergence between statutory norm and administrative reality. The principle of the best interest of the child cannot be realised where inquiries exceed their timelines and institutional conditions are substandard. The principle of rehabilitation and social reintegration cannot be assessed at all, let alone realised, where no data on recidivism or reintegration outcomes are systematically collected. The principle that institutionalisation is a last resort is undermined not by the statute but by the emptiness of the alternatives, since a decision-maker without functioning community-based options will institutionalise by default. The same conclusion holds against the international standards — the Convention on the Rights of the Child, the Beijing Rules, the Riyadh Guidelines and the Havana Rules — to which the Indian framework conforms textually and from which its operation departs in practice. This supports the third hypothesis of the study. The deficiencies documented above are not consequences of the design of the 2015 Act. They are consequences of under-resourcing, of personnel shortages, of weak monitoring and of the absence of outcome measurement. A statute may be amended; none of these is cured by amendment.

X FINDINGS, RECOMMENDATIONS AND CONCLUSION

Principal findings

First, the widely reported decline in juvenile delinquency in India is substantially overstated. Absolute case counts fell about thirty per cent between 2013 and 2022, but the crime rate per lakh of the child population rose from 6.5 in 2020 to 7.9 in 2024, and both cases and apprehensions have risen in each of the last two years. Second, the growth in juvenile offending is concentrated in the Special and Local Laws, which more than doubled between 2022 and 2024 and account for the entirety

of the recent increase in the headline figure. Third, the offending profile is dominated by theft and hurt, which together constitute over half the caseload, while murder and rape together constitute approximately seven per cent — so that the punitive transfer machinery addresses a statistically marginal category. Fourth, POCSO cases against juveniles rose almost threefold between 2017 and 2022, a series that cannot be interpreted without accounting for the criminalisation of consensual adolescent relationships. Fifth, offending is concentrated among males and among sixteen-to-eighteen-year-olds, the age band whose developmental profile most strongly supports a reformatory response. Sixth, the apprehended population is marked by poverty and educational exclusion, with approximately fifty-nine per cent from households earning below ₹50,000 annually and approximately sixty-one per cent at or below primary education. Seventh, the framework is established in form but deficient in function, and the single most serious gap in the record is the absence of any systematic data on recidivism, disposal times or reintegration outcomes.

Recommendations

The recommendations that follow from these findings are directed at implementation rather than at further amendment. The NCRB and the Ministry of Women and Child Development should publish a disaggregated annual series on outcomes — disposal times before the Boards, the number and result of preliminary assessments under Section 15, recidivism at defined intervals, and reintegration status — since a rehabilitative framework that does not measure rehabilitation cannot be evaluated or improved. Every Juvenile Justice Board should have assured access to a qualified child psychologist, which is a precondition of compliance with Barun Chandra Thakur rather than an aspiration. A proximity-of-age exception to the POCSO Act should be considered, so that consensual adolescent relationships do not enter the heinous-offence machinery. Resource allocation between states should be weighted by

juvenile crime rate rather than by absolute count, and prevention strategies should be state-specific. Community-based and family-based dispositions, including probation under the Probation of Offenders Act, 1958, should be developed to the point where the last-resort principle has practical content. Retention and re-enrolment in education should be treated as a core delinquency-prevention instrument, and the linkage between Child Welfare Committees and Boards should be strengthened to reach the children who are outside parental care before they enter conflict with the law. The evidence assembled in this paper supports a clear conclusion. The reformatory philosophy of the Indian juvenile justice framework is not a sentimental indulgence; it is the response that the data recommend. The offending that the system actually handles is predominantly minor, acquisitive, impulsive, committed by adolescent boys from poor and educationally excluded households, and — on everything the developmental literature establishes — likely to desist. The heinous offending around which the public argument has been conducted is real, but it is a small fraction of the whole, and building the system around it inverts the relationship between the exception and the rule.

The failure of the framework, such as it is, lies elsewhere. It lies in observation homes that are overcrowded, in Boards that sit without the psychological expertise the statute assumes, in care plans that are written and not implemented, in counselling that is promised and not provided, and in an outcome record so thin that the State cannot say whether the children it processes are reformed or returned. Closing the distance between the framework as designed and the framework as administered is the task that the data set for Indian juvenile justice policy, and it is a task of resourcing, personnel and measurement rather than of legislative redesign.

REFERENCES

- [1] Constitution of India, arts. 14, 15(3), 21, 21A, 23, 24, 39(e)–(f) and 45.

- [2] Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016).
- [3] Juvenile Justice (Care and Protection of Children) Model Rules, 2016.
- [4] Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 (Act 23 of 2021).
- [5] Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012).
- [6] Right of Children to Free and Compulsory Education Act, 2009 (Act 35 of 2009).
- [7] Probation of Offenders Act, 1958 (Act 20 of 1958).
- [8] National Crime Records Bureau, Crime in India (annual series, 2013–2024), Ministry of Home Affairs, Government of India, New Delhi.
- [9] Ministry of Women and Child Development, Government of India, Annual Reports and Child Protection Services data (various years).
- [10] National Commission for Protection of Child Rights, Guidelines on Preliminary Assessment under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015, New Delhi.
- [11] National Legal Services Authority, NALSA (Legal Services to Children) Scheme, 2015, and Annual Reports.
- [12] Law Commission of India, Report on the Age of Consent under the Protection of Children from Sexual Offences Act, 2012 (Report No. 283, 2023).
- [13] United Nations Convention on the Rights of the Child, 1989 (ratified by India, 1992).
- [14] United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (Beijing Rules).
- [15] United Nations Guidelines for the Prevention of Juvenile Delinquency, 1990 (Riyadh Guidelines); United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990 (Havana Rules).
- [16] Ved Kumari, The Juvenile Justice System in India: From Welfare to Rights (Oxford University Press, 2nd edn, 2010).
- [17] Terrie E. Moffitt, “Adolescence-Limited and Life-Course-Persistent Antisocial Behavior: A Developmental Taxonomy” (1993) 100(4) Psychological Review 674.
- [18] Laurence Steinberg, “A Social Neuroscience Perspective on Adolescent Risk-Taking” (2008) 28(1) Developmental Review 78.
- [19] Dr. Subramanian Swamy v. Raju, (2014) 8 SCC 390; Salil Bali v. Union of India, (2013) 7 SCC 705.
- [20] Shilpa Mittal v. State of NCT of Delhi, (2020) 2 SCC 787; Barun Chandra Thakur v. Master Bholu, (2023) 12 SCC 401; Sampurna Behura v. Union of India, (2018) 4 SCC 433; Pratap Singh v. State of Jharkhand, (2005) 3 SCC 551; Hari Ram v. State of Rajasthan, (2009) 13 SCC 211; Jarnail Singh v. State of Haryana, (2013) 7 SCC 263; Sheela Barse v. Union of India, (1986) 3 SCC 632.