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# JUVENILE JUSTICE ACT, 2015: ENSURING CHILD WELFARE OR PRIORITIZING PUBLIC SAFETY?

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## **ABSTRACT**

*The Juvenile Justice (Care and Protection of Children) Act, 2015, represents a landmark piece of legislation in India aimed at addressing the welfare and rehabilitation of children in conflict with the law. The Act has been a subject of intense debate, as it attempts to balance the dual objectives of ensuring the welfare of children and safeguarding public safety. This paper critically examines the Juvenile Justice Act of 2015, focusing on its impact on child welfare, its approach to accountability, and its broader implications for public safety. Through a comprehensive review of its provisions, judicial interpretations, and empirical studies, this paper aims to assess whether the Act successfully achieves its goal of child welfare while maintaining societal protection, or whether it tilts the balance too far in favor of public safety at the cost of children's rights.*

**Keywords:** *Juvenile Justice Act 2015, child welfare, public safety, juvenile crime, rehabilitation, juvenile justice system.*

## **1. INTRODUCTION**

In the context of criminal justice systems worldwide, children are recognized as a unique category deserving of special protection due to their developmental status and vulnerability. In India, the Juvenile Justice Act, 2015 (JJA 2015), replaced the Juvenile Justice Act, 2000, and made significant changes to how children in conflict with the law are treated. The key reform brought about by the new Act was the introduction of provisions allowing children aged 16 to 18 years, involved in heinous offenses, to be tried as adults. This paper aims to critically examine whether the 2015 Act prioritizes child welfare or leans towards public safety.

## **2. RESEARCH METHODOLOGY**

This study adopts a doctrinal legal research methodology, focusing on qualitative analysis of statutes, judicial decisions, and secondary literature. The primary sources include the Juvenile Justice (Care and Protection of Children) Act, 2015, and key judgments such as *Shilpa Mittal v. State of NCT of Delhi*. Secondary sources comprise academic journals, reports by the Ministry of Women and Child Development, and publications by human rights organizations.

The study also reviews statistical data from the National Crime Records Bureau (NCRB) to assess trends in juvenile crime post-enactment of the 2015 Act. The objective is to evaluate whether the Act maintains a balance between child welfare and public safety and to determine its alignment with international child rights standards.

### **3. HISTORICAL BACKGROUND AND EVOLUTION OF JUVENILE JUSTICE LAWS IN INDIA**

To understand the significance of the Juvenile Justice Act, 2015, it is essential to trace the evolution of juvenile justice laws in India. The first major legislation, the Children Act, 1960, was replaced by the Juvenile Justice Act, 1986, and later by the Juvenile Justice Act, 2000. These earlier laws emphasized rehabilitation and social reintegration. However, public concern over rising juvenile crime, especially following the 2012 Delhi Gang Rape case involving a 17-year-old offender, prompted legal reforms. The 2015 Act was enacted to allow the trial of juveniles aged 16 to 18 involved in heinous crimes under the adult justice system.

### **4. KEY PROVISIONS OF THE JUVENILE JUSTICE ACT, 2015 4.1. DEFINITION OF JUVENILE AND CHILD**

The Act defines a child as a person under 18 years of age, categorized into:

- Children in conflict with the law
- Children in need of care and protection

#### **4.1. Juvenile Justice Board (JJB) and Children's Court**

The Act establishes a JJB for juveniles and a Children's Court for more serious cases. The JJB assesses the child's age, the offense's nature, and the potential for rehabilitation.

#### **4.2. Treatment of Children Aged 16-18 Years in Heinous Offenses**

Section 15 permits juveniles aged 16-18, accused of heinous crimes, to be tried as adults after assessment by the Children's Court.

#### **4.3. Rehabilitation and Social Reintegration**

The Act prioritizes rehabilitation through education, vocational training, and counseling to facilitate reintegration into society.

#### **4.4. Special Provisions for Children in Need of Care and Protection**

It mandates Child Care Institutions (CCIs) for abandoned or vulnerable children to provide care, education, and protection.

### **5. THE DEBATE: CHILD WELFARE VS. PUBLIC SAFETY 5.1. ARGUMENTS IN FAVOR OF PUBLIC SAFETY FOCUS**

Supporters argue the law balances child welfare and public safety. Trying serious offenders as adults is seen as a deterrent and ensures public trust in the justice system.



### **5.1. Arguments Against the Shift**

Critics argue that trying juveniles as adults violates the principle of rehabilitation, may increase recidivism, and contradicts international standards like the UNCRC.

## **6. JUDICIAL INTERPRETATIONS AND CASE LAW**

In *Shilpa Mittal v. State of NCT Delhi (2016)*, the court expressed concerns over potential rights violations. In *State of Uttar Pradesh v. CBI (2016)*, the court stressed careful assessment before trying a juvenile as an adult.

## **7. IMPACT OF THE JUVENILE JUSTICE ACT, 2015 7.1. REHABILITATION AND REINTEGRATION**

Despite legal provisions, many institutions lack adequate resources, limiting effective rehabilitation.

### **7.1. Public Perception and Trust**

Public opinion is divided; some support the reforms, others argue it undermines the spirit of juvenile justice.

## **8. CONCLUSION AND RECOMMENDATIONS**

The Juvenile Justice Act, 2015, attempts to balance child welfare with public safety. However, the provision allowing the trial of juveniles as adults needs strict criteria and consistent oversight.

### **8.1. Recommendations**

- Strengthen rehabilitation programs in juvenile homes
- Review and tighten criteria for adult trials
- Ensure alignment with international child rights standards

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