

TRANSFORMATIVE APPROACHES TO JUVENILE JUSTICE REFORM: A COMPREHENSIVE EXAMINATION OF POLICY, PRACTICES AND SOCIETAL IMPACT WITH SPECIAL REFERENCE TO CHHATTISGARH STATE

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ABSTRACT

Juvenile justice is not merely a branch of criminal law; it is a constitutional, social and moral commitment to protect childhood, correct vulnerability and restore dignity. India's Juvenile Justice (Care and Protection of Children) Act, 2015 creates a rights-based framework for children in conflict with law and children in need of care and protection. It incorporates child-friendly procedures, rehabilitation, social reintegration, foster care, sponsorship, after-care, individual care plans and institutional accountability (Government of India, 2016). Yet the transformative promise of the statute depends upon how it is implemented at the State, district and community levels. Chhattisgarh presents a significant field for such inquiry because of its rural, tribal, socio-economically diverse and conflict-sensitive contexts. This article examines the policy architecture, institutional practices and societal impact of juvenile justice reform in India with special reference to Chhattisgarh. It argues that reform must move beyond formal compliance and toward a child-sensitive ecosystem built on prevention, diversion, mental health support, education, family strengthening, trained professionals, transparent data, effective Juvenile Justice Boards, active Child Welfare Committees, community-based rehabilitation and meaningful after-care.

Keywords: *Juvenile justice¹, Chhattisgarh², child rights³, rehabilitation⁴, Juvenile Justice Act 2015⁵, restorative justice⁶, social reintegration⁷.*

1. INTRODUCTION

Juvenile justice reform is one of the most sensitive areas of legal and social policy because it deals with children whose lives are often shaped by poverty, abuse, neglect, lack of education, family breakdown, trafficking, child

labour, peer influence, substance exposure and social exclusion. A child who comes before the juvenile justice system is rarely only an “offender” or only a “victim.” In several cases, the same child may simultaneously be in conflict with law and in need of care and protection. The Juvenile Justice (Care and Protection of Children) Act, 2015 recognizes this complex reality by creating separate but connected mechanisms for children in conflict with law and children in need of care and protection (Government of India, 2016) [1]. The Act’s long title itself reflects the objectives of care, protection, development, treatment, social reintegration, child-friendly adjudication and rehabilitation.

The expression “transformative approaches” in juvenile justice means approaches that change the system from punishment to rehabilitation, from stigma to restoration, from institutional custody to family and community-based care, and from mere disposal of cases to real child development. A transformative juvenile justice system does not ask only whether the law exists [2]. It asks whether the child is heard, whether the family is supported, whether the Juvenile Justice Board is trained, whether the Child Welfare Committee functions regularly, whether observation homes are humane, whether mental health services are available, and whether the child is actually reintegrated into society.

Internationally, this approach is supported by the Convention on the Rights of the Child, which provides that the best interests of the child shall be a primary consideration in all actions concerning children. It also requires that children alleged to have violated penal law must be treated in a manner consistent with their dignity, worth and reintegration into society (United Nations, 1989) [3].

2. CONCEPTUAL FOUNDATION OF TRANSFORMATIVE JUVENILE JUSTICE

The traditional criminal justice model is built around guilt, punishment, deterrence and proportionality. Juvenile justice, however, is based on a different understanding of childhood. Children are developing persons whose cognitive, emotional and social maturity is still evolving. Their behaviour may be influenced by family conditions, peer pressure, poverty, abuse, school exclusion, substance exposure and lack of guidance [4]. Therefore, a child-sensitive system does not deny responsibility, but it responds to responsibility differently.

Transformative juvenile justice has four important pillars. First, it is rights-based, because the child is a rights-bearing person entitled to dignity, privacy, care, legal assistance and protection from harsh procedures. Secondly, it is rehabilitative, because the aim is to restore the child through education, counselling, skill development and family support [5]. Thirdly, it is restorative, because it recognizes harm and responsibility but avoids unnecessary criminalization. Fourthly, it is preventive, because the best juvenile justice policy is one that reduces the entry of children into the system by strengthening families, schools and communities.

The Beijing Rules, Riyadh Guidelines and Havana Rules also support this approach. These international standards emphasise prevention, diversion, care, education, vocational training, community-based measures and the use of detention only as a last resort (United Nations, 1985, 1990a, 1990b). The Convention on the Rights of the Child further requires that children in conflict with law should be treated in a manner that promotes their dignity and reintegration (United Nations, 1989) [6].

3. LEGAL FRAMEWORK UNDER THE JUVENILE JUSTICE ACT, 2015

The Juvenile Justice Act, 2015 applies to two broad categories: children in conflict with law and children in need of care and protection. The Act provides a complete legal framework for apprehension, inquiry, rehabilitation, social reintegration, adoption, foster care, sponsorship and after-care (Government of India, 2016). It also gives overriding effect to its provisions so that the ordinary criminal process does not defeat the child-sensitive procedure [7].

The Act begins with general principles of care and protection. These include the principles of presumption of innocence, dignity and worth, participation, best interest, family responsibility, safety, non-stigmatizing semantics, privacy and confidentiality, institutionalization as a measure of last resort, repatriation and restoration, and fresh start. These principles are not merely decorative; they are meant to guide police officers, Juvenile Justice Boards, Child Welfare Committees, probation officers, child care institutions and courts [8].

The Juvenile Justice Board is the main authority for children in conflict with law. It is not an ordinary criminal court. Its function is to conduct child-friendly inquiry and pass orders that support rehabilitation and social reintegration. The Board may also direct counselling, community service, probation, education, vocational training and placement in appropriate institutions where necessary (Government of India, 2016).

The Child Welfare Committee is the competent authority for children in need of care and protection. It deals with children who are abandoned, orphaned, abused, trafficked, neglected, missing, rescued from labour, sexually exploited or otherwise vulnerable [1]. The Committee is empowered to conduct inquiry, pass orders for care and protection, restore children to families, direct placement in child care institutions, declare children legally free for adoption and ensure rehabilitation through individual care plans (Government of India, 2016).

One of the most debated provisions of the Act is Section 15, which permits preliminary assessment in cases of heinous offences allegedly committed by children aged sixteen years or above. The Juvenile Justice Board must assess the child's mental and physical capacity to commit the offence, ability to understand consequences and the circumstances in which the offence was allegedly committed (Government of India, 2016). This provision creates a tension between the rehabilitative philosophy of juvenile justice and the punitive concerns arising from serious offences [2]. Therefore, it must be applied carefully, with expert psychological assistance and without converting the preliminary assessment into a trial.

4. DATA CONTEXT: CHHATTISGARH AND CRIMES AGAINST CHILDREN

Available national data shows that crimes against children remain a serious concern. According to Ministry of Home Affairs data based on NCRB records, registered crimes against children in India increased from 149,404 in 2021 to 162,449 in 2022 and 177,335 in 2023. In Chhattisgarh, registered crimes against children were 6,001 in 2021, 6,177 in 2022 and 5,904 in 2023 (Ministry of Home Affairs, 2025) [3].

This data must be interpreted carefully. Registered cases do not necessarily represent the full extent of child victimization because many cases remain unreported due to fear, stigma, family pressure, lack of access to police, social shame and lack of awareness. At the same time, an increase in registered cases may sometimes indicate

improved reporting rather than only an increase in actual crime [4]. Therefore, data should be used not merely to measure crime but also to assess reporting behaviour, institutional accessibility and public trust.

For Chhattisgarh, this means that juvenile justice reform must be district-specific. Urban areas may report higher numbers due to better access to police and institutions, while remote rural and tribal regions may show lower reporting despite high vulnerability. Therefore, the State needs district-wise monitoring of Juvenile Justice Boards, Child Welfare Committees, child care institutions, pendency, rehabilitation outcomes, sponsorship, foster care and after-care [5].

5. SOCIETAL IMPACT OF JUVENILE JUSTICE REFORM

The societal impact of juvenile justice reform can be understood at four levels: child, family, community and justice system.

At the child level, a transformative system prevents lifelong criminalization. A child who receives counselling, education, skill development, family support and community reintegration may return to society with improved confidence and responsibility. On the other hand, a child who is unnecessarily detained, labelled and disconnected from education may move deeper into deviance. The principle of “fresh start” under the Juvenile Justice Act is therefore a social investment, not merely a legal phrase (Government of India, 2016) [6].

At the family level, juvenile justice can strengthen family bonds. Many children in conflict with law come from families facing poverty, domestic violence, addiction, separation or lack of supervision. If the system only blames the child, the root causes remain unaddressed. If the system works with families, schools and community workers, it may reduce future risk [7].

At the community level, juvenile justice reform reduces stigma. Communities often see children in conflict with law as criminals and children in institutions as socially undesirable. This stigma affects education, employment, marriage, housing and social acceptance. A transformative approach requires public awareness that children can change and that rehabilitation protects society better than exclusion [8].

At the justice system level, reform improves legitimacy. When children and families experience the system as humane and effective, they are more likely to trust institutions. When the system is inaccessible, delayed or harsh, people avoid it. This is particularly important in vulnerable districts where formal institutions may already feel distant.

6. TRANSFORMATIVE APPROACHES FOR CHHATTISGARH

Chhattisgarh requires a State-specific juvenile justice model. A uniform national law cannot produce uniform results unless local realities are addressed. The State has urban centres, rural communities, tribal regions, migration patterns, poverty-related vulnerabilities and areas where access to institutions may be uneven. Therefore, juvenile justice reform in Chhattisgarh must connect law with local administration, schools, families, panchayats, police, child care institutions and civil society [1].

First, prevention must begin at the school and community level. Teachers, Anganwadi workers, Panchayat members, Police officers and Child protection committees should be trained to identify vulnerable children. Early warning signs such as school dropout, addiction, bullying, violence at home, child labour, peer influence and online exploitation should be addressed before the child enters the justice system [2].

Secondly, diversion and restorative practices should be strengthened. In appropriate cases, children should be diverted from formal proceedings through counselling, community service, apology, family conferencing, supervision and educational interventions. Diversion avoids unnecessary stigma and supports reintegration, provided that the process remains voluntary, child-sensitive and victim-sensitive (United Nations, 1985).

Thirdly, mental health support must become central to juvenile justice. Children in conflict with law and children in need of care and protection often carry trauma. They may have faced abuse, neglect, violence, abandonment, exploitation or substance exposure. Therefore, every district should have access to trained counsellors, psychologists and psychiatrists. This is especially necessary in cases involving preliminary assessment under Section 15 [3].

Fourthly, individual care plans must be made meaningful. An individual care plan should contain the child's educational status, family background, psychological needs, health condition, vocational interest, rehabilitation plan and follow-up schedule. It should not be treated as a routine form. It should be a living document that guides rehabilitation.

Fifthly, family-based and community-based care should be preferred wherever safe. Institutional care may be necessary in some cases, but it should not become the default response. Foster care, sponsorship and after-care should be strengthened under Mission Vatsalya. The Mission Vatsalya framework emphasises child protection, family-based non-institutional care and holistic development of children in difficult circumstances (Ministry of Women and Child Development, 2022) [4].

Sixthly, after-care must be strengthened for children leaving institutions. A child who leaves institutional care without housing, education, livelihood, documents or social support may again become vulnerable. After-care should include mentorship, skill development, counselling, employment linkage, safe accommodation and assistance in obtaining identity documents [5].

7. CHALLENGES IN IMPLEMENTATION

Despite a strong statutory framework, implementation remains a major challenge. The first challenge is shortage of trained professionals. Probation officers, counsellors, psychologists, child welfare officers, legal aid lawyers and social workers are essential for a functional juvenile justice system. Without them, rehabilitation remains incomplete [6].

The second challenge is inadequate child-friendly infrastructure. If Juvenile Justice Boards function like ordinary criminal courts, children may feel intimidated. The physical environment, language, seating arrangement and procedure should be child-friendly.

The third challenge is delay. Juvenile justice must be timely because childhood is a fast-changing stage of life. A delayed inquiry may make rehabilitation ineffective. Therefore, pendency before Juvenile Justice Boards and Child Welfare Committees should be closely monitored [7].

The fourth challenge is mechanical application of Section 15. Preliminary assessment in heinous offences should not become a disguised trial. It should assess capacity and circumstances, not guilt. It must be supported by expert opinion and careful reasoning.

The fifth challenge is weak after-care. Rehabilitation cannot end when the child leaves an institution. If after-care is absent, the child may return to vulnerability, exploitation or offending behaviour [8].

The sixth challenge is digital vulnerability. Children are increasingly exposed to cyberbullying, online sexual exploitation, harmful content, gaming addiction and digital fraud. Therefore, juvenile justice reform must also include cyber safety education and digital counselling.

8. RECOMMENDATIONS

Chhattisgarh should adopt a State-specific juvenile justice reform plan. The plan should include regular institutional audits of Juvenile Justice Boards, Child Welfare Committees, District Child Protection Units and child care institutions. It should also ensure regular training of Board members, Committee members, police officers, probation officers and child care staff.

Every district should have a panel of psychologists, psychiatrists, counsellors, special educators and social workers. Individual care plans should be digitised and reviewed periodically. Sponsorship and foster care should be expanded so that poverty alone does not push children into institutions.

Schools should be integrated into the child protection system. Teachers should be trained to identify vulnerable children and refer them to appropriate support services. Awareness programmes should be conducted in local languages, especially in rural and tribal areas.

Chhattisgarh should also publish annual district-wise juvenile justice data. The data should include number of cases before Juvenile Justice Boards, number of children produced before Child Welfare Committees, pendency, rehabilitation outcomes, foster care placements, sponsorship beneficiaries, after-care beneficiaries and inspection findings. The identity of children must remain confidential.

Finally, juvenile justice reform should involve universities, NGOs, legal services authorities, industries, panchayats and community organisations. Rehabilitation is not possible through legal institutions alone. It requires social acceptance.

9. CONCLUSION

Juvenile justice reform is ultimately a test of society's faith in childhood. A legal system that treats children only as offenders loses the moral foundation of child rights. A welfare system that shelters children without restoring

their dignity remains incomplete. The Juvenile Justice Act, 2015 provides a comprehensive framework, but the life of the law depends upon implementation.

In Chhattisgarh, reform must be grounded in the realities of rural distance, tribal communities, poverty, school dropout, child labour, trafficking risk, gender vulnerability, digital exposure and institutional capacity. The transformative approach requires a shift from punishment to restoration, from institutions to families where safe, from secrecy to accountable data, from mechanical orders to individual care plans, and from case disposal to life outcomes.

The true measure of juvenile justice is not how many cases are disposed of, but how many children are restored to dignity, education, family, safety and society.

10. REFERENCES

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