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**IJLAR**

+91 70421 48991  
editor@ijlar.com  
www.ijlar.com

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## **Introduction**

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

## **Preface**

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

## **Description**

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

**LAW, LABELS AND LIVES: JURISDICTIONAL  
AMBIGUITIES UNDER THE JUVENILE JUSTICE ACT,  
2015 AND THEIR IMPACT ON REHABILITATION.**

AUTHORED BY - FARHAAN NADEEM

**ABSTRACT**

This paper looks into and analyses the unremitting battles of jurisdiction between the Juvenile Justice Board (JJB) and Child Welfare Committee (CWC) as stated in the Juvenile Justice (Care and Protection of Children) Act of 2015. It highlights the fact that such wars may transgress childcare. Even though the 2015 Act aimed to introduce the child-centric cooperation system, allocating specific forces, which JJBs are responsible for handling children in conflict with the law (CICL) and CWCs, protecting those who require care, this Act has faced a number of issues, including unclear directives on regulatory purposes, lack of early assessments, and uneven implementation across different states. Such shortcomings often lead to either wrong classification of children, lack of assistance, or wrong institutions hence hampering rehabilitation opportunities, possible options of reintegration and children being mistakenly labeled, thus being, in fact, innocent victims. In its research question, it is explored how the existing legal construct and application creates overlapping jurisdiction between the JJB and the CWC, thus rendering objection to the best-interest principle, which the Act is designed to establish. In this regard, the paper uses a qualitative approach analyzing provisions and case laws (e.g., Sections 2(9), 8(3) (g), 10, 27, 31), offers special attention to the relevant post-2015 case law, and incorporates the opinions of the government and non-governmental bodies. These will have three facets: (1) to identify and discuss the loopholes and gaps in the statutory scheme that trigger misclassification; (2) to assess the effectiveness of judicial interventions in correcting jurisdictional errors; and (3) to suggest practical guidelines (e.g., improved statutes, a uniform initial examination procedure of children, instituting formal conflict resolution mechanisms, and intensive implementation with District Child Protection Units (DCPUs) and targeted training, to adhere to the principle of best-interest in practice).

The paper finds that there is a need to remediate with statutory elucidation as well as administrative reformation. It also suggests a closer welfare-judicial approach that is supplemented by both capacity building at the grassroot level hence, having the future of a child based not on the demarcation of jurisdictions or procedure peculiarities.

**KEY WORDS:** Juvenile, Juvenile Justice Board, Child Welfare Committee, District Child Protection Units.

## 1. INTRODUCTION

### 1.1 HISTORICAL BACKGROUND

Ideation of juvenile justice in India has possibly been on a slow path over a time during which it has come to be recognised through gradual acknowledgment that child due to their age offer and exposure cannot be handled in a similar fashion as adults in the criminal justice system. Childhood is a step, which the belief in an independent legal system of children is based on and needs protection, direction, and counsel, but not disciplinary measures. The initial structure could be established to the provisions of the Apprentices Act, 1850<sup>1</sup> that provided provision of rudimentary laws on child offenders. It was then followed by another act called Reformatory Schools Act, 1897<sup>2</sup>, that aimed at removing juvenile offenders in the prisons and putting them in the correctional facilities. But these colonial era laws were narrow and did not have the philosophy of child.

Since the period after Independence, the combined issues of juvenile justice in India have been informed by both the provisions of the Indian Constitution and world treaties. Directive Principles of the State Policy, especially Article 39(e) and (f), obliged the State not to abuse the children and to the guarantee the preservation of their development<sup>3</sup>. Groundbreaking event was the ratification of the United Nations Convention on the Rights of the Child (UNCRC), 1989<sup>4</sup> that binds India to expound its domestic legislations with that of the global standards. It gives priority to the best

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<sup>1</sup> *The Apprentices Act, 1850*, a. 136, 13 & 14 Vict. c. 77 (India), archived at AsianLII: <https://www.asianlii.org/mm/legis/code/aa1850136.pdf>

<sup>2</sup> *Reformatory Schools Act, 1897*, No. XXX (India), 60 & 61 Vict. c. 41, archived at Indian legal archives.

<sup>3</sup> INDIA CONST. art. 39, cl. (e)–(f).

<sup>4</sup> M. Sharma, *Agents or Victims?: Exploring the Everyday Lives of Pavement and Slum Dwelling Children in Kolkata, India* (2013)

interest of the child, non-discrimination, and the right to participation<sup>5</sup>. It resulted in the first substantial national legislation on the topic, the Juvenile Justice Act of 1986 which was later re-launched as the Juvenile Justice (Care and Protection of Children) Act, 2000<sup>6</sup> to put more principles of the UNCRC into practise.

The necessity to have reform emerged once again following the 2012 Delhi gang rape case, in which a case involving a teenager together with a teenager raised serious debate, and as such, the effectiveness of the current law in times of such instances. Factors such as accountability, deterrence, and rehabilitation were brought into tension in the public dialogue and the estimation JJ (Care and Protection of Children) Act, 2015 was drafted. This is the present statute of governance and a paradigm shift that is provided in this Act. It divides the children into two broad groups; children in conflict with law (CICL) and children in need of care and protection (CNCP) to establish two distinct boards (Juvenile Justice Board (JJB), and Child Welfare Committee (CWC)) to meet their respective requirements.

## 1.2 Significance of Child Rights and the “Best Interest of the Child” Principle

In India, child rights have been transformed into legal rights rather than welfare rights. It is based on the Constitution of India in which Article 15(3) allows special treatment of children<sup>7</sup>, Articles 39(e) and (f), 45 and 47 instruct the State to assist the children in avoiding abuse and neglect, and Article 21<sup>8</sup> judicially expanded and included the dignity, education and whole person development.

This right model is based on the principle of the best interest of the child. As established in Section 2(9) of the Juvenile Justice (Care and Protection of Children) Act, 2015, it must be determined that the decisions are such that they meet child rights, identity, and general well-being<sup>9</sup>. This definition shows that India is bound by the UN Convention on the Rights of the Child (UNCRC), 1989,

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<sup>5</sup> UNICEF UK, *UN Convention on the Rights of the Child*, UNICEF, <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

<sup>6</sup> *Juvenile Justice (Care and Protection of Children) Act, 2000*, No. 56 of 2000, § 2, INDIA CODE (2000).

<sup>7</sup> INDIA CONST. art. 15, cl. (3).

<sup>8</sup> INDIA CONST. art. 21.

<sup>9</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, No. 2 of 2016, § 2(9), INDIA CODE (2016).

especially Article 3, which stipulates that best interests of the child are given the first thought in every state activity<sup>10</sup>.

In practice, the use of this principle has led to children in conflict with law (CICL) being diverted and reformed and those children in need of care and protection (CNCP) being placed first on family restoration, foster care or adoption, before institutions are resorted to. Both the Juvenile Justice Board (JJB) and the Child Welfare Committee (CWC) must make decisions framed within this concept in the Act so that the vulnerable children are not categorised as such, and are not denied the protection they require.

The principle of best interest therefore serves as a binding fibre in the dichotomous nature of the 2015 Act. It will require the authorities to think outside of strict classifications of CICL and CNCP but rather consider what end result will establish the child with dignity, development as well as re-integration. Thereby, it will amend the JJ Act, 2015, to a child charter of rights and not a procedure law.

### **1.3 Rationale for Focusing on Jurisdictional Conflict between JJB and CWC**

The Juvenile Justice (Care and Protection of Children) Act, 2015<sup>11</sup> establishes two institutions: the Juvenile Justice Board (JJB) to cater to the conflict with law (CICL) and the Child Welfare Committee (CWC) to take care of and protect children in need of care and protection (CNCP). Although this dual framework is constructed to meet the variety of needs of children, in actual sense it usually leads to clash of jurisdiction and overlapping.

The biggest issue that is most likely to occur is due to the dual identity of children. A child that is trafficked and abused would under duress commit petty crimes. Is a child like this supposed to be a criminal in front of the JJB or just a victim needing to be guarded, in front of the CWC? This dilemma is anticipated by the Act by permitting such cases to be transferred to one of the two forums however it does not provide the standard operating procedures nor strict guidelines for

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<sup>10</sup> Convention on the Rights of the Child art. 3, Nov. 20, 1989, 1577 U.N.T.S. 3.

<sup>11</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, No. 2 of 2016, INDIA CODE (2016).

transferring the cases. This provides greatly discretion to frontline actors, such as police or probation officers or even the JJB in itself, making it inconsistent even between states and across districts.

These coincidences are grave. Though, misplacement may subject children, placed in unrespectable home like offenders in CNCP children who are observed to stigmatisation and cause them harm. The issue of jurisdiction also causes cases to remain in inquiry and rehabilitation longer than needed in light of the stipulation in the Act that mandates child-friendly and quick procedures. Most importantly, it dilutes the principle of the best interest, which makes it a binding standard to an ideal.

The reason why this study is necessary is to analyse these conflicts within the law as problems of failure by the administration but rather as gaps in the structure of the law. The study aims at bringing to the fore the pressing need of articulate statutory direction, tighter referral processes, and standardization of application in each state level of practice through the emphasis of the collision of the jurisdiction of JJB and CWC. To make sure that 2015 Act is doing just as it promised to make the justice system child-oriented, it is necessary to address the conflicts.

#### **1.4 Research Problem**

The identified research issue stems from the absence of clarity with references to the way in which the Juvenile Justice (Care and Protection of Children) Act, 2015 will allocate the jurisdiction between Juvenile Justice Board (JJB) and the Child Welfare Committee (CWC). Although both the JJB and CWC refer to entirely different groups of children (children in conflict with law (CICL) and children in need of care and protection (CNCP), in reality, the definitions often clash. A given child can fit into both worlds like a trafficked minor who is forced to commit robbery or a runaway child who is suspected to have committed a minor crime but on the other hand needs to be defended. Lack of legal mechanisms of early screening, standardized referral process, or inter-JJBs CWCs conflicts frequently places children in between the two forums, which hinders their access to justice and rehabilitation.

### 1.5 Research questions:

- How does the statutory design of the JJ Act, 2015, create overlaps and ambiguities in the jurisdiction of JJBs and CWCs?
- In what ways do these jurisdictional conflicts undermine the effective application of the **best interest of the child** principle?
- What role has the judiciary played since 2015 in interpreting or correcting these conflicts?
- What reforms or mechanisms could harmonize the roles of JJBs and CWCs to ensure timely and child-friendly justice?

### 1.6 Objectives

The research objectives are three-fold. First, to critically review the statutory framework of the 2015 Act and find the areas of overlap and ambiguity of the jurisdiction of JJB and CWC. Second, to examine judicial practise and the law of cases after 2015 in order to know how these conflicts have or have not been resolved by the courts. Third, to see what such conflicts may do to the principle of the best interest and to offer some reforms, such as to establish better statutory guidance, more effective referral measures, and more consistent state-level practises. These objectives will help a research eventually serve the field of academic study and the policy debate around proper and more unified juvenile justice system in India.

### 1.7 Methodology

This paper is strictly doctrinal-qualitative because its subject-of-study pertains to the interaction between statutory texts, judicial precedents, and academic commentary to bring about a conflict of jurisdiction between the Juvenile Justice Board (JJB) and the Child Welfare Committee (CWC) and occasionally leaves the conflict unsolved. It is dogmatic in its capability to use legislation and judicial reasoning as well as case law, and achieves this by using thematic analysis of judicial reasoning and arguments put forward by academics. The primary documents that are discussed are Juvenile Justice (Care and Protection of Children) Act, 2015, and its rules and guidelines, constitutional articles: 14, 21, and 39, and the set of judicial decisions adopted by the Supreme courts and High Courts. In addition to this, examples of peer-reviewed journal articles, book chapters, NGO reports, and policy documents make the secondary analysis foundation.

Case law was established by using intellectual searches in databases used to access law like SCC Online, Manupatra, and using some keywords like Juvenile Justice Board, Child Welfare Committee, child in conflict with law and child in need of care and protection. Judgments that dealt only with the issues of the jurisdiction overlap or directly dealt with placing children were only considered. Correspondingly, academic databases and institutional repositories included HeinOnline, JSTOR, SSRN, and UNICEF / NCPCR websites were used to search the appropriate articles and reports with the new guidance being priority on articles and reports published within the past decade and concerned with implementation of the JJ Act, misclassification or the best interest principle. The study focuses on depth, rather than volume, and pays close attention to around 10 serious judgements and literature/scholarly or policy documents.

Based on every judgement, facts, issues, provision vacuued, judgments, and implications on children were noted down. The point made in each article/report about the claims made, supporting evidence and recommendations were identified. The coded materials were themed in terms of misclassification, institutional coordination, procedural lateness, ambiguous statutory definition and the application of the principle of best interest of the child.

This was analysed by interpretation by attempting to discern doctrine in statutes and rulings, plotting deviant judicial strategies, integrating threads across secondary sources, and critically reviewing them with reference to the child rights theory. Crossover triangulation of statutes and cases, and cross-referencing findings with literature enhanced credibility of the results, without swept incongruities of the source underlining these differences. Concessions were realised especially the use of secondary sources without the primary fieldwork or interviews but was somewhat removed by conducting massive use of empirical reports and government data.

Veracity issues were kept to a minimum because the study relies on the legal provisions available to the general public and published research, where absolute care was maintained towards the confidentiality of any received data about vulnerable children. Academic referencing style was used fully and the appendix of the search strategies, sources and summary of case ensures transparency and reproducibility.

## 2. STATUTORY FRAMEWORK

### 2.1 Composition, powers, and functions of the JJB

Section 4 of the Juvenile Justice Act, 2015 provides the constitution of a Juvenile Justice Board (JJB) at every district in India<sup>12</sup>. The Board is seen as a forum of experts who is specialised in that he amalgamates both the judicial and the social aspects so that children found in conflict with law are handled rehabilitatively and in a way that is child friendly. Every Board comprises of one Metropolitan Magistrate or a Judicial Magistrate of the First Class with designation as Principal Magistrate and two social workers of which one should be a woman. The social workers must possess at least seven years of experience in health, education, child development, or welfare activities or the social worker has to be trained professionals in areas like child psychology, psychiatry, sociology, or law. This piece can be seen to communicate the philosophy of the Act that juvenile justice cannot be brought to a purely legal procedure, but must take into consideration a social and developmental approach that would more precisely address a special vulnerability of children.

Section 5 makes it clear how the status of persons not always considered children at the time of inquiry would be placed<sup>13</sup>. Where such was being tried before a JJB, discovers in the process that the case is since it is adjudicated by the appropriate court. Simultaneously, the Act still retains the protection structure in which, should the individual have been a child when the offence was committed, the JJB will still have jurisdiction masters to which he or she might have since passed the age of eighteen. This is to ensure that the capacity to be legally classified as a child depends on the age at the offence at which point he was to be charged, and thus a child would not be subjected to the ordeals of a normal criminal court due to run-around.

Section 6 provides the powers of the JJB<sup>14</sup>. All procedures involving children who break a law is the prerogative of the Board. It possesses the powers of a Metropolitan Magistrate, or Judicial magistrate of the first class under the code of criminal procedure, 1973, although the jurisdiction of it is seen to suit the special requirements of a young generation. Its operations include the

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<sup>12</sup> § 4, Juvenile Justice (Care & Protection of Children) Act, No. 2 of 2016.

<sup>13</sup> § 5, Juvenile Justice (Care & Protection of Children) Act, No. 2 of 2016.

<sup>14</sup> § 6, Juvenile Justice (Care & Protection of Children) Act, No. 2 of 2016.

investigation of suspected crimes by children, issue of relevant orders and the delivery of the legal assistive facility and rehabilitation services of all children. Such a clause serves only to clarify that any other court or magistrate cannot preside over the affairs of CICL and hence the Board of Directors has monopoly authority.

Section 7 touches a procedure as far as Board functioning is concerned. The implication of this application is that a fight involving juveniles needs to be heard consistently in at least twenty days per month, which is where the notion of accessibility and continuity comes in<sup>15</sup>. Every questioned and heard procedure has to be child friendly so that the child is involved in all the activities and at ease during such a time. The two social workers can sit together where the Principal Magistrate is absent but no final decisions can be arrived at in his absence. This procedural protocol brings out the fact that the Act, on the other hand values informality, speed and sensitivity and therefore JJB proceedings is not conducted in the adversarial and, in some circumstances, even intimidating atmosphere of adult criminal courts.

Section 8 is in the form of the most detailed provision that contains the explanation of powers, functions, and responsibilities of the JJB<sup>16</sup>. The role of the Board is to hold inquiries into the affairs, which are related to CICL as per the Act and the Code of Criminal Procedure. It should make it available to all children and it should be given the authority so that the probation officers or the Child Welfare Officers can help make free legal aid and be given the mandate to make social investigation reports on which it will base its judgement. Children also need to be taken care of, provided with protection, and rehabilitate which must be attracting to the Board. Notably, the Act gives the JJB the option of handling cases by offering them the alternative of diversion measures which can include counselling, serving community services, probation, and child-care institutions, thus eliminating the institutionalisation that needs unnecessary. Opening the report further allows the Board to have cases referrals to the Child Welfare Committee where on inquiry it is actually found that the case involves a child in need, as opposed to being at odds with law. When dealing with criminal offences involving heinous crimes committed by children between the age of sixteen

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<sup>15</sup> § 7, Juvenile Justice (Care & Protection of Children) Act, No. 2 of 2016.

<sup>16</sup> § 8, Juvenile Justice (Care & Protection of Children) Act, No. 2 of 2016.

to eighteen, the Board is called upon to immediately evaluate the abilities of such children to cause heinous crimes with the result being whether the case would proceed to a Children Court to stand trial as an adult. Section 8 also establishes that queries must be filled in within four months of initial production of the child and outlines the Board to regularly inspect the child-care institutions in order to protect the rights and any standard of care.

Section 9 is concerned with the procedure that is supposed to be followed by other magistrates who are not empowered by the Act<sup>17</sup>. It stipulates that when any magistrate who is not sitting in a JJB comes across a case involving a child, he/she is obligated to make the instantaneous forwarding of the child to the nearest JJB. These magistrates are not to carry out the inquiry itself, thus children no longer have to undergo an ordinary criminal court. This protection strengthens the proprietary nature of JJBs and ensures the efficiency of a child friendly system of justice made under the Act.

Instead, Section 27 of the Act allows forming one or more Child Welfare Committees (CWCs), one of them in each district, to make sure that the issues regarding children that need care and protection (CNCP) are resolved by a professional institution<sup>18</sup>. The number of members is four with a Chairperson and a woman who can be an expert in matters concerning children to ensure that one of the members is also an expert in such issues. Membership qualifications postulate that the members must be persons of integrity, standing and experience in areas like education, child health, juvenile justice or child protection, and must have a commitment issue to the welfare of children. The State Government appoints its members to serve a term of three years and has a re-appointment option. There are also reasons of disqualification segregated in the statute, which includes conviction on moral turpitude, government loss of job, or child rights abuse. CWC is designed to be an organisation with legal capabilities as well as social interpretation of the vulnerability of children, which makes it stand out among ordinary judicial platforms.

Section 28 provides the authorities of the Committee<sup>19</sup>. The CWC is endowed with power to dismiss the cases involving the CNCP as well as to issue adequate orders touching on the care,

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<sup>17</sup> § 9, Juvenile Justice (Care & Protection of Children) Act, No. 2 of 2016.

<sup>18</sup> § 27, Juvenile Justice (Care & Protection of Children) Act, No. 2 of 2016.

<sup>19</sup> § 28, Juvenile Justice (Care & Protection of Children) Act, No. 2 of 2016.

protection, rehabilitation, and restoration of the cases. This comes through a declaration to adopt a child legally free, placing a child in foster care, sponsorship recommendation, or institutionalisation based where absolutely needed in a child-care home. CWC is also in a position to order social investigation reports prepared by probation officers, Child Welfare Officers, or called, NGO's to see the picture of the child in order to pass the orders. It also can acquire suomotu cognizance of any child whom it comes across in any manner whether it is the police, childline services, or the public servants, or even by non-governmental organisations, or even by individuals citizens. These wide powers of CWCs implies that the Act acknowledges that the vulnerable children in their situation usually approach the system informally and thus need to have an authority that is flexible yet commanding at the same time remains in a position to react within the shortest time possible.

Section 29 is concerned with the method used by the Committee<sup>20</sup>. The Act names that the CWC has to work at least twenty days during a month that it has frequent presence of access to the big cases presented before it. Matters should be proceeded in a child friendly way the same way as the JJB, and the Committee with normal three in number should issue an order, which, however, in matters involving exigency, the order may be made by a lesser number to be ratified afterwards. It is an efficient framework combined with accountability. Furthermore, the Act token stipulates that cases before the CWC should be adjourned within four months, which are similar to JJB inquisitions. The Committee must also provide powerful documentation of children born before it, passed orders and follow-up measure in order to provide measures of transparency and continuity in the rehabilitation of the child.

Lastly, Section 30 provides the roles and duties that the CWC is in detailed terms. The Committee also performs various supervisory and oversight functions in addition to the responsibility of adjudicating the individual cases<sup>21</sup>. It shall receive and respond to information that they have of any child requiring care and protection, carry out inquiries and provide adequate rehabilitation by adopting or placing him/her in foster care, sponsorship or restoring back to the family where safe

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<sup>20</sup> § 29, Juvenile Justice (Care & Protection of Children) Act, No. 2 of 2016.

<sup>21</sup> § 30, Juvenile Justice (Care & Protection of Children) Act, No. 2 of 2016.

and in order. The CWC is also mandated to visit the child-care institutions and assess the services at those institutions and may suggest any improvements to the District Child Protection Unit or the State Government. Notably, it has the roles of determining legally that children are free to adopt, which is at the centre of the adoption procedure. Another responsibility of the Committee should be to meet with police, NGOs, and other interest groups to see to it that children who have been freed under trafficking, labour, abuse, or desolation get safe hands at the earliest and participate in some kind of protective structures.

## **2.2 Statutory Overlaps and Ambiguities under the Juvenile Justice Act, 2015**

Though Juvenile Justice Act (2015) establishes the Juvenile Justice Board (JJB) to handle children in conflict with law and the Child Welfare Committee (CWC) to handle children in need of care and protection, in practise their activities tend to overlap. This has gone by to cause confusion in how a child should be handled in specific occasions even though this is supposed to be flexible.

The greatest setback is the inevitable children cannot always be appropriately branded. Two pictures of a child stealing can be related to a child victimised by trafficking or abuse. Although this Act permits the JJB to refer such cases to the CWC and the reverse, it does not provide any obvious mandate on how and when this should occur. This is up to the police or probation officers, or actually the boards themselves thus resulting in the unequal practises between districts. It is also confused at the initial level of determining where the child should be produced. According to the law, the CICL should precede the JJB, within the time period of 24 hours and the CNCP, before the CWC, in the course of time. However, on the ground, the issue is that police and social workers never cope with the ability to make this dichotomy. This has led to a short-term disadvantage of children being transferred between forums, thus losing a lot of time that could have been spent taking care and protection.

Another grey aspect is on institutional placement. Children can be sent home by both JJBs and CWCs and their misclassification will lead to acceptance of vulnerable children with offenders where they are exposed to harm and stigma. Worse still, there is nothing stated in the law that should occur when JJBs and CWCs dispute over jurisdiction and children remain on limbo until other authorities overturn their cases.

The issue is further aggravated by differences in states. Although the Act may offer a universal category of implementation, the implementation of the Act varies. In other states such as Maharashtra, Kerala, and Delhi, there are several CWC, trained members, and operating child welfare police. Some have a lack of members, frequent sittings, poor training or poorly funded District Child Protection Units. There is also a difference in the quality and supply of the child-care institutions: in more powerful states, the facilities are inspected frequently, and in the weaker ones, they are overcrowded or dirty.

This haphazard method implies the experience of a child with the justice system determines strongly on the place where he or she lives. And in one state, the children are promptly evaluated and secured; in the other, there is a lengthy delay, unsuitable placements, or refusal to adjudicate the cases in time. In the end what these discrepancies later infringe upon is the considerationism of the best interest of the child principle, and the constitutional right to equality as enshrined in Article 14, such that child rights have since been given after geography and not justice.

### **2.3 Analysis Of The “Best Interest” Principle**

The Juvenile Justice (Care and Protection of Children) Act, 2015, is made to follow the avenue of best interest of the child. It is spelt out under Section 2(9), and it focuses on the fact that all decisions made regarding a child should ensure that the rights of the child are observed, decisions provided to address his/her developmental requirements, as well as to enable him/her to identify and grow as a whole being. This concept is based on India supposed adherence to the United Nations Convention on the Rights of the Child (UNCRC, 1989), which makes children not on welfare, but on rights holders whose rights need to be furthered in all legal affirmations.<sup>22</sup>

This principle has two areas in the Act. The Juvenile Justice Board (JJB) should promote the rehabilitation of the child<sup>23</sup> whereby, in this case children in conflict with law (CICL) are supposed to be treated rehabilitative rather than punitive. The procedures are to be friendly to children, lack intimidation, and fast-paced so that the children will not be subjected to these long tedious trials

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<sup>22</sup> Convention on the Rights of the Child art. 3, Nov. 20, 1989, 1577 U.N.T.S. 3.

<sup>23</sup> Juvenile Justice (Care & Protection of Children) Act, No. 2 of 2016, §§ 4–9, India Code (2016).

and subjected to more mature criminal procedures. During counselling, community service and probation will be some of the measures implemented to bring children back into the society and not deep into criminality. In severe offences, the law still demands that the child maturity or mental compartmental factors and situations have to serve as the guiding factor, an aspect that underscores the notion that all children can re-form.<sup>24</sup>

In the case of children, in need of care and protection (CNCP), it is the responsibility of the Child Welfare Committee (CWC) to ensure the safety and stability as well as long term well being<sup>25</sup>. Restoration to family should be preferred as long as it is possible as the general view of the family care is considered the best interest of the child. Where it is not possible, foster care, adoption, or sponsorship are the options of last resort like institutionalisation. The key focus of this is providing supportive conditions where the child is secure in his or her dignity, identity and possibilities of a happy future.

Procedural safeguards are also developed around the principle. Both JJBs and CWCs must carry out inquiries with respect to the voice of children, limited trauma, and any possible access to legal assistance and counselling. When this is inevitable, the care should either be institutional and contained in a child coming-specific facility, and that they be monitored on regularly to ensure their rights are not violated.

Meanwhile, difficulties continue when it comes to putting this principle of life into meaning. The lack of clarity in the Act, encompassing the referrals between JJBs and CWCs, may cause misclassification or delay and infringe a child million of his/her best interests. When combined with the different level of resources and institutional practises of the state, this implies that the standard is not equally applied all over India resulting in inequality in children experiences of justice and care.

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<sup>24</sup> Ministry of Women & Child Development, Gov't of India, *National Policy for Children, 2013* (India).

<sup>25</sup> Juvenile Justice (Care & Protection of Children) Act, No. 2 of 2016, §§ 27–30, India Code (2016).

Altogether, the best interest principle puts the JJ Act, 2015 into the category of child-centred legal frameworks. It demands that all the decisions, even those of JJBs, CWCs, police and administrators have to be gauged by one yardstick, whether it contributes to the rights and holistic growth of the child. Although problems of implementation may still remain, the lawfulization of this convenance makes it possible such that child welfare is not a perfunctory, but, in fact, the core of the juvenile justice model in India.

### 3. JUDICIAL APPROACH AND CASE LAW ANALYSIS

#### *In Re Exploitation of Children in Orphanages in State of Tamil Nadu v. Union of India, (2017)*<sup>26</sup>

This was a suo motu case taken up by the Supreme Court after reports of abuse and exploitation in children's homes. The Court highlighted the failure of authorities to correctly classify and protect children under the Juvenile Justice Act. It directed stricter monitoring of CWCs and JJBs and emphasized that children should not be placed in institutions arbitrarily or without due process.

#### *X v. State of Maharashtra, 2022*<sup>27</sup>

A 15-year-old boy arrested for pickpocketing near a railway station was classified as a CICL and presented before the JJB. Upon intervention, it was revealed that he was a runaway, trafficked, and substance-addicted minor coerced into crime. The Court directed his case be transferred to the CWC for rehabilitation.

Therefore, misclassification of such children and unresolved jurisdictional conflicts between JJB and CWC violate the principle of best interest and necessitate legal reform to establish clear jurisdictional protocols.

#### *Child in Conflict with Law v. State of Madhya Pradesh (2025)*<sup>28</sup>

The case was invoked as an appeal under Section 102 of the Juvenile Justice Act, 2015 against the denial of an appeal on bond by the Juvenile Justice Board (JJB). Even though the major problem was the bail, the High Court showed a greater problem involved the children held up in long-term

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<sup>26</sup> *In Re Exploitation of Children in Orphanages in State of T.N. v. Union of India, (2017) 7 S.C.C. 578 (India)*

<sup>27</sup> *X v. State of Maharashtra & Anr., (2022) 2 AIR Bom R 572 (Bom. H.C.)*

<sup>28</sup> *Children in Conflict with Law v. The State of Madhya Pradesh, CRR 3109/2025, MPHC (Jabalpur Bench, Sept. 12, 2025).*

observation homes, suffer as a direct result of having to wait. The Court observed that JJBs need to adopt actually child-friendly practices, bearing in mind that even the decision to keep a child in prolonged captivity may lead to the erosion of the distinction between punitive custody and protective care, which is where JJBs can occasionally overlap with the role of the Child Welfare Committee (CWC).

***Digvijay Singh & Ors. v. State of Madhya Pradesh (2023 MP HC)*<sup>29</sup>.**

This was quite a vivid case in which the CWC had instructed the children within an allegedly illegal hostel to be detained due to the refusal of the provisions of the JJ Acts. The High Court was summoned into the situation and it declared such children were neither CICL nor CNCP and, as a result, CWC had overstepped its mandate. This decision revealed that imprecise statutory definitions could be abused by exercising judicial overkill and deprive individuals of liberty that was not warranted. The case illustrates how the possibility of overstepping territory can arise due to inaccurate application of definitions.

***Juvenile (Minor) v. State of Madhya Pradesh (2024)*<sup>30</sup>**

The effect of this revision petition was to introduce procedural fairness issues in JJB proceedings. The High Court emphasized that JJBs should not overstep and encroach on the welfare duties of CWCs. As seen in the case, adjudication and protection are thin-line boundaries that JJBs sometimes cross when making such decisions on children welfare outside their statutory remit.

***CICL v. State of Odisha (2024)*<sup>31</sup>**

It was determined by Odisha High Court that an act by JJB to deny bail to a juvenile was correct since it would not serve the interest of the child. Even though the order favored the JJB, the decision showed that the issue of welfare-motivated considerations (traditionally relating to CWCs) is how adjudicatory courts often operate. The Court had questioned the treatment of CICL pending the proceedings. It clarified that JJBs have to make sure that the terms of custody and

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<sup>29</sup> *Digvijay Singh & Ors. v. State of Madhya Pradesh*, Writ Petition No. 23718/2023 (M.P. High Ct. Sept. 22, 2023)

<sup>30</sup> *Juvenile (Minor) v. State of Madhya Pradesh*, CRR No. 1416/2024 (M.P. High Ct., 2024)

<sup>31</sup> *CICL v. State of Odisha*, CRLREV No. 554/2024 (Orissa High Ct. Nov. 25, 2024)

process are not against best interests of the child. This once again illustrates a common overlap between adjudication (a JJB function) and protection (a CWC concern).

### **Rajni v. State of Uttar Pradesh (2025)<sup>32</sup>**

A court case that the Supreme Court had to decide pertained to the date of birth of a juvenile accused. Section 18(3) provides that the JJB had already directed the case to the Children Court, however questions were raised as to whether the JJB can again reclaim its decision. Once subjected to the scrutiny of the statutory framework classification and transfer, the Court explained that once these are delivered, the statutes could not be unravelled at will. The case observed in this ruling brought to light the role of procedural clarity in the determination of whether the JJB had prior knowledge of the jurisdiction issue with the court panel or someone in a different court room.

### **Sampurna Behura v. Union of India (2018, Supreme Court)<sup>33</sup>**

The high profile case was not direct JJB -CWC confrontation but because of it, defensive cracks were revealed in the child protection institutions. The Supreme Court believed that administrative lapses would tend to place the children in the wrong facilities, thus contravening their best interests. The Court stipulated structural changes and emphasized that misplacement and delays are caused by the lack of jurisdiction in the area between JJBs and CWCs.

### **Court on Its Own Motion v. State (NCT of Delhi) (2024)<sup>34</sup>**

This case began when even the Delhi High Court on its part found that rescued children such as begging, working against the law and sold children usually found themselves in the procession to an improper court. As opposed to being Children in need of care and protection (CNCP) and taken to the Child Welfare Committee (CWC), the two were confused with the question and brought before the Juvenile Justice Board (JJB) thinking they were offenders. It was very clear to the Court according to which rescued children cannot be considered as criminals only because the child was present in the illegal or dangerous circumstances. Their needs must be shielded, counseled and secure accommodations offered to them not castigated. The High Court emphasized that police

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<sup>32</sup> *Rajni v. State of Uttar Pradesh*, Criminal Appeal No. 603/2025, Supreme Court of India, May 20, 2025.

<sup>33</sup> *Sampurna Behura v. Union of India*, (2018) 4 S.C.C. 433 (Supreme Court of India Feb. 9, 2018)

<sup>34</sup> *Court on Its Own Motion v. State (NCT of Delhi)*, W.P. (Crl.) No. \_\_\_\_ of 2024 (Del. HC, Apr. 10, 2024)

officers as well as welfare workers should adequately examine the case of the child and then make a decision concerning the production location.

### **Bachpan Bachao Andolan v. Union of India (pending PIL)<sup>35</sup>**

It is a child right case that is highly significant in India. It started with a petition by an NGO named Bachpan Bachao Andolan which works against child labour and trafficking. The group indicated that children were usually mishandled after the rescue operations; in other cases, children who had gone back to school were not treated as victims, others were unnecessarily retained in unsafe institutions and most of them did not get the rehabilitation assistance they deserved. These issues were recognized by the Delhi High Court and further those in the Supreme Court. They emphasized that all the rescued children would have to be channeled to the CWC to protect and rehabilitate them and not to be involved in the punitive system unless the offence has been evident. The judges further requested standardized measures of dealing with rescued children so that one on the ground does not make unfounded and detrimental judgments.

## **4. IMPACT ON THE “BEST INTEREST OF THE CHILD” PRINCIPLE**

### **4.1 Misclassification of Children**

One of the main challenges in achieving the goals of Juvenile Justice (Care and Protection of Children) Act, 2015 is the misclassification of children. Although the Act sees a distinct separation, where the Juvenile Justice Board (JJB) takes the place of children in conflict with law (CICL), and the Children Welfare Committee (CWC) takes the place of children in need of care and protection (CNCP), the reality is that most children occupy the two categories simultaneously. An example would be child punting, forced into looking or robbing together, which before the JJB is presented to the court as a guilty party, is in reality a victim, who should first receive protection. Likewise the runaways carrying out petty offences could be categorised as CICL in case their vulnerability would put them under the prevention bounty of the CWC.

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<sup>35</sup> *Bachpan Bachao Andolan v. Union of India*, (2011) 5 S.C.C. 1 (India)

This labelling in large part is due to poor screening procedures, the way discretion has been granted to front line actors like, police or probation officers where they in many incidents lack specialised training on child rights. The National Commission Protection of Child Rights (NCPCR) has on numerous occasions raised eyebrows on this issue, saying that a lot of children end up in wrong observation homes as opposed to children homes this subjects the children to stigma and secondarily victimise. The reports issued by the NGOs also point towards the fact that the children improperly charged with being the perpetrators have to wait before enrolling in counselling programmes, ascertainment of their families, or rehabilitation plans and, in such a way, infringe on the best interest of the child principle stated in Section 3(iv) of the Act. Misclassification, as a matter of fact, does both corrupt statutory categories and continue the very harm that they are supposed to be protecting against.

#### **4.2 Slow Processes of Case Referral and Decision-Making.**

The delay in the referral and decision making process in the first contact with the system by the children is also seen as another critical issue that hampers the successful delivery of the Juvenile Justice (Care and Protection of Children) Act, 2015. Section 10 of the Act identifies that the juvenile subject to allegations of defaulting law must be produced before the Juvenile Justice Board (JJB) within the 24 hours and a child requiring immediate care and protection must be handed over to the Child Welfare Committee (CWC) within the 24 hours of the act. But practically the front line workers like police officers, child welfare police units or social workers are in most cases unable to decide whether a child belongs to the category of CICL or CNCP.

The production of the children is rolled out in front of the wrong forum and then that is transferred back and forth between JJB and the CWC. The fact that there is no standard screening protocol or a referral checklist makes the problem worse, as decisions are left to individual options. The NGO reports, as well as the National Commission of Protection of Child Rights (NCPCR), report that this forms not only a prolongation of children staying in institutions but also the delay in delivery of those children, which are necessary, such as counselling, medical assistance, or reunification with their families<sup>36</sup>. Such procedural lags directly undermine the best interest principle of Section 3(iv) because acts of timely action are valuable to matters of protection as well as rehabilitation.<sup>37</sup>

### 4.3 Consequences of Rehabilitation and Reintegration

The misclassification of children and providers delays in the Juvenile Justice Board (JJB) and the Child Welfare Committee (CWC) have dire consequences to the concept of rehabilitation and reintegration even though they are the main objectives established in the Juvenile Justice (Care and Protection of Children) Act, 2015. In particular recognition of the principles of the Act, rehabilitation and social reintegration are outlined as the driving elements (Sections 39 and 40) wherein all children were supposed to be granted with access to education, a professional path, counselling, and family support.

Nevertheless, loosening access to these rehabilitative options at the initial stages is very delayed when a child is misprocessed as a wrongdoer or the child is placed in an institutional purgatory following any of the cross-jurisdictional problems. As an illustration, the children in an observation home rather than a children home may be stigmatised and peer pressured by older criminals and fail to receive specialised counselling.<sup>38</sup> Reports by NGOs, including Save the Children, have observed that children who are improperly characterised will become ineligible to family reunification programmes, foster care programmes, or sponsorship programmes (CNCIP but not CICL), among others.<sup>39</sup>

The effect is long-term: when a child fails to receive timely rehabilitation, he or she is at higher risk of social ostracism, recidivism or even mental trauma. Therefore, the lack of attention to guarantee the jurisdiction leads not only to a lack of protection but also to the possibility of the child to be successfully returned to society in the future, which is the direct opposite of the aspect of the best interest set out in Section 3(iv).

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<sup>38</sup> Sampurna Behura v. Union of India, (2018) 4 S.C.C. 433 (India).

<sup>39</sup> Save the Children India, *Status of Child Care Institutions in India: A Study of Compliance with the Juvenile Justice Act* (2018).

## **5. COMPARATIVE PERSPECTIVE AND CRITICAL ANALYSIS.**

### **5.1 International juvenile justice jurisdiction: UK, USA and South Africa: The issue of jurisdictional clarity.**

In the United Kingdom, the Youth Court (improved as Children Act 1989 and Youth Justice and Criminal Evidence Act 1999) deals with both the Crime and Welfare side of a juvenile age between 10 to 17. As opposed to applying juvenile delinquents as offenders versus victims and child as in need, the same court applies adjudication and referrals to local authorities to integrate care all within one jurisdiction group.

The state-level juvenile courts are based on the doctrine of *parens patriae* with the United States depending on them. Such courts typically have a flavour of jurisdiction on both delinquency (offences) and dependency (care and protection), so that in cases where a child should be subjected to protection or taken to accountability a single authority decides whether a child should be helped or taken to task. This integrated practise will reduce conflicts and waiting time.

Child Justice Act, 2008 and Children Act, 2005 in South Africa establish separate courts in the administration of justice and care, but stipulate the clear referral mechanisms. The Children Court has to assume cases of abuse, neglect or trafficking of children with the requirements and time limits outlined in law under the jurisdiction of the Child Justice Courts.

In each of these systems, it is made transparent in either with an integration of functions (UK, USA) or a formal regional of referral (South Africa). All these make sure that children do not fall in between parallel institutions as done in India in JJB-CWC.

### **5.2 Lessons India can draw from international best practices**

India can learn, based upon the UK model, the importance of having justice and welfare offices working together in a single court, such that child delinquents and child protection are considered by the same body instead of having to pass through separate institutions sharing similar circumstances.

These strategies put together to point out how jurisdictional clarity can be achieved by navigating less fragmentation, building standardised screening, and integrating child-friendly practises. In the case of India, such practises would go a long way in cutting down the present day misunderstanding between JJBs and CWCs and increasing the best interest of the child doctrine.

**Critical review: weaknesses in the framework vs. execution of economic policies in India.**

Part of the jurisdictional issue between the JJB and CWC is due to structural weaknesses of the JJ act 2015 and partly due to failures in implementation.

Having two different institutions (JJB in CICL and CWC in CNCP) the Act also lacks detailed requirements and standard procedures when a child should have his case transferred. Such referrals are permitted under section 8(3) (g) and section 30(i) but the lack of an elaborate guidance implies that outcomes will transpire with a lot of flexibility. In addition, there is no legal procedure to end conflict situations in cases where JJB and CWC disagree. On the land aspect, inconsistencies across the state in rules, the lack of training and education in police and probation officers and bad operations in the District Child Protection Units (DCPUs) worsen the situation. In most states, frontline personnel are not sensitive enough to be able to categorise children accordingly, resulting in wrong placement in institutions. The fact that CWCs and JJBs do not get together with each other regarding resource imbalances also causes delays inquiries and rehabilitation process.

The issue faced by India is therefore two-fold, as there is ambiguity in the law structurally, and execution weaknesses. Although legislative change is required to introduction of the uniform referral and the conflict-resolution procedures, improved implementation, by means of training, monitoring, and resource distribution is also a necessity. The principle of best interest of the child will be mostly philosophical than practical without considering the two aspects.

**5.3 Empirical Indications on NGO and NCPCR Report.**

According to The Press Information Bureau (2018), the National Commission for Protection of Child Rights (NCPCR) initiated social audit on Child Care Institutions (CCIs) in the inauguration

of Juvenile Justice Act, 2015<sup>40</sup>. These inspections were to cheque houses that contained children who are in conflict with the laws and also that compulsory registration in accordance to Section 41 of the Act. Issues such as unregistered CCIs, absence of basic amenities and inconsistent inspections are identified in the report.

As revealed on a statement given in the Lok Sabha on 10 December 2021<sup>41</sup>, in response to directions given by the Supreme Court, NCPCR had conducted social audits on 7,163 Child Care Institutions located in India (except areas outside the scope of the JJ Act). These audits detected various maladies/grave violations in most CCIs which were serious. It was reported that these results were sent to the State authorities with problems of non- registration, improper inspections by the Section 54 of the Act, and failure to comply with the legal standards established.

Other NCPCR / MWCD / UNICEF reports looked at the CCIs in Covid 19 pandemic. It discovered that most of the institutions were under-staffed (staffing, structural, educational, medical) and were unable to cope and take care of orphans or CNCP children with their basic emotional, nutritional, or educational needs. The report emphasised that a good number of these inadequacies within the various institutions have increased protection, rehabilitation, and monitoring delays<sup>42</sup>.

## 6. DISCUSSION AND SYNTHESIS

The Juvenile Justice (Care and Protection of Children) Act of 2015<sup>43</sup> can be analysed to show that the statutory framework, judicial interventions, and comparative perspectives bring towards one theme which is that the justice system regarding the juvenile deserves structural ambiguity in the statutory framework and failures in system implementation. Collectively, these problems undermine the application of the principle of the best interest of the child on a regular basis and the fulfilment of the rights of children.

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<sup>40</sup> Press Information Bureau, Govt. of India, *Conducting Social Audit of Child Care Institutions Has Been Taken up by the NCPCR* (Mar. 15, 2018)

<sup>41</sup> Ministry of Women & Child Development, *Answer to Unstarred Question No. 196 in Lok Sabha: Social Audit of CCIs* (Dec. 10, 2021), <https://sansad.in/getFile/loksabhaquestions/annex/177/AS196.pdf>

<sup>42</sup> Nat'l Human Rts. Comm'n, *Report of Group 2: Impact of COVID-19 on Children in Child Care Institutions* (Feb. 4, 2022), [https://nhrc.nic.in/sites/default/files/Group%202\\_FEB%202022.pdf](https://nhrc.nic.in/sites/default/files/Group%202_FEB%202022.pdf)

<sup>43</sup> *Ibid.* at 4

Based on the work of the statutes, it can be observed that the split of jurisdiction between Juvenile Justice Board (JJB) and Child Welfare Committee was to ensure good representation of truth by children as offenders, and as victims. However, the general and quite extended definitions of child in conflict with law, as well as child in need of care and protection, pose confusion at the point of initial assessment. Section 8(3) on the subject of referrals and section 30 on the subject of conflict of laws permits the JJB to refer to the CWC but lack of clear definitions on how the requirements must be met as well as the lack of uniform screening procedures and conflict resolutions, means the process can cause misclassification and setbacks. This loophole in the structure allows those on the frontline to exercise broad discretion when assessing the status of a child, as they are not well-trained.

This vacuum has been partially occupied in judicial rulings since 2015. The principle of the best interest in line with Section 3(iv) has always been insisted by the High Courts and the Supreme Court, either in the incorporation of the best interest in the interpretation of the cases relating to bail, transfer to Children Courts, and child cases regarding protective custody. The misapplications have been corrected by courts thereby referring CNCP children to CWCs where they direct that even in cases of serious juvenile offences the procedure must be kid friendly. The drawback of this judicial correction, however, indicates the flaws in the statutory design: rather than providing a clear indication of the legislature, such results are left at the whim of litigation and judicial discretion, which may differ depending on the jurisdiction.

The comparative views of the UK, USA, and South Africa indicate that jurisdiction predictability can be either by combining both welfare and justice roles (UK and USA) or by elaborate referral systems (South Africa). Such systems make sure that both identity of a child are in the crowd without subjecting the teachers to two different silos of adjudication and protection. The Indian model, on the contrary, deinstitutionalizes functions but offers no viable bridges between the latent and effective on the one hand, and the kids and crews, on the other.

These loopholes may be viewed through the prism of Child Rights Theory to show the lack of necessity to view children as rights-carrying entities; the welfare of which must be prioritised above administrative convenience. The system is prone to criminalising children because it leaves

the classification decision to loose discretion, which is in most cases needed to provide care and protection to the children. An application of the principle of best interest reveals that the right of children to dignity, protection as well as development will be particularly sabotaged by delays, misplacements in the wrong institutions and uneven practises in various states.

Synthetically, the issue can be both-fold: the problem with the structure of the Act (ambiguity in the definitions, there was no referral and no conflict-resolution) and the failure of the implementation (lack of trainings, poor institutional support, the differences among states). The process of responding to one without the other will be inadequate. To make the juvenile justice system child-centric, the mode of reforms should not only demystify the statutory jurisdiction but consolidate implementation structures as well. It is at that point that the JJ Act, 2015 will be able to meet its goal of protecting the best interest of all children.

## **7. CONCLUSION AND RECOMMENDATIONS**

Juvenile Justice (Care and Protection of Children) Act, 2015 is a noteworthy initiative to bring agreement to the system of Indian juvenile justice in line with international ways (precepts of the United Nations Convention on the Rights of the Child). This was achieved by establishing two separate agencies, the Juvenile Justice Board (JJB), under which children contravening the law were to be brought, and the Children Welfare Committee (CWC) under which children requiring care and protection, were to be taken. However, the discussion on the statutory clause, judicial meanings and the comparative laws reveal that bifurcation, which was meant to offer enhancement to protection, has forged jurisdictional inconsistencies that compromise the best interest of the child.

The underlying issue in the research is an overlapping in jurisdiction between JJB and CWC. Children hardly belong to strict groups of criminal or victim. Very often trafficked children, those who have been taken away or ran away, as well as those who are charged with minor offences, embodied both sets of realities, which means they have to be tried and provided protection. Although Section 8(3)(g)-30(i) allows referral between JJBs and CWCs, the Act does not give specific criteria, standardised screening procedures, or even provide any remedies to address

conflicts. This legal mute has resulted in lack of uniformity between states, poor classification of children, and habitual delays in one state's rehabilitation.

The judge rulings up to date have added partial answers since 2015 since the respondents restate that the best interest principle gets to be the conduit. Courts have focused on process that is child-friendly, referred them to CWC where necessary, and even claimed that JJ Act takes precedence over special statutes in juvenile proceedings. But judicial actions are neither extensive nor proactive, tied not to constitutional frameworks but to legal actions. Comparative experience on the UK, USA and South Africa demonstrates that it has been observed that there is clarity that can obtain through certain integrated forums or clarity that can be obtained by a specified referral mechanism review-to, absolutely guarded by law.

This summary reveals clearly that the problems of juvenile justice in India are structural and practical. As an attempt at overcoming them, they may be suggested as:

- Jurisdictional clarification through the acts of parliament: Revise the JJ Act, 2015 to present statutory guidelines on the situations that make one refer a child JJB- CWC between these two parties. This may involve an obligatory put into practise of such aspects as age, character of crime, evidence of coercion or child abuse, and family conditions.
- Standardised Screening Processes: Establish a universal way of initial child assessment at the time of the initial contact (police, probation officer, or child welfare police unit). This is a structured indicators postulated protocol that ought to dictate whether or not the child is to be produced on the front lines through the JJB or CWC.
- Conflict-Resolution Mechanism: Have a statutory appellate or supervisory authority - perhaps under the District Child Protection Unit, or State Child Rights Commission to settle these conflicts between JJBs and CWCs in a quick fashion.
- Enhancement of the Implementation, make sure that District Child Protection Units (DCPU) are well staffed and funded because they play a significant part in supporting JJBs as well as CWCs with social investigation reports, rehabilitation plans, and follow-up monitoring.

- **Capacity-Building and Training:** Require JJB, CWC members, officials of police, and probation officers to regularly undergo training in child rights and child psychology and the standards of best interest. This will minimise misclassification and create uniformity of decisions.
- **Homogenous State-Level regulation:** As much as Section 110 permits states to design rules, the central government ought to establish model referral policies that have effect on all states in an attempt to reduce the disparity in enforcing rules.
- **Child-Centric Institutional Care:** Should promote separation of CICL and CNCP children in institutions, enhance inspection and monitoring on CICL and CNCP institutions in accordance with roles of institutionalisation stated in the Act that the latter is a last resort measure.

To sum up, according to the JJ Act, 2015, a progressive framework of child rights is offered, but its potential is challenged by the lack of jurisdiction lacunas and inconsistency in the execution. The sense of justice to a child cannot rest on the geography, institutional arbitration or arbitrary litigation. Explain the statutory principles, reinforce the referral processes, and maintain uniformity of the application of the best interest principle. It is almost certain that India is headed towards the direction of realising an actual child-centric juvenile judicial system. The above reforms are not just procedural bills but necessary measures towards ensuring that the rights of each child are upheld, ensured and met.