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The Juvenile Justice (Care and Protection of Children) Act, 2015: Implementation Challenges and Effectiveness in India

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Abstract

The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act 2015) constitutes India's central legislative framework for addressing two legally distinct yet practically overlapping populations: (i) "children in conflict with law" and (ii) "children in need of care and protection." The statute aims to operationalize a rights-based, child-centric, and rehabilitative model through decentralized institutions such as Juvenile Justice Boards (JJBs), Child Welfare Committees (CWCs), Child Care Institutions (CCIs), and specialized policing and probationary functions. Yet, a decade of implementation reveals a persistent gap between normative design and administrative performance, shaped by uneven state capacity, deficiencies in professional staffing, infrastructure constraints, fragmented inter-agency coordination, and contested legal interpretations, most visibly around "preliminary assessment" and transfer of 16-18-year-olds accused of heinous offences to Children's Courts. This article provides a doctrinal and socio-legal analysis of the institutional architecture and operational pathways created by the JJ Act 2015, drawing on legislation, judicial explanations, policy documents, and empirical studies in determining effectiveness along three axes: procedural adherence, institutional capability, and child-oriented result. Efficiency is best conceived not as a unidimensional decrease in the level of juvenile offending; instead, it should be related to compliance with child-friendly norms, speed and quality of decision-making, reduction of harmful custody levels and proof of successful reintegration paths. The analysis pinpoints structural bottlenecks of implementation, case backlogs, vacancy-driven under-constitution of DLSAs, insufficient legal aid integration gaps, poor inspection of institutions and limited data transparency, and locates those within larger governance dynamics of Indian federalism. It finds that to realise the efficacy of JJ Act 2015, a frontline system needs to be professionalized and adequately resourced; there is need for standardised assessment and diversion protocols for children rooted in developmental science; credible monitoring and data infrastructures should be put in place as well as exigent reintegration ecosystem that views family/community-based care as the norm not an aberration.

Keywords: *Juvenile justice, child protection, implementation gap, child rights, institutional care, preliminary assessment, rehabilitation, India, legal effectiveness.*

Introduction:

The modern juvenile justice paradigm is premised on a foundational proposition: children's culpability, capacity for change, and vulnerability to harm are materially distinct from adults, requiring procedures and dispositions oriented toward rehabilitation and social reintegration rather than retribution. This proposition is embedded in international children's rights law and associated normative instruments, including the Convention on the Rights of the Child and interpretive guidance emphasizing diversion, proportionality, and minimal use of deprivation of liberty. The JJ Act 2015 is India's legislative articulation of this paradigm, intended to reconcile child rights commitments with domestic anxieties about serious juvenile offending and perceived inadequacies of prior law. It is also an explicit administrative project: the statute's effectiveness depends not merely on doctrinal coherence but on whether district-level institutions possess the authority, staffing, and resources to deliver child-centered justice consistently.

The enactment of the JJ Act 2015 followed intense public and political debate about youth crime and high-profile incidents that triggered demands for a punitive recalibration, particularly for older adolescents accused of serious offences. Against this backdrop, the statute introduced one of its most controversial innovations: a structured "preliminary assessment" mechanism for children aged 16-18 alleged to have committed "heinous offences," enabling transfer to a Children's Court for potential trial as an adult, subject to statutory safeguards.¹ This innovation exemplifies the JJ Act 2015's internal tension: the law is simultaneously rehabilitative in principle and partially exceptionalist in design, creating interpretive and

operational challenges that unfold in frontline decision-making.

At the same time, the JJ Act 2015's protective limb, addressing children in need of care and protection, expands the state's obligations beyond adjudication of delinquency to include rescue, restoration, alternative care, institutional regulation, and adoption. It therefore occupies a hybrid domain straddling criminal justice administration and social welfare governance. The statute's implementation consequently requires high coordination across police, district child protection units, health and education departments, legal services institutions, and civil society service providers. Where coordination is weak and capacity uneven, the system risks producing the very harms the JJ Act 2015 is meant to prevent: prolonged institutionalization, procedural delays, rights violations, and stigmatizing criminalization.

This paper examines the JJ Act 2015 in India as an implementation-dependent legal regime. It addresses two core research questions: (1) What implementation challenges systematically constrain the JJ Act 2015's functioning across its adjudicatory and protective components? (2) How should "effectiveness" be conceptualized and evaluated for a juvenile justice statute whose core objectives are rehabilitative and rights-based rather than purely deterrent? The analysis synthesizes doctrinal provisions, judicial interpretations, and empirical and policy evidence to develop an evaluative framework that distinguishes statutory intent, institutional design, and delivered outcomes.

II. Methodological Approach and Analytical Framework

(Act No. 2 of 2016). New Delhi, India: India Code, 2016.

¹ Ministry of Women and Child Development, Government of India, *The Juvenile Justice (Care and Protection of Children) Act, 2015*

A. Doctrinal and socio-legal synthesis

This paper adopts a doctrinal-cum-socio-legal method. Doctrinally, it analyzes statutory structure, institutional mandates, procedural safeguards, and the internal logic of key provisions, especially those governing apprehension, bail, inquiry timelines, preliminary assessment, transfer to Children’s Courts, confidentiality, and CCI regulation. Socio-legally, it integrates empirical scholarship on frontline practice and rehabilitation constraints, as well as policy reports that quantify capacity deficits (e.g., pendency, vacancies, inspection gaps) and document administrative bottlenecks.

B. Conceptualizing “effectiveness” for juvenile justice

Effectiveness in juvenile justice cannot be reduced to crime-control metrics alone. The juvenile justice domain is normatively structured around (i) procedural fairness and child-friendly processes, (ii) proportionality and minimal institutionalization, (iii) rehabilitation and reintegration, and (iv) protection from violence, exploitation, and neglect. International standards reinforce that deprivation of liberty must be a measure of last resort and for the shortest appropriate period.² Accordingly, this paper evaluates effectiveness along three interrelated dimensions:

1. **Procedural effectiveness:** Timely production before competent authorities, fair inquiry, access to legal aid, reasoned orders, compliance with confidentiality, and adherence to statutory timelines and safeguards.
2. **Institutional effectiveness:** Availability and functional constitution of JJBs/CWCs, presence of trained personnel (social workers, probation officers, psychologists), and operational infrastructure (observation homes, special homes, places of safety).
3. **Outcome effectiveness:** Evidence of rehabilitation and reintegration, education, skill development, family restoration, aftercare continuity, and reduction of harm from institutionalization (including abuse and neglect within care settings).

This multidimensional approach is consistent with the JJ Act 2015’s declared orientation toward care, protection, development, and social reintegration, and with interpretive guidance that emphasizes developmental science and child rights in the child justice system.

III. Normative and Legislative Context

A. International child-rights standards

The Convention on the Rights of the Child establishes a global baseline that children alleged to have infringed penal law must be treated in a manner consistent with dignity and worth, reinforcing reintegration and constructive societal roles.³ The UN Committee’s General Comment No. 24 clarifies that child justice systems should prioritize diversion, avoid judicial proceedings where appropriate, ensure legal assistance, and strictly limit deprivation of liberty. Complementary instruments, the Beijing Rules, Riyadh Guidelines, and Havana Rules, further elaborate minimum standards on juvenile adjudication,

² UN Committee on the Rights of the Child, *General Comment No. 24 (2019) on Children’s Rights in the Child Justice System*. Geneva, Switzerland: United Nations, 2019.

³ United Nations, *Convention on the Rights of the Child*. New York, NY, USA: United Nations, 1989.

delinquency prevention, and protection of juveniles deprived of liberty.⁴

The JJ Act 2015 is best understood as India's attempt to translate these commitments into a domestically workable architecture, yet the translation is incomplete and, in some respects, contested. The preliminary assessment and transfer provisions (discussed below) have generated sustained debate in scholarship and jurisprudence regarding compatibility with rehabilitative goals and developmental understandings of adolescent culpability.⁵

B. Domestic evolution and policy drivers

India's juvenile justice legislation has evolved through successive enactments that gradually institutionalized a child-centered approach while expanding the scope of state responsibility for vulnerable children. The JJ Act 2015 replaced the earlier legal regime and reorganized both adjudication and care pathways, emphasizing standardized institutions (JJBs, CWCs), statutory principles (best interest, restoration, family responsibility), and formal regulation of CCIs .

However, policy and public discourse have continued to oscillate between welfare and punishment. Scholarship has underscored that the 2015 statute responded not only to child-rights commitments but also to penal populism and "adultification" pressures, particularly for older adolescents accused of serious offences.⁶ This tension has concrete implementation consequences: frontline institutions may experience pressure to prioritize punitive responses, while

simultaneously lacking the professional resources to implement rehabilitative plans.

IV. Institutional Architecture and Key Provisions of the JJ Act 2015

A. General principles and dual-track structure

The JJ Act 2015 is structurally dual: it creates separate procedures and institutions for (i) children in conflict with law and (ii) children in need of care and protection, while acknowledging overlap and requiring coordination in cases where a child may fall into both categories . The statute's general principles (e.g., best interest, restoration, participation, dignity, equality, family responsibility) are intended to shape all decisions under the Act. The legal challenge is that principles are only as effective as the administrative cultures and capacities that operationalize them.

B. Children in conflict with law: procedural safeguards and decision pathways

1) Apprehension and production

A foundational safeguard is the prohibition on placing a child in police lock-up or jail. Upon apprehension, the child must be placed under the charge of the special juvenile police unit or designated child welfare police officer and produced before the board promptly (within 24 hours, excluding travel time) . This design reflects the recognized harms of exposure to adult custodial environments and the risk of coercion and stigma.

2) Bail as a default, with limited exceptions

⁴ United Nations, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*. New York, NY, USA: United Nations, 1985.

⁵ G. Pillai and S. Upadhyay, "Juvenile maturity and heinous crimes: A re-look at

juvenile justice policy in India," *NUJS Law Review*, vol. 10, no. 1, 2017.

⁶ D. Singh, "An analysis of Section 15 of the Juvenile Justice Act, 2015," *Christ University Law Journal*, vol. 8, no. 2, 2019.

The JJ Act 2015 departs from ordinary criminal procedure by establishing bail as the default rule for children, subject to limited exceptions where release would associate the child with known criminals, expose the child to danger, or defeat the ends of justice. Bail here is not a mere procedural convenience; it is central to minimizing pre-adjudicatory deprivation of liberty and reducing the likelihood of criminogenic institutionalization.

3) Inquiry and timelines

The statute requires the JJB to conduct an inquiry (rather than a conventional criminal trial) and contemplates time-bound processes, including review mechanisms designed to avoid indefinite pendency. Yet the time-bound aspiration frequently collides with institutional backlogs and vacancy-driven under-capacity, producing delays that undermine both fairness and rehabilitation.

4) Preliminary assessment and transfer for alleged heinous offences (age 16-18)

Section 15 introduces a preliminary assessment for children aged 16-18 accused of heinous offences, focusing on mental and physical capacity to commit the offence, ability to understand consequences, and the circumstances of commission. If the JJB concludes that the matter should be tried as an adult, it may pass an order under Section 18(3) transferring the case to the Children's Court, which then determines whether the child should indeed be tried as an adult or retained within the juvenile process under Section 19.

This architecture seeks to formalize discretion through structured criteria, yet it also embeds a high-stakes evaluative task in an institution often lacking psychologists, trained social workers, or standardized tools. The result is a central implementation

bottleneck: the statutory scheme demands developmental and forensic expertise but the administrative system frequently cannot supply it.⁷

5) Limits on punishment and collateral consequences

The JJ Act 2015 prohibits sentencing a child to death or life imprisonment without the possibility of release. It also provides for removal of disqualification attaching to conviction and eventual destruction of records, subject to exceptions for certain transferred cases. These provisions reflect the rehabilitative rationale that children's life chances should not be permanently foreclosed by youthful offending, though the retention exception in transferred heinous offence cases illustrates, again, the statute's internal duality.

C. Children in need of care and protection: protection, restoration, and alternative care

For children in need of care and protection, the CWC is the central authority responsible for inquiry, care planning, and orders regarding restoration, placement, and rehabilitation. The Act mandates reporting duties (including for found or separated children) and creates offences for non-reporting. This part of the statute is administratively expansive: effectiveness depends on outreach capacity, coordination with police and childline systems, availability of fit facilities and foster care, and robust oversight of CCIs.

D. Regulation and governance of Child Care Institutions (CCIs)

The JJ Act 2015 requires registration of CCIs and prescribes penalties for non-registration. It also contemplates inspection and monitoring mechanisms, recognizing that institutional care settings can themselves become sites of abuse and neglect if

⁷ A. Kabra, "Crimes by children in conflict with the law, heinousness, seriousness, and

children," *National Law School of India Review*, vol. 32, no. 1, 2020.

unregulated. National-level audit material indicates that CCI governance involves extensive compliance domains, from staffing adequacy and management committee functioning to grievance redressal systems, child protection policies, health services, and education continuity.

V. Implementation Ecosystem: Actors, Federalism, and Administrative Dependencies

A. Decentralized frontline delivery

The JJ Act 2015 is operationally decentralized. Although enacted by Government of India, implementation is substantially executed by state governments and district-level institutions. Rulemaking, appointments, infrastructure provisioning, and service delivery are largely state responsibilities, producing predictable inter-state variance in capacity and compliance.

Policy evidence underscores the scale of frontline capacity challenges. For example, a national study of juvenile justice capacity reported that as of 31 October 2023, more than half of cases before 362 JJBs remained pending, and that a substantial proportion of JJBs were not fully constituted, with deficits in attached legal services clinics and other core functions.⁸ Such findings signal that the statute's effectiveness is bounded by institutional throughput and administrative completeness rather than solely by the quality of legal drafting.

B. Inter-agency coordination and “hybrid governance”

⁸ India Justice Report, *Juvenile Justice and Children in Conflict with the Law: A Study of Capacity at the Frontlines* (Press Release). New Delhi, India, Nov. 20, 2025.

⁹ Government of India, Ministry of Women and Child Development, “S.O. 4127(E):

Juvenile justice delivery requires coordination among police (including child welfare police officers), JJBs/CWCs, probation services, district child protection units, CCIs, health services, education authorities, and legal aid. Where coordination fails, children may experience repetitive interviews, delayed social investigation reports, prolonged institutional stays, or fragmented rehabilitation plans.

The complexity is increased by the statute's dual character: the same child may simultaneously be a child in conflict with law and a child in need of care and protection, requiring synchronized engagement of the board and the committee. Without robust protocols, this overlap becomes a jurisdictional and operational gap.

C. Amendments and administrative reconfiguration

The juvenile justice system has also undergone post-2015 administrative reconfiguration through amendments and subordinate legislation. Notably, the commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 was notified to take effect from 1 September 2022.⁹ Such reforms, often justified as streamlining or strengthening oversight, also reshape district-level accountabilities, producing transition costs and interpretive uncertainty that can temporarily reduce effectiveness in practice.

VI. Implementation Challenges

A. Capacity deficits in JJB functioning: constitution, vacancies, and pendency

Notification appointing 1st September 2022 as the date on which the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 shall come into force,” *The Gazette of India* (Extraordinary), Sep. 1, 2022.

One of the most empirically visible implementation challenges is pendency. A national capacity study reported that 55% of cases before 362 JJBs were pending as of 31 October 2023 and that JJBs had disposed of less than half of the cases recorded in the

reference period analyzed. The same evidence indicated that while 92% of districts had constituted JJBs, a significant fraction of boards were operating without a full bench and with constraints in legal aid integration.

Table 1. Institutional Capacity and Pendency in Juvenile Justice Boards

Indicator	Value / Status
Total Juvenile Justice Boards (JJBs) assessed	362
Districts with constituted JJBs	92%
JJBs functioning with full bench strength	~68%
JJBs with attached Legal Services Clinics	~54%
JJBs reporting access to trained psychologists/social workers	~41%
Total cases pending before JJBs (as of Oct 2023)	~55% of registered cases
Average time for completion of inquiry (months)	8–14 months
JJBs meeting statutory inquiry timelines consistently	<40%

Pendency is not merely a managerial statistic: delays in juvenile justice are substantively harmful because they disrupt education, amplify stigma, and weaken rehabilitation prospects. The JJ Act 2015’s emphasis on time-bound inquiry becomes normatively empty where institutional throughput is structurally limited. Moreover, pendency can interact with bail and custody decisions: when decisions are delayed, even “temporary” institutional placements can become de facto prolonged deprivation of liberty.

B. Insufficient specialized infrastructure: observation homes, special homes, and places of safety

The JJ Act 2015 assumes the availability of differentiated facilities: observation homes for temporary reception during inquiry, special homes for rehabilitation, and “places of safety” for children transferred to Children’s Courts or requiring protective

custody. Evidence indicates serious gaps, including multiple states lacking functional places of safety and deficiencies in girls’ facilities.

Infrastructure gaps create a chain reaction of non-compliance: when appropriate facilities do not exist, children may be placed in unsuitable institutions, transported long distances, or retained in settings that cannot deliver mandated services (counseling, education, vocational training). Such conditions undermine both rights protection and reintegration outcomes.

C. Professional staffing constraints and the “expertise mismatch”

A core design assumption of the JJ Act 2015 is that decisions will be informed by social investigation, individualized care planning, and (where required) psychological expertise. This is particularly salient for

preliminary assessment under Section 15, where developmental capacities and contextual circumstances must be evaluated. Yet frontline institutions often lack consistent access to trained psychologists, psychiatrists, social workers, and probation officers. Empirical scholarship documenting rehabilitation challenges in specific states highlights deficits in counseling, vocational training, and psychological support as routine obstacles to reintegration.

The expertise mismatch problem is structural: the statute's most complex decisions are frequently located at district-level boards that may not have stable professional teams. As a consequence, preliminary assessment risks devolving into informal, inconsistent, or overly offence-centric reasoning, precisely the outcome the statutory criteria were intended to prevent

D. Legal aid and child-friendly legal representation deficits

The JJ Act 2015 requires a child-friendly process and assumes meaningful participation of the child, which is practically impossible without competent and specialized legal representation. Yet capacity evidence indicates that a substantial share of JJBs lack attached legal services clinics. The implications are serious: legal aid deficits can impair bail advocacy, challenge improper age determinations, contest transfer decisions, and ensure confidentiality. In high-stakes Section 15 contexts, inadequate representation can effectively convert a preliminary assessment into a one-sided administrative gateway to adult criminal process.

E. Implementation ambiguity and jurisprudential correction: the case of “heinous offences”

A significant interpretive challenge concerns the statutory definition of “heinous offences” and its application to offences with high maximum sentences but no specified minimum or a minimum below seven years. The Supreme Court of India addressed this in *Shilpa Mittal v. State (NCT of Delhi)*, clarifying the classification problem and thereby delimiting the range of cases eligible for Section 15's preliminary assessment and potential transfer.¹⁰ This jurisprudence illustrates two systemic points. First, interpretive uncertainty can generate inconsistent frontline decisions across jurisdictions. Second, reliance on apex-court correction is a weak substitute for standardized operational guidance because most children's cases are resolved (or delayed) long before appellate clarity reaches district practice.

A further jurisprudential dimension is illustrated by later Supreme Court reasoning emphasizing procedural fidelity and statutory timelines in preliminary assessment and transfer-related processes, including interpretive attention to appellate pathways and the interplay between Children's Courts and Courts of Sessions. These decisions highlight that effectiveness depends on coherent procedural routing and accessible remedies; ambiguity in appeal provisions and forum designation can itself become a rights barrier.

F. Age determination: evidentiary contestation and risk of wrongful routing

Age determination is a recurring operational challenge. Errors or delays in establishing age can result in children being processed through adult systems, detained in inappropriate settings, or deprived of juvenile-specific safeguards. Scholarship has argued for differentiated evidentiary standards and cautioned against mechanical reliance on imperfect medical

¹⁰ Supreme Court of India, *Shilpa Mittal v. State of NCT of Delhi & Another*, Criminal

Appeal No. 34 of 2020, Judgment dated Jan. 9, 2020.

estimation where documentary evidence exists, noting that age determination is not a neutral technicality but a gateway to an entire procedural universe.¹¹ The practical challenge is intensified by administrative gaps: where birth registration is incomplete or educational records inconsistent, frontline systems may default to medical tests that yield ranges rather than precise ages, generating disputes that prolong proceedings and custody uncertainty.

G. Oversight of Child Care Institutions: compliance burdens, inspection gaps, and safeguarding failures

CCI regulation is one of the JJ Act 2015's most administratively demanding components. The statute requires registration and contemplates monitoring and inspection structures. National audit documentation indicates that the compliance domain is extensive, covering staffing adequacy, management committee functioning, privacy and infrastructure, access controls, grievance redressal mechanisms, child protection policies, education delivery, medical care, and record maintenance.

Policy evidence further indicates that CCIs are under-inspected relative to mandated norms, weakening safeguarding and accountability. Under-inspection is not merely a compliance issue: it increases the probability that abuse, neglect, or exploitative labor within institutions remains undetected; it also reduces the likelihood that institutional care is used only when necessary and for the shortest feasible period. This undermines the rehabilitative and protective logic of the statute.

H. Data opacity and the absence of a comprehensive juvenile justice information system

A central systemic challenge is the limited availability of integrated, publicly accessible data on juvenile justice performance. While the National Crime Records Bureau produces crime statistics relevant to juveniles, these datasets do not, by themselves, provide a full picture of procedural quality, timelines, rehabilitation service delivery, or reintegration outcomes. Policy evidence indicates that even basic capacity and performance information about JJB functioning has required extensive information requests rather than being available through a centralized public data system.

Data opacity undermines effectiveness in at least three ways: (i) it weakens monitoring and accountability, (ii) it prevents evidence-based resource allocation (e.g., targeting districts with high pendency or low inspection rates), and (iii) it limits scholarly evaluation of whether legal reforms translate into improved child outcomes.

I. Fiscal and policy prioritization constraints

Juvenile justice delivery is resource-intensive: it requires trained human resources, specialized infrastructure, and service ecosystems (education, mental health, skill training, aftercare). Policy evidence suggests that budgetary allocations for child protection remain small relative to overall public expenditure and that underfunding interacts with administrative fragmentation to constrain service quality. Where financing is insufficient, states may prioritize custodial containment over intensive rehabilitative programming, despite the statute's formal orientation toward reintegration.

VII. Effectiveness Assessment

¹¹ S. Misra, "A case for different standards in age determination proceedings," *National Law School of India Review*, 2022.

A. Procedural effectiveness: rights protection versus administrative delay

The JJ Act 2015 contains strong formal safeguards: prohibition on lockups, bail default rules, child-friendly inquiry, confidentiality protections, and limitations on punitive sentencing. Procedural

effectiveness, however, depends on delivery. High pendency, under-constitution of boards, and limited legal aid integration can convert safeguards into aspirational norms rather than routinely enforceable rights.

Table 2. Key Implementation Challenges under the JJ Act 2015 and Their Rights Implications

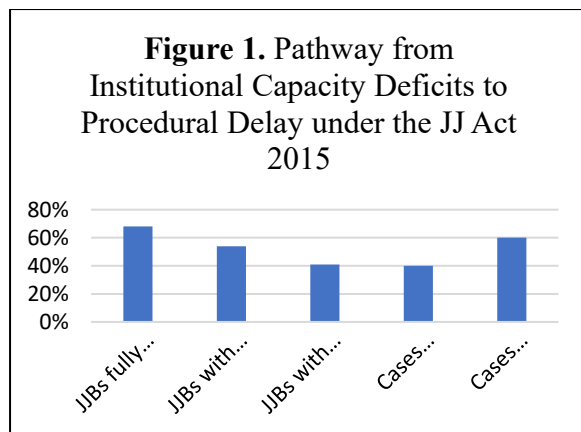
Implementation Challenge	Primary Institutional Site	Direct Rights Impact
Incomplete constitution of JJBs/CWCs	District administration	Delay in inquiry; prolonged institutionalization
Shortage of psychologists and social workers	JJBs, CWCs	Weak preliminary assessment; offence-centric reasoning
Limited legal aid integration	Legal Services Authorities	Impaired bail advocacy; weak participation
Inadequate observation homes / places of safety	State governments	Unsafe or inappropriate placements
Under-inspection of CCIs	Child protection departments	Increased risk of abuse and neglect
Fragmented data systems	Central & state authorities	Weak monitoring and accountability
Fiscal under-prioritization	State budgets	Reduced rehabilitation and aftercare services

A rights-based evaluation must therefore consider whether children experience the system as timely, comprehensible, participatory, and minimally intrusive. Where proceedings extend for long periods, the system's rehabilitative premise weakens: children's developmental trajectories are disrupted, and the label of legal conflict becomes a lasting social identity.

B. Institutional effectiveness: functional presence of frontline institutions

Institutional effectiveness concerns whether statutory institutions exist and function with adequate completeness. Evidence that many districts have

constituted JJBs does indicate partial success in institutional rollout. Yet the quality of institutional functioning, full benches, trained members, attached legal aid, consistent inspections, and specialized facilities, remains uneven. The JJ Act 2015's architecture presupposes that district institutions operate as multidisciplinary decision sites; when they are reduced to understaffed administrative forums, the statute's design logic collapses into minimal compliance.



C. Outcome effectiveness: rehabilitation, reintegration, and harm reduction

Outcome effectiveness is the most difficult domain to measure, partly because rehabilitation and reintegration outcomes are not systematically tracked through public data systems. Nevertheless, empirical scholarship examining specific state contexts documents persistent barriers: inadequate infrastructure, limited psychological counseling, insufficient vocational training, and weak follow-up mechanisms that impair reintegration. These findings align with broader policy evidence of staffing and facility deficits.

From a child-rights perspective, outcome effectiveness also requires minimizing harmful institutionalization. Excessive reliance on institutional care, especially where oversight is weak, can be criminogenic and traumatic, counteracting rehabilitative aims. Audit evidence on the breadth of compliance domains in CCIs underscores that ensuring safe and developmentally supportive care environments is itself a major governance task.¹² Where these compliance

¹² National Commission for Protection of Child Rights, *NCPCR Report: India (Key Findings at a Glance), Social Audit of Child Care Institutions*. New Delhi, India.

domains are not reliably met, institutional care may become a source of secondary victimization.

D. The Section 15 transfer regime and effectiveness trade-offs

The preliminary assessment and transfer mechanism is often defended as a calibrated response to serious youth offending, seeking to balance accountability with developmental considerations. Yet scholarship has raised sustained concerns about whether such assessments can be reliably conducted at scale, given developmental science emphasizing that adolescent decision-making is context-sensitive and still maturing, and given the risks of bias and offence-driven adultification -. Supreme Court jurisprudence clarifying the scope of “heinous offences” and procedural routing further suggests that doctrinal ambiguity can amplify unevenness in practice.¹³

Effectiveness trade-offs arise in at least three forms:

1. **Accuracy trade-off:** The more complex the assessment, the higher the risk of error where expertise is limited.
2. **Equity trade-off:** Districts with stronger professional resources may conduct more defensible assessments than resource-poor districts, producing uneven justice.
3. **Reintegration trade-off:** Transfer to adult-like processes can intensify stigma and reduce reintegration prospects, particularly where Children’s Courts and places of safety lack child-specific rehabilitation programming.

¹³ Supreme Court of India, *Child in Conflict with Law Through His Mother v. The State of Karnataka and Another*, Criminal Appeal No. 2411 of 2024, Judgment (Digital Supreme Court Reports).

VIII. Discussion

A. Federal unevenness and administrative capability variance

Indian juvenile justice implementation is shaped by federal structure: states differ widely in administrative capacity, fiscal space, professional staffing, and institutional culture. A centrally enacted statute cannot, by itself, equalize district-level realities. This produces a predictable implementation gradient in which urban districts and higher-capacity states achieve partial compliance while rural or fiscally constrained regions struggle with basic institutional functioning. Evidence of varying pendency rates across states illustrates that juvenile justice delivery is highly uneven.

B. Street-level discretion under resource scarcity

Juvenile justice is a classic domain of street-level bureaucracy: frontline actors make high-discretion decisions under time constraints, incomplete information, and limited resources. In such contexts, formal statutory principles may be displaced by informal heuristics, offence seriousness, public pressure, administrative convenience, unless robust training, supervision, and professional support structures exist. The JJ Act 2015's most child-centered features (individual care plans, social investigation, participation) require time and expertise; under scarcity, systems gravitate toward routinization and custodial containment.

C. Normative ambivalence: welfare-punishment hybridity

The JJ Act 2015's hybrid character complicates implementation. A system that is simultaneously expected to rehabilitate and to enable punitive exceptionalism for certain older adolescents can generate inconsistent institutional identity. JJBs may oscillate between welfare-oriented and quasi-penal reasoning; police may treat juvenile procedures as

burdensome constraints rather than child-rights safeguards; and community narratives may pressure institutions to prioritize deterrence. This ambivalence can dilute commitment to diversion and family-based restoration, which are central to juvenile justice effectiveness under international standards.

IX. Strengthening Effectiveness: Reform Priorities within the JJ Act 2015 Framework

A. Professionalization and multidisciplinary capacity at the district level

The most immediate route to improved effectiveness is professionalization. Statutory decision-making, especially under Section 15, requires reliable access to psychologists/psychiatrists, trained social workers, probation officers, and child-friendly legal aid. Without such capacity, preliminary assessment risks becoming procedurally formal yet substantively thin. A national staffing strategy should include standardized training curricula, credentialing requirements, and continuous professional development tied to juvenile justice competencies.

B. Institutional completeness: reducing vacancies and ensuring functional benches

Evidence of boards operating without full benches and of limited legal aid integration suggests the need for administrative reforms ensuring timely appointments, predictable tenure, and continuity. Institutional completeness should be treated as a rights issue: incomplete boards are structurally incapable of delivering timely decisions, thereby violating the rehabilitative and minimal-intrusion logic of the statute.

C. Standardization of preliminary assessment protocols and reasons-giving

Given the high stakes of transfer decisions, standardized protocols are essential. These should include structured interview guides, validated

psychosocial assessment tools (adapted for Indian contexts), mandatory involvement of qualified mental health professionals where feasible, and rigorous reasons-giving that explicitly links evidence to the statutory criteria. Standardization should also strengthen appellate reviewability, ensuring that transfer decisions are not insulated by vague reasoning.

D. Diversion and community-based alternatives as the system default

International standards emphasize diversion and non-institutional measures.¹⁴ Effectiveness under the JJ Act 2015 would be strengthened by expanding restorative justice options, community service and mentoring programs, education continuity mechanisms, and family strengthening interventions, reducing reliance on CCIs except where strictly necessary for safety and care. Such measures also mitigate stigma and improve reintegration probabilities.

E. CCI governance: inspection, safeguarding, and independent monitoring

The breadth of compliance domains documented in national audit materials indicates the need for stronger, regularized inspection and safeguarding systems. Under-inspection weakens accountability and increases risk of harm. Strengthening effectiveness requires (i) universal registration enforcement, (ii) periodic independent inspections with public reporting, (iii) functional grievance redress mechanisms accessible to children, and (iv) clear consequences for persistent non-compliance. Importantly, oversight must avoid purely punitive compliance regimes that encourage concealment; it should instead combine accountability with capacity-building and supportive supervision.

F. Data infrastructure: toward a Juvenile Justice Management Information System

The absence of a centralized, publicly accessible data system for JJB functioning and child justice outcomes is a major barrier to evidence-based reform. A juvenile justice MIS should track case timelines, bail outcomes, diversion use, rehabilitation service delivery, placement durations, inspection frequency, and reintegration follow-up, while preserving confidentiality through appropriate anonymization and access control. Such a system would enable targeted resource allocation and facilitate rigorous academic evaluation.

G. Fiscal prioritization and outcome-linked financing

Effectiveness reforms require funding. Child protection and juvenile justice should be treated as development investments, given the long-term social costs of untreated trauma, interrupted education, and criminalization. Outcome-linked financing, tied to reductions in pendency, increased diversion, inspection compliance, and documented reintegration supports, could incentivize improvements while respecting federal autonomy.

X. Conclusion

The JJ Act 2015 represents a comprehensive attempt to operationalize a child-centered juvenile justice and protection system in India through specialized institutions, procedural safeguards, and rehabilitative mandates. Its effectiveness, however, is constrained by a persistent implementation gap: high pendency, incomplete institutional constitution, limited professional staffing, underdeveloped specialized infrastructure, weak legal aid integration, under-inspection of care institutions, and data opacity. Policy

¹⁴ United Nations, *United Nations Guidelines for the Prevention of Juvenile Delinquency*

(*The Riyadh Guidelines*). New York, NY, USA: United Nations, 1990.

evidence shows that even where institutions formally exist, their functional capacity remains uneven and, in some domains, inadequate for the statute's complex decision requirements. Judicial intervention has clarified key interpretive ambiguities (notably around heinous offences and procedural routing), but jurisprudential correction cannot substitute for standardized and well-resourced frontline delivery.

A rigorous conception of effectiveness must therefore prioritize procedural fidelity, institutional completeness, and measurable reintegration supports rather than simplistic deterrence narratives. Strengthening effectiveness under the JJ Act 2015 requires professionalization, standardized assessment protocols grounded in developmental science, robust diversion ecosystems, credible monitoring of CCIs,

and integrated data infrastructures that enable accountability without compromising child privacy. Only through these administrative and governance reinforcements can the JJ Act 2015's normative promise, care, protection, dignity, and rehabilitation, be consistently realized at the level where children actually encounter the law: the district frontline.

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