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**JUVENILES IN CONFLICT WITH LAW: A CRITICAL
ANALYSIS OF THE HEINOUS OFFENCE EXCEPTION
UNDER JJ ACT, 2015 AND ITS CONSTITUTIONAL
IMPLICATIONS**

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ABSTRACT

The Juvenile Justice (Care and Protection of Children) Act, 2015 introduced a paradigm shift in India's juvenile justice jurisprudence by permitting children in the age group of 16-18 years to be tried as adults for heinous offences through a preliminary assessment mechanism under Section 15. This research paper critically examines the constitutionality of this provision, analyzing whether it violates the fundamental rights guaranteed under Articles 14, 15(3), and 21 of the Indian Constitution. The study evaluates recent judicial pronouncements, including the Supreme Court's interpretation in *Shilpa Mittal v. State of NCT of Delhi* (2020) and *Child in Conflict with Law (CCL) v. State of Karnataka* (2024), while comparing India's approach with international standards under the UN Convention on the Rights of the Child. The paper argues that while the provision attempts to balance public safety concerns with juvenile rehabilitation, it creates an arbitrary classification that may violate constitutional guarantees and India's international obligations. Through doctrinal analysis and comparative study, the research demonstrates that the preliminary assessment mechanism lacks scientific rigor and procedural safeguards, potentially compromising the rehabilitative philosophy underlying juvenile justice. The paper concludes with recommendations for reform to ensure constitutional compliance while maintaining the best interests of the child as the paramount consideration.

Keywords: Juvenile Justice, Heinous Offences, Constitutional Law, Articles 14, 15(3), 21, UN Convention on Rights of Child, Preliminary Assessment, Child Rights

I. INTRODUCTION

The Juvenile Justice (Care and Protection of Children) Act, 2015 (“JJ Act, 2015”) marked a watershed moment in India’s juvenile justice system. Enacted in the aftermath of the 2012 Nirbhaya gang rape case, where one of the perpetrators was a juvenile aged 17 years and 6 months, the Act introduced Section 15, which permits children aged 16-18 years accused of heinous offences to be tried as adults following a preliminary assessment by the Juvenile Justice Board (JJB).¹ This provision fundamentally altered the uniform approach that had existed under the Juvenile Justice (Care and Protection of Children) Act, 2000, which treated all individuals below 18 years as juveniles without exception.²

The legislative amendment raised critical constitutional questions regarding equality before law (Article 14), special protection for children (Article 15(3)), and the right to life and personal liberty (Article 21). Furthermore, it created tensions with India’s obligations under the United Nations Convention on the Rights of the Child (UNCRC), which India ratified in 1992, and which mandates that children below 18 years should be treated within a specialized juvenile justice framework emphasizing rehabilitation over retribution.³

Recent judicial developments have added complexity to this discourse. In 2020, the Supreme Court in *Shilpa Mittal v. State of NCT of Delhi* clarified the definition of “heinous offences” under Section 2(33) of the JJ Act, 2015, holding that offences prescribing maximum sentences exceeding seven years but without minimum sentences of seven years or more cannot be categorized as heinous offences but must be treated as serious offences.⁴ This interpretation significantly narrowed the scope of Section 15 applicability. Subsequently, in 2024, the Supreme Court in *Child in Conflict with Law (CCL) v. State of Karnataka* strengthened procedural safeguards for juveniles, emphasizing that preliminary assessments must strictly adhere to statutory requirements and that appeals against such assessments must be filed within

¹ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 15, INDIA CODE (2015).

² Juvenile Justice (Care and Protection of Children) Act, No. 56 of 2000, § 2(k), INDIA CODE (2000) [hereinafter JJ Act, 2000].

³ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3 [hereinafter UNCRC].

⁴ *Shilpa Mittal v. State of NCT of Delhi*, (2020) 2 SCC 787 (India).

30 days.⁵

This paper examines whether Section 15 of the JJ Act, 2015 withstands constitutional scrutiny under Articles 14, 15(3), and 21, evaluates its compliance with international human rights standards, and analyzes recent jurisprudential developments that have shaped its interpretation and application. The research methodology adopts a doctrinal approach, analyzing statutory provisions, constitutional texts, judicial precedents, and international legal instruments to assess the constitutional validity of the heinous offence exception.

II. LEGISLATIVE EVOLUTION AND THE GENESIS OF SECTION 15

A. Pre-2015 Framework: The Rehabilitative Paradigm

India's juvenile justice system evolved significantly from colonial-era legislation. The Children Act, 1960 established the foundation for treating juvenile offenders differently from adults, premised on the doctrine of *doli incapax* and the understanding that children lack the mental capacity to form criminal intent.⁶ The JJ Act, 2000 consolidated this approach, establishing a uniform age of juvenility at 18 years, consistent with India's obligations under the UNCRC.⁷

The Supreme Court consistently upheld the rehabilitative philosophy. In *Pratap Singh v. State of Jharkhand* (2005), the Court emphasized that "the object of the Juvenile Justice Act is not to punish the juveniles but to provide care, protection, treatment, development and rehabilitation."⁸ Similarly, in *Hari Ram v. State of Rajasthan* (2009), the Court held that the benefit of the JJ Act could be claimed even during appellate or revisional stages if juvenility at the time of offence is established.⁹ These decisions reflected the constitutional mandate under Article 39(f) of the Constitution, which directs the State to ensure that children are given opportunities to develop in a healthy manner and in conditions of freedom and dignity.

B. The Nirbhaya Case Catalyst and Public Pressure

The brutal gang rape and murder of a 23-year-old woman in Delhi on December 16, 2012,

⁵ *Child in Conflict with Law (CCL) v. State of Karnataka*, 2024 LiveLaw (SC) 353 (India).

⁶ The Children Act, No. 60 of 1960, § 2(e), INDIA CODE (1960).

⁷ See JJ Act, 2000, *supra* note 2, § 2(k) (defining "juvenile" as a person who has not completed eighteenth year of age).

⁸ *Pratap Singh v. State of Jharkhand*, (2005) 3 SCC 551, 557 (India).

⁹ *Hari Ram v. State of Rajasthan*, (2009) 13 SCC 211 (India).

catalyzed public demand for harsher treatment of juvenile offenders. One perpetrator, aged 17 years and 6 months at the time of the offence, was tried by the Juvenile Justice Board and sentenced to a maximum of three years in a reformation home under the JJ Act, 2000. This outcome triggered widespread protests and demands to reduce the age of juvenility from 18 to 16 years. The incident exposed the tension between public demand for retributive justice and the established principles of juvenile jurisprudence that prioritize reformation and rehabilitation. The media extensively covered the case, creating immense pressure on lawmakers to respond to public sentiment, even if such response contradicted international best practices and constitutional principles.

The Justice J.S. Verma Committee, constituted to recommend amendments to criminal law, rejected the proposal to lower the age of juvenility, stating that in cases of heinous offences, the JJB may exercise discretion to transfer children above 16 years to the Children's Court. This recommendation formed the basis for Section 15 of the JJ Act, 2015. However, the Committee's recommendation itself reflected a compromise between competing imperatives rather than a principled constitutional or rights-based approach.

C. Section 15: The Preliminary Assessment Mechanism

Section 15 of the JJ Act, 2015 establishes a two-tiered system. For children aged 16-18 years accused of heinous offences, the JJB must conduct a preliminary assessment to evaluate: (a) the mental and physical capacity of the child to commit the offence; (b) the ability to understand the consequences of the offence; and (c) the circumstances in which the offence was allegedly committed. If the Board concludes that there is a need for trial as an adult, the matter is transferred to the Children's Court under Section 18(3), where the child may face adult sentencing, though not the death penalty.

Section 2(33) defines "heinous offences" as those for which the minimum punishment under the Indian Penal Code, 1860 or any other law is imprisonment of seven years or more. This definition became the subject of extensive judicial interpretation, as the literal reading created ambiguities regarding offences with maximum sentences exceeding seven years but lacking minimum sentencing provisions. The preliminary assessment procedure, while appearing to provide individualized consideration, lacks detailed statutory guidance on assessment methodology, evidentiary standards, and the weight to be accorded to different factors.

III. CONSTITUTIONAL CHALLENGES: ARTICLES 14, 15(3), AND 21

A. Article 14: Equality Before Law and Equal Protection

Article 14 guarantees equality before law and equal protection of laws to all persons within the territory of India. The fundamental question is whether Section 15 creates a reasonable classification or amounts to arbitrary discrimination between children below 16 years and those aged 16-18 years. The Supreme Court in *State of West Bengal v. Anwar Ali Sarkar* (1952) established that Article 14 permits reasonable classification if: (a) the classification is based on an intelligible differentia; and (b) the differentia has a rational relation to the object sought to be achieved.¹⁰ Section 15 classifies children into two categories based on age—below 16 years and 16-18 years—for the purpose of determining trial jurisdiction in heinous offences.

Proponents argue this classification is reasonable because children aged 16-18 possess greater cognitive maturity than younger children, the gravity of heinous offences warrants differential treatment, and individualized assessment through preliminary evaluation ensures proportionality. However, critics contend that chronological age alone is an insufficient and arbitrary criterion for determining criminal capacity, particularly when developmental psychology demonstrates significant individual variation in maturity levels. Research in neuroscience shows that brain development, particularly the prefrontal cortex responsible for impulse control and decision-making, continues until the mid-twenties, making any age-based demarcation inherently arbitrary.

In a 2024 petition challenging Section 15's constitutionality, petitioners argued that treating 16-18 year-olds differently from other juveniles "without any reasonable basis" violates Article 14.¹¹ The Court, while declining to entertain the petition on jurisdictional grounds, did not foreclose the constitutional question. In *Shayara Bano v. Union of India* (2017), the Supreme Court evolved the arbitrariness doctrine, holding that Article 14 strikes at arbitrariness in state action and ensures fairness and equality of treatment. The preliminary assessment mechanism under Section 15 has been criticized for lacking objective standards, thereby introducing arbitrariness. Different JJBs may reach different conclusions on identical facts, as the assessment criteria remain vague and subjective.

¹⁰ *State of West Bengal v. Anwar Ali Sarkar*, AIR 1952 SC 75 (India).

¹¹ Writ Petition challenging Section 15 of JJ Act dismissed on jurisdictional grounds, *Supreme Court Refuses To Entertain Petition Challenging Validity Of Section 15 JJ Act*, LIVELAW (Jan. 9, 2024), <https://www.livelaw.in/top-stories/supreme-court-refuses-to-entertain-petition-challenging-preliminary-assessment-under-s15-of-jj-act-liberty-granted-to-approach-hc-246197>.

B. Article 15(3): Special Provisions for Children

Article 15(3) empowers the state to make special provisions for children and is a constitutional recognition that children constitute a distinct class requiring protective legislation. The provision creates an exception to the non-discrimination principle under Article 15(1), permitting affirmative action for children's welfare. The critical question is whether Section 15, by allowing children aged 16-18 to be tried as adults, negates the protective intent of Article 15(3) or represents a permissible exercise of state power to make differential provisions based on circumstances.

In *Salil Bali v. Union of India* (2013), a writ petition challenged the constitutionality of defining "child" as a person below 18 years under the JJ Act, 2000. The Supreme Court dismissed the petition, holding that "the age of eighteen years has been fixed on account of the understanding of the experts in child psychology and psychiatry." This jurisprudence suggests that departing from the uniform age threshold may contravene Article 15(3)'s protective mandate. Moreover, Article 15(3) must be read harmoniously with India's international obligations. In *Vishaka v. State of Rajasthan* (1997), the Supreme Court held that international conventions can be used to interpret fundamental rights when domestic law is silent or inadequate.¹² The UNCRC's General Comment No. 10 explicitly states that children below 18 should not be tried in adult courts, suggesting that Section 15 may conflict with the constitutional imperative to protect children.

The constitutional framers' intent in incorporating Article 15(3) was to recognize children as a vulnerable group requiring special legislative protection. Dr. B.R. Ambedkar, during Constituent Assembly debates, emphasized that protective discrimination in favor of disadvantaged groups, including children, is essential to achieving substantive equality. Section 15's provision for trying children as adults contradicts this protective paradigm by subjecting them to the same criminal justice processes as fully mature adults, despite overwhelming scientific evidence that adolescent brains differ fundamentally from adult brains in their capacity for risk assessment, impulse control, and susceptibility to peer pressure.

C. Article 21: Right to Life and Personal Liberty

Article 21 guarantees that no person shall be deprived of life or personal liberty except

¹² *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011 (India).

according to procedure established by law, which must be fair, just, and reasonable. In *Maneka Gandhi v. Union of India* (1978), the Supreme Court held that the procedure under Article 21 must meet the standards of reasonableness, fairness, and justice. Section 15's preliminary assessment mechanism raises several Article 21 concerns including procedural fairness deficits, dignity and rehabilitation rights violations, and arbitrary deprivation of liberty.

The preliminary assessment process, while ostensibly providing individualized consideration, lacks adequate procedural safeguards. Unlike a criminal trial, there is no requirement for legal representation during the preliminary assessment, no cross-examination of evidence, and no burden of proof standard. In *Master Bholu v. State of Haryana* (2020), the Supreme Court acknowledged that the preliminary assessment is conducted by the JJB and not by a court of law, limiting judicial scrutiny at this critical juncture. Article 21 encompasses the right to dignity and rehabilitation. By exposing 16-18 year-olds to adult criminal justice systems, Section 15 potentially violates their dignity rights and diminishes rehabilitation prospects, as adult correctional facilities are ill-equipped for juvenile reformation.

In *Hansraj v. State of Uttar Pradesh* (2025), the Supreme Court directed the release of a convict who was 12 years old at the time of committing murder in 1981, holding that he was entitled to the benefit of the Juvenile Justice Act retrospectively.¹³ The Court emphasized that Article 21 requires that juveniles not be detained beyond the maximum three-year period prescribed by law, highlighting the constitutional significance of protecting juvenile liberty rights. This decision reaffirms that the constitutional guarantee of life and liberty extends with particular force to children, whose developmental needs require specialized care and protection.

IV. JUDICIAL INTERPRETATION: RECENT LANDMARK PRONOUNCEMENTS

A. *Shilpa Mittal v. State of NCT of Delhi* (2020)

In this seminal judgment, the Supreme Court addressed the interpretation of "heinous offences" under Section 2(33) of the JJ Act, 2015. The case involved a juvenile accused of culpable homicide not amounting to murder under Section 304 IPC, which prescribes a maximum sentence of life imprisonment or up to ten years but does not specify a minimum sentence of

¹³ *Hansraj v. State of Uttar Pradesh*, 2025 SCC OnLine SC 2486 (India).

seven years. The Delhi High Court had held that since no minimum sentence was prescribed, the offence did not fall within the definition of “heinous offences” under Section 2(33).

The Supreme Court, in an appeal, invoked Article 142 of the Constitution to provide complete justice and held that offences with maximum sentences exceeding seven years but lacking minimum sentences of seven years or more constitute a fourth category—neither petty nor serious nor heinous. The Court directed that such offences be treated as “serious offences” to avoid a legislative vacuum. This judgment significantly narrowed Section 15’s applicability, as numerous offences previously assumed to be heinous—including certain categories of culpable homicide, kidnapping, and causing grievous hurt—no longer qualify for the preliminary assessment mechanism. The decision reflects judicial recognition that overbroadly applying adult trial provisions to juveniles contradicts constitutional values and the rehabilitative philosophy underlying juvenile justice.

B. Child in Conflict with Law (CCL) v. State of Karnataka (2024)

The Supreme Court in this case strengthened procedural protections for juveniles undergoing preliminary assessment. The Court held that the preliminary assessment under Section 15 must be conducted with strict adherence to statutory requirements and cannot be cursory or mechanical. Appeals against JJB orders on preliminary assessment must be filed within 30 days before the Children’s Court, which also has jurisdiction to condone delays upon sufficient cause being shown. The JJB’s assessment must consider comprehensive psychological and social investigation reports, not mere age-based assumptions about maturity.

This judgment emphasized that procedural safeguards are essential to ensure constitutional compliance, particularly in light of Article 21’s fairness requirements. The Court’s insistence on timelines and thorough assessment procedures addresses some of the arbitrariness concerns associated with Section 15’s implementation. However, the decision also revealed the challenges in ensuring uniformity of assessment across different JJBs, as the quality of psychological evaluation depends heavily on the availability of trained professionals, which varies significantly across jurisdictions.

C. Rahul Kumar Yadav v. State of Bihar (2024) and the Juvenility Plea

In a significant ruling reinforcing juvenile rights, the Supreme Court held that a plea of juvenility can be raised at any stage of proceedings, even after conviction and sentencing. The

Court allowed a juvenility claim eleven years after the accused was awarded the death penalty, emphasizing that the reformative philosophy of juvenile justice overrides procedural delays. This judgment, read with *Hansraj* (2025), demonstrates the Court's commitment to prioritizing substantive juvenile rights over procedural technicalities, reflecting the constitutional mandate under Articles 15(3) and 21 to protect children. The decision underscores that age determination at the time of offence is a jurisdictional fact that cannot be waived by procedural lapses or delayed assertions.

V. INTERNATIONAL STANDARDS: UNCRC COMPLIANCE AND COMPARATIVE ANALYSIS

A. UNCRC Framework and India's Obligations

India ratified the UNCRC on December 11, 1992, thereby assuming international legal obligations to protect children's rights. Article 40 of the UNCRC mandates that states recognize the right of children alleged to have infringed penal law to be treated in a manner consistent with promoting their dignity, facilitating reintegration, and assuming a constructive role in society. General Comment No. 10 (2007) of the UN Committee on the Rights of the Child provides authoritative interpretation, stating that trial of a child in an adult court should be avoided by all means.¹⁴

The UNCRC establishes four core principles: non-discrimination (Article 2), best interests of the child (Article 3), right to life, survival and development (Article 6), and respect for the views of the child (Article 12). Section 15 of the JJ Act, 2015 appears to contravene these principles by allowing transfer of 16-18 year-olds to adult courts, thereby subjecting certain children to differential treatment based on age and alleged offence, potentially undermining their best interests, developmental rights, and participation rights in determining their fate through a flawed preliminary assessment process.

B. Comparative Jurisprudence: Lessons from International Jurisdictions

In *Roper v. Simmons* (2005), the U.S. Supreme Court held that executing individuals for crimes committed as juveniles (under 18) violates the Eighth Amendment's prohibition on cruel and unusual punishment.¹⁵ The Court emphasized that juveniles' struggle to define their identity

¹⁴ U.N. Committee on the Rights of the Child, General Comment No. 10: Children's Rights in Juvenile Justice, ¶ 26, U.N. Doc. CRC/C/GC/10 (Apr. 25, 2007).

¹⁵ *Roper v. Simmons*, 543 U.S. 551 (2005).

means it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character. The Court noted that three general differences between juveniles under 18 and adults demonstrate that juvenile offenders cannot with reliability be classified among the worst offenders: lack of maturity and underdeveloped sense of responsibility, greater vulnerability to negative influences and outside pressures, and the fact that juvenile character is not as well formed as that of an adult.

While the United States permits trying juveniles as adults through transfer mechanisms in many states, there is growing recognition of the developmental differences between juveniles and adults. In *Miller v. Alabama* (2012), the U.S. Supreme Court held that mandatory life without parole for juveniles violates the Eighth Amendment, requiring individualized sentencing consideration. Most European countries maintain the age of criminal majority at 18 years without exception. The European Court of Human Rights has held that exposing children to adult criminal processes may violate Article 3 (prohibition of inhuman or degrading treatment) and Article 6 (right to fair trial) of the European Convention on Human Rights.

South Africa's Child Justice Act, 2008 prohibits trying children in adult courts and emphasizes diversion, restorative justice, and minimal imprisonment. The South African Constitutional Court has interpreted the constitutional right to dignity as requiring special protection for children in conflict with law, regardless of the offence's gravity. India's Section 15 mechanism diverges from these progressive international standards, raising questions about compliance with UNCRC obligations and the global consensus on treating children below 18 within specialized juvenile justice systems.

VI. CRITICAL ANALYSIS AND RECOMMENDATIONS FOR REFORM

A. Fundamental Flaws in the Preliminary Assessment Mechanism

The preliminary assessment under Section 15 suffers from several fundamental defects. First, the assessment criteria lack scientific standards—mental and physical capacity, understanding of consequences, and circumstances—are not defined with scientific precision. Psychological maturity varies significantly among individuals, and chronological age is an unreliable proxy for criminal culpability. Neuroscientific research demonstrates that brain development, particularly in areas governing impulse control, risk assessment, and future-oriented thinking,

continues well into the twenties, rendering any assumption that 16-18 year-olds possess adult-like decision-making capacity scientifically unfounded.

Second, most JJBs lack trained child psychologists and psychiatrists to conduct valid maturity assessments. The NCPCR guidelines provide templates but cannot substitute for professional clinical evaluation. Studies indicate that JJB members, often drawn from the bureaucracy without specialized training in child psychology or psychiatry, lack the expertise to make scientifically sound maturity determinations. Third, in cases attracting media attention or public outrage, JJBs may face pressure to transfer cases to adult courts, potentially compromising objective assessment and violating the principle that justice should be blind to public opinion.

B. The Myth of Deterrence and Institutional Inadequacies

The legislative intent behind Section 15 was partly premised on deterrence—that harsher punishment for 16-18 year-olds would discourage juvenile crime. However, empirical research consistently demonstrates that juveniles have limited capacity to assess long-term consequences of their actions, making deterrence ineffective. Adolescents are characterized by present-oriented thinking, susceptibility to peer influence, and underdeveloped capacity for rational cost-benefit analysis, all of which undermine the deterrent effect of severe punishment. Rehabilitation, not retribution, aligns with both constitutional values and evidence-based policy.

India's juvenile justice infrastructure suffers from chronic underfunding, overcrowding, and lack of trained personnel. Reports by the National Commission for Protection of Child Rights (NCPCR) have repeatedly highlighted issues of overcrowding, abuse, poor rehabilitation services, and staff shortages in juvenile homes. Transferring juveniles to adult correctional systems exacerbates these problems, as adult facilities lack rehabilitative programs essential for juvenile reformation. This undermines the constitutional mandate to provide children with opportunities for development and violates the principle that punishment should be proportionate and serve reformatory purposes.

C. Recommendations for Comprehensive Reform

To ensure constitutional compliance and UNCRC adherence while addressing legitimate public safety concerns, the following reforms are recommended:

1. **Repeal Section 15** — All children below 18 years should be dealt with exclusively by the juvenile justice system, consistent with UNCRC standards and constitutional protections under Articles 15(3) and 21.
2. **Extended detention for heinous offences** — For heinous offences, extend the maximum detention period in special homes from three to seven years, with mandatory periodic review, ensuring rehabilitation remains central while providing proportionate accountability.
3. **Mandatory psychological evaluation** — Require comprehensive psychological evaluation by qualified professionals for all serious and heinous offences, informing appropriate rehabilitative interventions rather than transfer decisions.
4. **Strengthen juvenile justice infrastructure** — Investment in specialized institutions with trained personnel, educational programs, vocational training, and mental health services to ensure effective rehabilitation.
5. **Restorative justice mechanisms** — Implement victim-offender mediation, community service, and family conferencing as alternatives to incarceration for eligible cases.
6. **Codify *Shilpa Mittal*** — The Supreme Court's interpretation should be codified through legislative amendment to provide clarity and prevent arbitrary application.
7. **Strict timelines** — Implement strict timelines for JJB proceedings to prevent prolonged pre-trial detention, which violates Article 21 rights.
8. **Independent oversight** — Establish independent oversight mechanisms to monitor juvenile justice institutions and ensure compliance with constitutional and international standards.

VII. CONCLUSION

Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 represents a legislative response to public outrage rather than evidence-based policymaking. While the provision attempts to balance public safety with juvenile protection, it creates constitutional tensions that remain unresolved. The provision potentially violates Article 14 by creating an arbitrary classification between children below 16 and those aged 16-18 years without sufficient scientific justification. It undermines Article 15(3)'s protective mandate by exposing vulnerable children to adult criminal justice processes. Most critically, it compromises Article

21 rights by lacking adequate procedural safeguards and exposing juveniles to conditions incompatible with human dignity and rehabilitation.

Recent judicial interventions, particularly *Shilpa Mittal* (2020) and *CCL v. Karnataka* (2024), have attempted to mitigate constitutional concerns through narrow interpretation and enhanced procedural requirements. However, these judicial fixes cannot fully remedy the fundamental structural flaws in the preliminary assessment mechanism. India's international obligations under the UNCRC mandate a specialized, rehabilitative juvenile justice system for all children below 18 years. Section 15's transfer provisions diverge from global best practices and contradict the principle that childhood is a special period deserving heightened protection.

The path forward requires legislative courage to prioritize evidence over emotion, rehabilitation over retribution, and constitutional values over populist demands. The State must recognize that protecting children's rights—even those accused of heinous crimes—is not sympathy for offenders but adherence to constitutional imperatives and international obligations. The developmental differences between juveniles and adults, scientifically established and internationally recognized, necessitate a specialized justice system that acknowledges children's reduced culpability and enhanced capacity for reform.

The true measure of a civilization lies in how it treats its most vulnerable members. Children in conflict with law, regardless of the gravity of their alleged offences, remain children—developing individuals whose potential for transformation and reintegration into society far exceeds that of adult offenders. Only through a juvenile justice system that places the best interests of the child at its center, grounded in constitutional values of equality, dignity, and fair procedure, and aligned with international human rights standards, can India fulfill its constitutional promise of justice for all. The repeal of Section 15 and the strengthening of a purely rehabilitative juvenile justice framework is not merely a legal reform—it is a constitutional imperative and a moral necessity.