

THE JUVENILE JUSTICE ACT, 2015: PRELIMINARY ASSESSMENT AND IMPLEMENTATION IN CHHATTISGARH

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Abstract

The Juvenile Justice (Care and Protection of Children) Act, 2015 is one of the most significant child-rights statutes enacted in India, consolidating the law relating to children in conflict with law and children in need of care and protection within a single, rehabilitative and rights-based framework. Yet a statute is only as strong as the institutions that carry it into daily practice. This article examines the 2015 Act along two axes. First, it revisits the doctrinal tension generated by Section 15, which permits preliminary assessment of children between sixteen and eighteen years alleged to have committed heinous offences and their possible transfer to the Children's Court — a provision that sits uneasily beside the Act's reformatory philosophy. Second, drawing on National Crime Records Bureau data and the institutional mapping contained in the Chhattisgarh High Court's Resource Book on the Juvenile Justice System, the article undertakes a State-specific implementation audit of Juvenile Justice Boards, Child Welfare Committees, Special Juvenile Police Units and Child Care Institutions in Chhattisgarh. The analysis shows that while the statutory architecture is comprehensively mapped across the State's districts, its functioning is markedly uneven — in pendency, sitting frequency, staffing and rehabilitative outcomes. The article argues that the central deficit in Indian juvenile justice today is not an absence of law but a gap between statutory promise and lived institutional experience, and it closes with a set of legal, institutional and policy recommendations aimed at narrowing that gap.

Keywords: Juvenile Justice Act 2015; child rights; preliminary assessment; Section 15; Chhattisgarh; Juvenile Justice Board; Child Welfare Committee; rehabilitation; implementation deficit.

I. Introduction

Every legal system reveals its moral character in the way it treats children who come into contact with the law. The Juvenile Justice (Care and Protection of Children) Act, 2015 ("the 2015 Act" or "the Act") was enacted to consolidate and modernise India's response to two distinct but connected groups of children: those alleged or found to be in conflict with law, and those in need of care and protection because they are abandoned, orphaned, trafficked, abused, neglected or otherwise placed in circumstances requiring State intervention (Ministry of Law and Justice, 2016). The Act is deliberately not framed as a penal code in miniature. It is a welfare-oriented, rights-based statute

that seeks care, protection, development, treatment, social reintegration and rehabilitation through a child-friendly process of adjudication and disposal (Ministry of Law and Justice, 2016).

The Act's philosophical anchor is reformatory rather than retributive justice. The Supreme Court captured this in *Salil Bali v. Union of India* (2013), holding that the essence of juvenile justice law is restorative, aimed at the rehabilitation and reintegration of children in conflict with law into mainstream society rather than at their punishment. This reformatory commitment, however, sits alongside a provision that many scholars and practitioners regard as its most difficult compromise: Section 15, which permits a Juvenile Justice Board to conduct a "preliminary assessment" of a child between sixteen and eighteen years of age alleged to have committed a heinous offence, with the possibility of transfer to the Children's Court for trial in the manner applicable to adults (Ministry of Law and Justice, 2016, s. 15). Introduced in the aftermath of the 2012 Delhi gang-rape case and the intense public debate that followed it, Section 15 represents a legislative compromise between two competing public demands — the demand for a child-sensitive, rehabilitative juvenile justice system, and the demand for accountability in grave offences allegedly committed by older adolescents (Ministry of Law and Justice, 2016).

A second and equally important line of inquiry concerns implementation. No matter how carefully a statute is drafted, its real value is tested at the level of the police station, the Juvenile Justice Board, the Child Welfare Committee and the Child Care Institution. The Supreme Court has itself insisted, in *Sampurna Behura v. Union of India* (2018), that juvenile justice institutions must be made functional in fact, and that the rights of children "cannot remain only on paper." This article therefore combines a doctrinal examination of the 2015 Act's core architecture and its most contested provision with a State-specific implementation study of Chhattisgarh — a State whose large rural population, extensive forest cover and substantial tribal population make it a useful site for examining how a rights-based national statute performs when it meets geographic, social and administrative constraints on the ground.

Two questions run through this article. First, does the 2015 Act provide an internally coherent and adequately safeguarded legal framework for children who come into conflict with law and children who need care and protection? Second, and independently, how far has that framework actually been translated into functioning institutions and rehabilitative outcomes in a representative State such as Chhattisgarh? The article proceeds by first outlining the conceptual and constitutional foundations of Indian juvenile justice (Part II); analysing the statutory architecture created by the 2015 Act (Part III); examining the preliminary-assessment tension in detail through statute and case law (Part IV); presenting the Chhattisgarh implementation data (Part V); consolidating the findings (Part VI); and offering recommendations (Part VII).

II. Conceptual and Constitutional Foundations

A. The Meaning and Philosophy of Juvenile Justice

"Juvenile justice" denotes a specialised legal and institutional response to children who come into contact with law, built on the premise that children must not be processed through the ordinary adult criminal system. The 2015 Act defines a "child" as a person who has not completed eighteen

years of age, and distinguishes between a "child in conflict with law" — one alleged or found to have committed an offence before turning eighteen — and a "child in need of care and protection," a wide category covering children who are homeless, working in violation of labour law, found begging, living with an abusive or exploitative person, or otherwise placed in circumstances requiring State intervention (Ministry of Law and Justice, 2016). This dual structure is significant: juvenile justice in India is not limited to controlling delinquency; it is equally, and perhaps primarily, a child-protection and welfare mandate.

The Act embeds this philosophy through a set of general principles — the presumption of innocence, dignity and worth, participation, best interest, family responsibility, safety, positive measures, non-stigmatising language, equality, privacy and confidentiality, institutionalisation as a measure of last resort, and fresh start (Ministry of Law and Justice, 2016, s. 3). These are not decorative recitals; they operate as interpretive anchors for every provision that follows, and Indian courts have repeatedly read the Act's operative sections — on bail, on preliminary assessment, on disqualification — through this normative lens.

B. Historical Trajectory

India's juvenile justice law has moved through four broad phases: a limited colonial reformatory model (the Apprentices Act, 1850, and the Reformatory Schools Acts of 1876 and 1897); a post-independence welfare model under the Children Act, 1960 and the Juvenile Justice Act, 1986; a rights-based model triggered by India's 1992 ratification of the United Nations Convention on the Rights of the Child, embodied in the Juvenile Justice (Care and Protection of Children) Act, 2000; and the present framework under the 2015 Act, which retained the rights-based architecture of the 2000 Act while introducing the categorisation of offences into petty, serious and heinous offences and the preliminary-assessment mechanism for older adolescents accused of heinous offences. The Supreme Court's rulings in *Pratap Singh v. State of Jharkhand* (2005) (holding that juvenility is determined on the date of commission of the offence, not the date of production before the authority) and *Jarnail Singh v. State of Haryana* (2013) (extending age-determination principles to child victims) reflect the judiciary's consistent effort to keep the protective purpose of the law from being defeated by procedural delay.

C. Constitutional Foundations

Juvenile justice in India is not merely a matter of legislative choice; it rests on constitutional morality. Article 15(3) permits the State to make special provision for children; Article 21 protects life and personal liberty in a manner that has been read to include the right to live with dignity, safety and developmental opportunity; Article 21A guarantees the right to education; Article 23 prohibits trafficking and forced labour; Article 24 prohibits child labour in hazardous occupations; and Articles 39(e) and 39(f) direct the State to protect children against abuse and to secure conditions of freedom and dignity for their development (Constitution of India, 1950). These provisions collectively establish that a punitive, delayed or humiliating process for children is constitutionally suspect, regardless of what a particular statute might otherwise permit.

III. The Statutory Architecture of the 2015 Act

The 2015 Act builds a specialised institutional structure around the dual categories of children it recognises. For children in conflict with law, the primary authority is the Juvenile Justice Board ("JJB"), composed of a Metropolitan or Judicial Magistrate and two social-worker members, at least one of whom must be a woman (Ministry of Law and Justice, 2016, s. 4). The Board is deliberately insulated from the culture of the ordinary criminal court: Section 7 requires that its sitting place should not resemble a regular courtroom, and that its procedure be child-friendly (Ministry of Law and Justice, 2016, s. 7). Section 10 prohibits the placement of a child alleged to be in conflict with law in a police lock-up or jail, requiring instead that the child be produced before the Board through a Special Juvenile Police Unit ("SJPU") or a designated Child Welfare Police Officer ("CWPO") (Ministry of Law and Justice, 2016, s. 10). Section 12 makes bail the rule rather than the exception, permitting refusal only where release would bring the child into association with known criminals, expose the child to moral, physical or psychological danger, or defeat the ends of justice (Ministry of Law and Justice, 2016, s. 12). Section 14 requires the Board to complete inquiry ordinarily within four months of first production, subject to a limited and reasoned extension (Ministry of Law and Justice, 2016, s. 14).

For children in need of care and protection, the corresponding authority is the Child Welfare Committee ("CWC"). Section 31 casts a deliberately wide net, permitting a child to be produced before the Committee by police officers, SJPUs, CWPOs, District Child Protection Unit ("DCPU") officials, Childline services, voluntary organisations, concerned citizens, medical professionals, or the child personally (Ministry of Law and Justice, 2016, s. 31). Section 36 requires the Committee to inquire into the child's circumstances, and Section 37 empowers it to pass restoration, placement, foster-care or Specialised Adoption Agency orders, together with directions for medical, psychological and educational support (Ministry of Law and Justice, 2016, ss. 36–37). Section 39 requires that rehabilitation and social reintegration be undertaken on the basis of an individual care plan tailored to each child, and Section 40 fixes restoration to family as the "prime objective" of Children's Homes, Specialised Adoption Agencies and Open Shelters (Ministry of Law and Justice, 2016, ss. 39–40).

Beneath these two central authorities sits a wider institutional ecosystem: Special Juvenile Police Units and Child Welfare Police Officers under Section 107, mandated in every police station and district to provide a child-sensitive first point of contact (Ministry of Law and Justice, 2016, s. 107); District Child Protection Units, responsible for rescue, family tracing, sponsorship and after-care coordination; and a spectrum of Child Care Institutions — Observation Homes, Special Homes, Places of Safety, Children's Homes, Open Shelters and Specialised Adoption Agencies — all of which must be registered under Section 41 and are subject to inspection under Section 54 (Ministry of Law and Justice, 2016, ss. 41, 54). Section 53 requires these institutions to provide not merely food and shelter but education, vocational training, counselling, mental-health intervention, recreation and legal aid (Ministry of Law and Justice, 2016, s. 53), while Sections 44 to 46 supply the non-institutional alternatives of foster care, sponsorship and after-care that are meant to keep institutionalisation a measure of last resort rather than a default outcome (Ministry

of Law and Justice, 2016, ss. 44–46). Sections 56 to 73 provide a detailed adoption framework, operating in coordination with the Central Adoption Resource Authority, for orphaned, abandoned and surrendered children who are legally free for adoption (Ministry of Law and Justice, 2016, ss. 56–73).

Read together, these provisions show a statute that is structurally comprehensive: it creates distinct authorities, a child-sensitive procedure, a strong presumption in favour of liberty and family, and a rehabilitative rather than custodial vision of institutional care. The remainder of this article tests two aspects of that structure — the coherence of its most contested substantive provision, and the reliability of its institutional delivery in one State.

IV. Section 15 and the Preliminary Assessment Dilemma

A. The Provision and Its Rationale

Section 15 applies where a child who has completed sixteen years of age is alleged to have committed a heinous offence. It requires the Board — if necessary with the assistance of experienced psychologists, psycho-social workers or other experts — to conduct a preliminary assessment of the child's mental and physical capacity to commit the alleged offence, the child's ability to understand the consequences of the offence, and the circumstances in which the offence is alleged to have been committed (Ministry of Law and Justice, 2016, s. 15(3)). Depending on the outcome of that assessment, the case may proceed before the Board itself, or be transferred to the Children's Court, which may eventually try the child in the manner applicable to adults, subject to safeguards such as a prohibition on the death penalty or life imprisonment without the possibility of release, and placement in a place of safety until the age of twenty-one (Ministry of Law and Justice, 2016, ss. 18–21).

The provision was a direct legislative response to intense public concern about the participation of an accused juvenile in the December 2012 Delhi gang-rape case, and it reflects Parliament's judgment that the near-total shield previously enjoyed by every person below eighteen years, regardless of the gravity of the alleged offence, required recalibration for older adolescents accused of the most serious crimes (Ministry of Law and Justice, 2016). Understood this way, Section 15 is a considered legislative compromise rather than an abandonment of juvenile justice philosophy: it retains the child within a specialised assessment process, keeps the ultimate transfer decision judicial rather than automatic, and confines its operation to a narrow category of heinous offences.

B. The Tension with Reformatory Philosophy

Even so, Section 15 sits in evident tension with the Act's own general principles. A statute that elsewhere declares institutionalisation a measure of last resort, mandates non-stigmatising language, and commits itself to fresh starts and social reintegration, simultaneously creates a route by which a sixteen-year-old may be tried and, in principle, sentenced in the manner applicable to an adult. The Supreme Court itself acknowledged the gravity of this compromise in *Dr Subramanian Swamy v. Raju* (2014), where it considered and rejected a challenge to the very policy of treating all persons below eighteen years as children, holding that the legislative

classification rested on constitutional and international child-rights standards, even as it recognised the strength of the competing public demand for accountability in serious cases.

Judicial interpretation has since worked to keep Section 15 from collapsing into an automatic gateway to adult trial. In *Barun Chandra Thakur v. Master Bholu* (2022), the Supreme Court held that preliminary assessment is not a mechanical exercise and cannot be reduced to an assessment of the offence's gravity alone; it requires a genuine, individualised evaluation of the child's mental and physical capacity, aided by expert opinion where necessary. The Chhattisgarh High Court has applied this reasoning in its own jurisdiction, cautioning in one matter that Section 15 and its associated rules "should not be taken lightly or applied capriciously," given that the consequences of treating a child as an adult are serious and, in some respects, irreversible — a harsher possible sentence, altered treatment of disqualification, and retention of records in heinous-offence cases (*A v. State of Chhattisgarh*, n.d.). The same High Court has also insisted, in matters concerning juvenile bail, that release must be assessed under the child-specific framework of Section 12 rather than under the ordinary bail provisions of criminal procedure, thereby resisting the drift of adult-criminal-justice thinking into juvenile proceedings even where Section 15 is not directly in issue (*Tejram Nagrachi (Juvenile) v. State of Chhattisgarh*, n.d.).

A further safeguard lies in Section 24, read with the "fresh start" principle in Section 3(xiv), under which a child dealt with under the Act should not ordinarily suffer the disqualifications that would attach to a finding of guilt in adult proceedings — a principle the Supreme Court affirmed in *Pushpraj Singh v. Union of India* (2022). This line of authority suggests that Indian courts have used interpretation to contain, without eliminating, the punitive potential of Section 15: the provision survives as an exceptional, closely supervised mechanism rather than as a general erosion of juvenile protection.

C. Assessing the Compromise

The recurring theme across these decisions is that Section 15 is defensible only if it is treated as an exception requiring expert-assisted, individualised, and reasoned decision-making — never as a proxy for the seriousness of the allegation. Where a Board possesses trained members, access to psychologists and psycho-social workers, and a meaningful social investigation report, Section 15 can operate as intended: a narrow, carefully bounded departure from the general rule, reserved for the most serious cases and surrounded by procedural safeguards. Where those supports are absent — a concern examined empirically in Part V below — Section 15 risks becoming, in practice, an offence-centred rather than child-centred inquiry, precisely the outcome the Supreme Court's case law has tried to prevent.

V. From Statute to Practice: Implementation in Chhattisgarh

A. Why Chhattisgarh, and Why State-Level Analysis Matters

A statute's design tells only part of the story. The Juvenile Justice Board, the Child Welfare Committee, the Special Juvenile Police Unit and the Child Care Institution are the sites at which a child actually experiences — or fails to experience — the protection that the 2015 Act promises. Chhattisgarh offers an instructive case study for this reason: according to State statistical data,

roughly 76.76% of its population (19,607,961 persons) is rural, its recorded forest cover is approximately 59,772 sq. km. (44.21% of the State's geographical area), and its Scheduled Tribe population is approximately 30.62% of the total (78.22 lakh out of 255.45 lakh) (Directorate of Economics and Statistics, Government of Chhattisgarh, 2012; Department of Tribal and Scheduled Caste Development, Government of Chhattisgarh, n.d.; Chhattisgarh Forest and Climate Change Department, n.d.). None of this makes Chhattisgarh's children inherently more vulnerable, but it does mean that access to Boards, Committees, counsellors and institutions is likely to vary sharply between urban centres such as Raipur, Bilaspur and Durg and remote, forested or tribal districts — making State- and district-level analysis, rather than a purely national or purely doctrinal reading of the Act, essential to understanding implementation.

B. The Statistical Burden: NCRB Data

National Crime Records Bureau ("NCRB") figures, while limited to registered and reported offences, provide a useful entry point into the scale of the child-protection burden. Chhattisgarh recorded 6,001 cases of crime against children in 2021, 6,177 in 2022 and 5,904 in 2023 — a burden that has remained consistently above 5,900 cases annually (National Crime Records Bureau, 2021, 2022, 2023). Nationally, the picture is one of steady increase: total crimes against children rose from 1,49,404 in 2021 to 1,62,449 in 2022, 1,77,335 in 2023 and 1,87,702 in 2024, spread across kidnapping and abduction, POCSO offences, trafficking, child labour, exposure and abandonment, cyber offences and offences under the Juvenile Justice Act itself (National Crime Records Bureau, 2021, 2022, 2023, 2024).

Table 1: National Crime-Head-wise Profile of Crimes against Children, 2021–2023

Crime Head	2021	2022	2023
Kidnapping and Abduction of Children	67,245	74,284	79,884
POCSO Act	53,874	63,414	67,694
Human Trafficking	425	424	397
Exposure and Abandonment	709	818	653
Child Labour Act	613	751	1,390
Cyber Crimes / IT Act	1,081	1,360	1,681
Juvenile Justice Act	1,871	1,830	1,974
Total	1,49,404	1,62,449	1,77,335

On the offending side of the ledger, Chhattisgarh's 2024 profile is notable: 2,180 cases were registered against juveniles in the State, translating into a juvenile crime rate of 22.4 per lakh child population — the highest among Indian States, against a national average of 7.9 per lakh (34,878 cases nationally) (National Crime Records Bureau, 2024). Nationally, 77.7% of the 42,633 juveniles apprehended in 2024 fell within the sixteen-to-eighteen age bracket that is squarely governed by the Section 15 preliminary-assessment mechanism discussed in Part IV, underscoring how directly that provision's institutional safeguards — trained Board members, psychologists,

legal aid — bear on the majority of children who actually enter the system (National Crime Records Bureau, 2024). Chhattisgarh also recorded 268 cybercrimes against children in 2024, the highest figure among States, pointing to an emerging vulnerability that existing institutional structures were not originally designed around (National Crime Records Bureau, 2024).

These figures should not be read as a verdict on Chhattisgarh's children or families. A high juvenile crime rate is better read as a call for deeper social investigation, counselling, education and family support than as grounds for a harsher institutional posture; equally, NCRB data captures only reported offences and is silent on unreported abuse, informal child labour, or the quality of rehabilitation once a child enters the system (National Crime Records Bureau, 2021–2024). Its value here is as an entry point that establishes the scale against which institutional capacity must be measured.

C. Institutional Architecture: Mapped but Uneven

The Chhattisgarh High Court's Resource Book on the Juvenile Justice System provides a district-wise map of JJBs, CWCs, DCPUs, SJPU, Specialised Adoption Agencies and Child Care Institutions across the State, and this mapping confirms that the basic statutory architecture required by the 2015 Act has been established (High Court of Chhattisgarh, 2026). The more revealing question, however, is how that architecture functions in practice, and here the Resource Book's own data reveals substantial district-to-district variation.

Table 2: Selected Juvenile Justice Board (JJB) Pendency and Sitting Pattern

District	Pending Cases	Sitting Days
Raipur	605	All working days
Bilaspur	415	All working days
Durg	410	3 days a week (Additional JJB on hold)
Janjgir-Champa	317	2 days a week
Dhamtari	165	2 days a week
Baloda-Bazar	168	1 day a week
Jashpur	12	1 day a week

Table 3: Selected Child Welfare Committee (CWC) Pendency and Sitting Pattern

District	Pending Cases	Sitting Days
Raipur	491	3 days a week
Janjgir-Champa	115	4 days a week
Kanker	120	3 days a week (member vacancy)
Mahasamund	108	4 days a week
Baloda-Bazar	89	4 days a week
Dhamtari	34	4 days a week
Bilaspur	37	3 days a week
Gariaband	60	3 days a week (chairperson vacancy)

District	Pending Cases	Sitting Days
Jashpur	51	3 days a week (member vacancy)

These tables illustrate a structural mismatch between caseload and sitting frequency in several districts: Durg's JJB carries 410 pending matters but sits only three days a week, with its Additional Board kept on hold; Janjgir-Champa's JJB, with 317 pending cases, sits only twice weekly; and Baloda-Bazar's JJB sits only once a week against 168 pending cases (High Court of Chhattisgarh, 2026). Because Section 14 requires inquiry to be completed ordinarily within four months, a mismatch of this kind converts a statutory time-limit into an administrative aspiration. Delay of this kind is not a mere docket-management concern in juvenile proceedings: it interrupts schooling, prolongs uncertainty, and can itself undermine the rehabilitative purpose that the Act exists to serve (Ministry of Law and Justice, 2016, s. 14). Vacancies compound the problem — the Resource Book records, for example, a Kondagaon JJB entry with one member post vacant and an Additional JJB at Durg without a sitting Principal Magistrate or members at all (High Court of Chhattisgarh, 2026). On the protective side, CWC data shows a similar unevenness: Raipur's Committee, with 491 pending cases, sits only three days a week, while member and chairperson vacancies are separately noted in Gariaband, Jashpur and Kanker — precisely the districts where continuity of decision-making is most needed for children awaiting restoration, foster placement or adoption referral (High Court of Chhattisgarh, 2026).

D. Residential Care: Capacity Without Consistent Quality Indicators

Child Care Institutions present a comparable picture of formally mapped but functionally uneven provision. The Resource Book's district-wise capacity and occupancy figures show wide variation — some institutions operating near or below capacity with evident staffing gaps, others showing very low occupancy relative to sanctioned strength.

Table 4: Selected CCI Capacity and Occupancy Indicators

Institution	Category	Sanctioned Capacity	Actual Occupancy	Notable Concern
Jagdalpur Observation Home	Boys	50	32	—
Jagdalpur Observation Home	Girls	25	1	Very low occupancy
Rajnandgaon Observation Home	Boys	50	18	—
Raigarh Observation Home	Boys	50	29	Superintendent post vacant
Raigarh Open Shelter	Boys	25	1	Very low occupancy
Kanker Children's Home	Girls	50	29	—

Institution	Category	Sanctioned Capacity	Actual Occupancy	Notable Concern
Jashpur Observation Home	Boys	50	1	Very low occupancy
Balrampur Children's Home	Boys	50	7	Low occupancy
Dantewada Observation Home	Boys	50	10	Low occupancy
Dantewada Children's Home	Boys	50	33	—

A very low occupancy figure is not, by itself, a failure — the Act rightly treats institutionalisation as a measure of last resort, and low numbers can reflect the appropriate use of restoration, sponsorship and foster care instead of residential placement (Ministry of Law and Justice, 2016, s. 3(xii)). But the same figure can equally indicate weak outreach, poor referral pathways, or limited confidence among frontline agencies in a particular facility, and the Resource Book's data does not by itself distinguish between these explanations. What the data does show clearly is that staffing gaps exist even in institutions that are actively used — the vacant superintendent post at the Raigarh Observation Home, holding 29 children against a sanctioned capacity of 50, is a case in point — and that Section 53's promise of education, vocational training, counselling and mental-health support depends on a staffing baseline that is not uniformly met across districts (High Court of Chhattisgarh, 2026; Ministry of Law and Justice, 2016, s. 53).

E. Rehabilitation, Alternative Care, and the Missing Outcome Data

Perhaps the most consequential implementation gap concerns outcomes rather than inputs. The 2015 Act measures its own success not by case disposal but by whether a child returns to school, family, safety and society; Sections 39 and 40 make the individual care plan and family restoration, respectively, the organising principles of institutional and non-institutional care (Ministry of Law and Justice, 2016, ss. 39–40). Yet neither the NCRB data nor the Resource Book's institutional mapping tracks these outcomes systematically: there is no consolidated district-wise record of how many children were restored to verified safe families, how many received sponsorship or entered foster care, how many completed vocational training with placement linkage, or how many received after-care support on leaving an institution at eighteen (High Court of Chhattisgarh, 2026; Ministry of Women and Child Development, n.d.). This is not a minor omission. Without outcome data, it is not possible to distinguish a juvenile justice system that closes cases from one that rehabilitates children, and policy correction becomes correspondingly difficult.

F. The Judicial Corrective

The Chhattisgarh High Court has, on several occasions, stepped in to correct implementation failures reaching it through individual cases — clarifying that juvenile bail must proceed under

Section 12 rather than ordinary criminal procedure, cautioning against mechanical application of Section 15, and applying the Section 24 fresh-start principle to protect a young person's later prospects (Tejram Nagrachi (Juvenile) v. State of Chhattisgarh, n.d.; A v. State of Chhattisgarh, n.d.; Pushpraj Singh v. Union of India, 2022). These interventions matter, but they are inherently reactive: a bail matter reaches the High Court only after a child has already spent time in an Observation Home; a fresh-start dispute typically surfaces only once the affected person, now an adult, encounters a concrete disqualification. Judicial correction is therefore a necessary safety net, not a substitute for functioning institutions at first instance.

VI. Synthesis of Findings

Read together, the doctrinal and implementation analyses converge on a single proposition: the Juvenile Justice Act, 2015 is comprehensive and progressive in its statutory design, but its transformative capacity is contingent, in two distinct ways, on matters the statute cannot itself guarantee.

First, at the level of substantive law, Section 15 introduces a genuine and irreducible tension between the Act's rehabilitative philosophy and the demand for accountability in heinous offences allegedly committed by older adolescents. This tension cannot be legislated away without either abandoning child-sensitive treatment for a numerically significant category of children (those aged sixteen to eighteen, who made up 77.7% of juveniles apprehended nationally in 2024) or abandoning public confidence that grave offences will attract a proportionate response (National Crime Records Bureau, 2024). The Supreme Court's insistence, in *Barun Chandra Thakur* (2022), that assessment must be individualised, expert-assisted and non-mechanical is the principal safeguard currently available, and it is a safeguard whose effectiveness depends entirely on the institutional resources — trained Board members, psychologists, psycho-social workers — examined next.

Second, at the level of implementation, the Chhattisgarh data shows that the statutory architecture — JJBs, CWCs, SJPU, DCPUs and CCIs — has been established across the State's districts, but its functioning is uneven along every measurable dimension: pendency, sitting frequency, staffing, occupancy and, most importantly, the availability of outcome data by which rehabilitative success could even be assessed. The unevenness is not confined to remote or resource-poor districts alone; Raipur, the State's largest urban centre, carries the highest JJB and CWC pendency in the sample examined here, suggesting that the deficit is one of resourcing and institutional capacity relative to caseload rather than simply one of rural or tribal disadvantage.

These two findings are connected. A Board that is short-staffed, overburdened and lacking regular access to psychologists is precisely the kind of Board least equipped to conduct the individualised, expert-assisted preliminary assessment that Section 15 requires and that the Supreme Court has mandated. In this sense, the implementation deficit documented in Part V is not merely a separate administrative problem sitting alongside the doctrinal tension of Part IV — it is the mechanism through which that doctrinal tension is most likely to resolve itself in the wrong direction, converting an exceptional, safeguarded provision into a default, offence-centred one.

VII. Recommendations

A. Strengthening Section 15 Safeguards. The statutory framework should be amended or supplemented by binding rules to require that Boards record explicit, individualised reasons on each of the four statutory factors under Section 15, supported wherever possible by a qualified psychologist's or psycho-social worker's opinion; the seriousness of the alleged offence alone should be expressly barred from operating as a proxy for the assessment. Mandatory periodic training of Board members in adolescent psychology and trauma-informed evaluation should accompany this reform.

B. District-Proportionate Staffing and Sitting Norms. Sitting frequency for JJBs and CWCs should be tied to pendency rather than fixed by a uniform State-wide norm, so that high-pendency Boards — such as those in Raipur, Bilaspur and Durg — sit as often as their caseload requires, and vacant Additional Board and Committee posts are filled on a time-bound basis.

C. Filling Institutional Vacancies. Superintendent, counsellor, psychologist and Committee-member vacancies identified in the Resource Book (for instance, at Raigarh, Gariaband, Jashpur and Kondagaon) should be treated as time-bound compliance obligations under judicial or executive monitoring, given their direct bearing on both CCI quality and CWC continuity.

D. Outcome-Based Monitoring. A standardised, district-wise, privacy-protecting dashboard should track restoration verification, sponsorship uptake, foster-care placement, vocational-training completion with placement linkage, and after-care provision — not merely case disposal or institutional occupancy — so that rehabilitative success, rather than administrative closure, becomes the metric by which the Act's implementation is judged.

E. Strengthening Non-Institutional Alternatives. Sponsorship and foster-care mechanisms under Sections 44 and 45 should be actively expanded in districts showing very low CCI occupancy relative to known child-protection burden, supported by dedicated District Child Protection Unit staff for family tracing and home verification, so that low occupancy reflects genuine diversion to family-based care rather than weak referral pathways.

F. Cyber-Safety Integration. Given Chhattisgarh's recorded 268 cybercrimes against children in 2024 — the highest among States — Special Juvenile Police Units and school-based child-protection programmes should be equipped with dedicated cyber-safety training and coordination protocols with cyber-crime units, an area the 2015 Act's original institutional design did not anticipate.

VIII. Conclusion

The Juvenile Justice (Care and Protection of Children) Act, 2015 deserves recognition as a considered, rights-based response to the needs of children who come into conflict with law and children who require care and protection. Its dual structure, its child-friendly procedural guarantees, its presumption in favour of bail and family restoration, and its rehabilitative vision of institutional care together represent a significant advance over earlier, more purely custodial models of juvenile law in India. At the same time, this article has shown that the Act's two principal challenges — the doctrinal tension embedded in Section 15's preliminary-assessment mechanism,

and the uneven translation of statutory design into functioning institutions, illustrated here through the Chhattisgarh experience — are not peripheral concerns but central to whether the Act achieves its stated purpose. The judiciary has done useful work containing the punitive potential of Section 15 through individualised-assessment requirements, and the Chhattisgarh High Court's own Resource Book has done useful work simply by making district-level institutional performance visible enough to be analysed. What remains is the harder task of converting that visibility into sustained resourcing, staffing and outcome-based accountability. Until that happens, the promise of the 2015 Act — that a child who comes into contact with the law will be met with dignity, protection and a genuine opportunity for reform — will continue to depend less on the text of the statute than on the particular Board, Committee or institution a given child happens to encounter.

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