

## COMPARATIVE ANALYSIS OF JUVENILE JUSTICE SYSTEM: INDIA AND THE UNITED STATES

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### Introduction

The juvenile justice systems in India and the United States, although both focused on rehabilitating young offenders, have notable differences in their legal frameworks, historical development, and execution. These variations are influenced by the distinct socio-political environments, legal traditions, and responses to juvenile delinquency in each country.

### Historical Evolution

In India, the juvenile justice framework traces back to the British colonial period, with the penal code recognising the immaturity of children and introduced the provision of *doli incapax* holding children under the age of 7 years to be incapable of the necessary criminal intent (*mens rea*) to be held liable,<sup>1</sup> and also introduced a rebuttable presumption of absence of criminal intent in cases of children between the ages of 7 and 12 years.<sup>2</sup> Thereafter, notably, the prison codes of Bombay, Madras, Bengal and the North Western Provinces<sup>3</sup> and also the report of the Indian Jails Committee 1919-1920<sup>4</sup> provided for segregation of children and youth in prisons; and the Reformatory Schools Act, 1897 provided for separate institutions for housing of children under the age of 15 years.<sup>5</sup> This differential approach in the pre-independence period was further established with the enactment of the Juvenile Justice Act, 1986 which emphasized on care, protection, and rehabilitation.<sup>6</sup> This was succeeded by the Juvenile Justice (Care and Protection of Children) Act, 2000,<sup>7</sup> which was introduced to align the juvenile justice law in India with the United Nations Convention on the Rights of the Child, 1989.<sup>8</sup> A major transformation took place with the introduction of the Juvenile Justice (Care and Protection of Children) Act, 2015, permitting

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<sup>1</sup> *Indian Penal Code, 1860*, § 82.

<sup>2</sup> *Indian Penal Code, 1860*, § 83.

<sup>3</sup> Ved Kumari, (2006). *The Juvenile Justice System in India: From Welfare to Rights*, Oxford University Press. p. 62

<sup>4</sup> East India (Jails Committee). (1921). *Report of the Indian Jails Committee, 1919-1920*. (London: His Majesty's Stationery Office), pp.193-215.

<sup>5</sup> *Reformatory Schools Act, 1897*, No. 8 of 1897, India.

<sup>6</sup> *Juvenile Justice Act, 1986*, No. 53 of 1986, India.

<sup>7</sup> *Juvenile Justice (Care and Protection of Children) Act, 2000*, No. 56 of 2000, India.

<sup>8</sup> *Juvenile Justice (Care and Protection of Children) Act, 2000*, pmb., No. 56 of 2000, India.

juveniles aged 16-18 to be tried as adults for serious offenses, a change driven by public outrage in particular the Nirbhaya Tragedy.<sup>9</sup>

On the other hand, the U. S. juvenile justice system began in the late 19th century with the founding of the first juvenile court in Illinois in 1899.<sup>10</sup> At the outset, the system prioritized rehabilitation over punitive measures. Nevertheless, the latter part of the 20th century experienced a shift towards more punitive approaches, particularly in the 1980s and 1990s, in response to increasing juvenile crime rates. Recently, there has been a return to rehabilitative strategies, with various states increasing the age of criminal responsibility and adopting restorative justice programs.<sup>11</sup>

### Legal Frameworks

India's Juvenile Justice (Care and Protection of Children) Act, 2015, offers a thorough legal structure for young individuals who conflict with the law and also those requiring care and protection. In dealing with children in conflict with law, it distinguishes offenses into petty<sup>12</sup>, serious,<sup>13</sup> and heinous<sup>14</sup> categories, including provisions for prosecuting some juveniles as adults depending on the crime's nature and the juvenile's age.<sup>15</sup>

In the U. S., the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974 acts as the fundamental federal legislation, focusing on deinstitutionalization, separating juvenile offenders from adults, and tackling racial disparities.<sup>16</sup> Nevertheless, juvenile justice laws differ considerably across states, resulting in variations in age limits, sentences, and rehabilitation programs.

### Institutional Mechanisms

India's juvenile justice system functions through Juvenile Justice Boards (JJBs) for case adjudication<sup>17</sup> and Child Welfare Committees (CWCs) for matters of care and protection.<sup>18</sup> These

<sup>9</sup> Pratibha Tiwari, *An Overview of Juvenile Justice Act 2015 with regard to Child in Conflict with Law* accessed at <https://cdnbbsr.s3waas.gov.in/s37a68443f5c80d181c42967cd71612af1/uploads/2025/03/202503191170688164.pdf> on March 23, 2026

<sup>10</sup> Mack, J., *The Juvenile Court*, 23(2) Harvard Law Review, 104-122. (1909)

<sup>11</sup> Bingsley, J.V. (1982). *Juvenile justice: procedural safeguards for delinquents at the adjudicatory stage-Not for adults only*. Washburn Law Journal, 21, 293.

<sup>12</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, § 2(45), No. 2 of 2016, India.

<sup>13</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, § 2(54), No. 2 of 2016, India.

<sup>14</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, § 2(33), No. 2 of 2016, India.

<sup>15</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, § 15, No. 2 of 2016, India.

<sup>16</sup> *Juvenile Justice and Delinquency Prevention Act of 1974*, Pub. L. No. 93-415, 88 Stat. 1109 (1974).

<sup>17</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, § 4, No. 2 of 2016, India.

<sup>18</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, § 27, No. 2 of 2016, India.

organizations are supported by child care institutions including Observation Homes,<sup>19</sup> and Special Homes,<sup>20</sup> that emphasize rehabilitation and reintegration.<sup>21</sup>

In the U. S., the system consists of juvenile courts, detention centres, and correctional facilities. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) supervises federal efforts<sup>22</sup>, while state and local agencies handle daily operations. The decentralized structure results in diverse practices and outcomes across various jurisdiction.

### **Sentencing and Rehabilitation**

India prioritizes rehabilitation through initiatives such as counselling, education, and vocational training.<sup>23</sup> The 2015 Act created the potential for prosecuting certain juveniles as adults, but this is decided by the JJB after evaluating the juvenile's mental and physical capabilities.<sup>24</sup>

The U. S. has traditionally fluctuated between rehabilitation and punishment. Although the recent tendency leans towards restorative justice and diversion programs, several states continue to impose severe sentences, including life imprisonment without parole for juveniles, even though the Supreme Court has enacted limitations on such practices.<sup>25</sup>

### **Key Challenges**

India encounters difficulties such as insufficient infrastructure, a shortage of trained personnel, and societal stigma. The measure allowing juveniles to be tried as adults has faced criticism for possibly infringing upon international child rights standards.

The U. S. struggles with racial inequalities, as minority youth are overrepresented in the system. The "school-to-prison pipeline," which involves disciplinary policies that force students out of schools and into the justice system, continues to be major concern.

### **International Influences**

India's juvenile justice regulations are shaped by international agreements such as the UNCRC, which prioritize the best interests of the child. Although the U. S. is a signatory, it has not ratified

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<sup>19</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, § 47, No. 2 of 2016, India.

<sup>20</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, § 48, No. 2 of 2016, India.

<sup>21</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, § 39, No. 2 of 2016, India.

<sup>22</sup> *Office of Juvenile Justice and Delinquency Prevention. (n.d.). About OJJDP. U.S. Department of Justice. Retrieved from <https://ojjdp.ojp.gov/about> on March 23, 2026*

<sup>23</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, § 18, No. 2 of 2016, India.

<sup>24</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, § 15, No. 2 of 2016, India.

<sup>25</sup> Carter C. (2021). Juvenile justice: How the theory of rehabilitation influences procedural protections and punishment in juvenile and criminal courts. *Lincoln Memorial University Law Review*, 8, 78.

the UNCRC, resulting in discussions regarding its dedication to international child rights standards.

### **Recent Reforms**

India's 2021 modification to the Juvenile Justice Act shifted the authority to grant adoption orders from courts to district magistrates, with the goal of hastening the process. Nevertheless, issues regarding due process and checks and balances have been expressed.

In the U. S., numerous states have passed legislation to increase the age of criminal responsibility and restrict the transfer of minors to adult courts. These changes signify an increasing recognition of the developmental disparities between juveniles and adults.

### **Statistical Insights**

Based on recent statistics, India has experienced an uptick in juvenile offenses, especially in urban regions, although the total figures remain relatively low. Over the last twenty years, the U. S. has seen a considerable drop in juvenile incarceration rates, which is credited to policy reforms and alternative measures.

### **Case Studies**

The 2012 gang rape case in Delhi, India, incited nationwide protests and led to changes in the juvenile justice law, permitting certain juveniles to be prosecuted as adults.

In the United States, the situation involving Kalief Browder, a minor who endured three years in pretrial detention without being convicted, brought attention to systemic problems such as extended detention and the application of solitary confinement, igniting demands for reform.

### **Conclusion-**

Although both India and the United States strive to find a balance between rehabilitation and accountability within their juvenile justice systems, their methods illustrate varying legal traditions and societal values. India's centralized framework focuses on care and protection, with recent trends leaning towards punitive actions for serious offenses. The United States' decentralized system reveals a mix of practices, currently showing a movement towards restorative justice. Ongoing assessment and reform are vital in both nations to guarantee that juvenile justice systems respect the rights and development of young people.

## **4.2 COMPARATIVE ANALYSIS OF INDIA and U.K**

The juvenile justice systems in India and the United Kingdom embody the broader legal philosophies and socio-political contexts within which they function. Both nations, despite being markedly different regarding economic development, legal practices, and social frameworks, seek to tackle juvenile delinquency using a child-centred approach. Nonetheless, they vary greatly in institutional structures, definitions of age, treatment of offenders, and rehabilitation methods. This essay offers a comprehensive comparative examination of the juvenile justice systems in India and the UK, emphasizing notable similarities and differences.

At the foundation of both systems is the principle of “*parens patriae*”, which states that the state should act as a protector for minors.<sup>26</sup> However, the application of this principle follows different trajectories. The UK, especially England and Wales, has developed a sophisticated system over many years, combining legal protections with rehabilitative strategies. The Indian system, although influenced by international standards like the United Nations Convention on the Rights of the Child (UNCRC), has traditionally been more reactive than preventive and continues to face issues related to implementation, infrastructure, and socio-economic inequalities.<sup>27</sup>

Regarding historical progression, the UK has seen a much longer and gradual development of juvenile justice standards. The creation of juvenile courts in the Children Act 1908 represented a major transition from punitive measures to reformatory justice. Later laws, such as the Children and Young Persons Act 1933, further solidified this perspective. Currently, the main legislation in England and Wales consists of the Children and Young Persons Act 1933, the Crime and Disorder Act 1998, and the Youth Justice and Criminal Evidence Act 1999, complemented by the Youth Justice Board (YJB). Scotland operates under a separate system through its Children’s Hearings System, governed by the Children’s Hearings (Scotland) Act 2011, which prioritizes care and protection over criminalization.

India’s juvenile justice framework was established more recently. The Juvenile Justice Act of 1986 represented the first law to create a consistent structure across the country. This was succeeded by the Juvenile Justice (Care and Protection of Children) Act, 2000, and later amended in 2015 following the notorious 2012 Delhi gang rape incident, where one of the accused was a minor. The Juvenile Justice (Care and Protection of Children) Act, 2015 introduced major revisions, including permitting juveniles aged 16–18 to be tried as adults for serious crimes, contingent upon a preliminary evaluation

A key area of difference between India and the UK is the definition of a juvenile or a child involved in legal issues. In the UK, a child younger than 10 years old cannot be held criminally liable.<sup>28</sup> For

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<sup>26</sup> Vosskuhler, S. (1977). *Parens Patriae and Constitutional Concepts in The Juvenile Justice System*. 1 Criminal Justice Journal. 251-268..

<sup>27</sup> Ved Kumari. (2024). *The Juvenile Justice (Care and Protection of Children) Act 2015- Critical Analyses*, Lexis Nexis 2<sup>nd</sup> Ed. 2024.

<sup>28</sup> *Children and Young Persons Act 1933*, c. 12, § 50 (UK).

those between 10 and 17 years of age, juveniles are recognized as responsible but are managed through the youth justice system.<sup>29</sup> In India, anyone under 18 is deemed a juvenile;<sup>30</sup> however, following the 2015 amendment, juveniles aged 16 to 18 can be prosecuted as adults for serious offenses, which complicates the protective system.<sup>31</sup>

Regarding judicial organization and processing, the UK has implemented specialized youth courts, staffed with judges who are trained to handle juvenile offenders. These courts prioritize privacy and rehabilitation, frequently involving social workers and youth offending teams (YOTs). Additionally, Youth Offending Teams, a defining feature of the UK framework, consist of professionals from policing, probation, education, health, and social services to create tailored rehabilitation plans. India, on the other hand, possesses Juvenile Justice Boards (JJBs) that include at least one child welfare expert, but often lacks consistent training or resources across various states. Issues such as delays, insufficient infrastructure, and untrained personnel frequently hinder the effectiveness of JJBs.<sup>32</sup>

Detention and custody measures further reveal structural differences. The UK places a growing emphasis on diversion programs and interventions based in the community. Custody is regarded as a last resort and is used infrequently. The UK utilizes facilities like Secure Training Centres (STCs), Youth Offender Institutions (YOIs), and Secure Children's Homes (SCHs), each tailored to the risk and needs of the offender. Rehabilitation, education, and reintegration form the core of custodial treatment.<sup>33</sup> Conversely, Indian institutions—such as Observation Homes, Special Homes, and Children's Homes—often face challenges such as overcrowding, inadequate trained staff, and limited educational or psychological assistance. There have been ongoing reports of maltreatment and neglect in these facilities, raising concerns about the state's capability to rehabilitate effectively.<sup>34</sup>

Another significant area of comparison is diversion and non-custodial methods. The UK employs a wide range of alternatives including youth cautions, conditional cautions, community resolutions, and referral orders. These initiatives seek to keep children from entering the formal justice system unless it is essential.<sup>35</sup> India's diversion measures under the Juvenile Justice Model Rules are present,<sup>36</sup> but their implementation is inconsistent. Many law enforcement officials and

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<sup>29</sup> Gangurde, F. (2023). *Revealing justice: An appraisal of the case for increasing the minimum age of criminal responsibility in England and Wales*. International Journal of Legal Developments & Allied Issues.

<sup>30</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, No. 2 of 2016, § 2(12) (India).

<sup>31</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, No. 2 of 2016, § 15 (India).

<sup>32</sup> Youth Justice Board for England and Wales. (n.d.). *Youth justice system in England and Wales*. UK Government; Smith, H., & Paddock, E. (2024). Exploring children's journeys into the youth justice system from multiple perspectives. *Societies*, 14(10), 199. <https://doi.org/10.3390/soc14100199>

<sup>33</sup> Goldson, B., & Muncie, J. (2015). Towards a global 'child friendly' juvenile justice? *International Journal of Law, Crime and Justice*, 43(1), 47–64. <https://doi.org/10.1016/j.ijlcj.2014.02.005>

<sup>34</sup> Kumar, A. (2018). Juvenile justice system in India: A critical analysis. *Indian Journal of Criminology*, 46(1), 72–85.

<sup>35</sup> Smith, D. J. (2014). *Diversion and informal social control in youth justice*. *Oxford Journal of Legal Studies*, 34(2), 305–328.

<sup>36</sup> *Juvenile Justice (Care and Protection of Children) Model Rules, 2016* (India).

local bodies are either unaware of or hesitant to utilize diversion strategies, frequently reverting to formal procedures.<sup>37</sup>

Rehabilitation and reintegration strategies highlight another difference. The UK's youth justice framework encompasses post-release assistance, education, mental health services, and family involvement. These services are aligned with national standards.<sup>38</sup> In India, the structure is provided under the Integrated Child Protection Scheme (ICPS) and the Mission Vatsalya, yet oversight and post-rehabilitation support remain inadequate. Numerous juveniles face a return to crime or experience social stigma and exclusion from their communities and families due to the absence of effective reintegration systems.<sup>39</sup>

Both systems similarly diverge in terms of data monitoring and transparency. The UK retains comprehensive records of youth offending through the Youth Justice Board and the Office for National Statistics (ONS), enabling policymakers and researchers to assess and improve practices.<sup>40</sup> India does not have a reliable system for data collection and national impact evaluations, although entities like the National Crime Records Bureau (NCRB) offer some data, which is frequently criticized for under-reporting or lacking detail.<sup>41</sup>

Importantly, the function of the police and legal assistance differs considerably. In the UK, law enforcement is trained to handle young offenders with care. In India, although police guidelines recommend child-friendly methods, incidents of custodial abuse, unlawful detention, and insufficient knowledge of juvenile regulations are common. Legal assistance in the UK is government-funded and obtainable through the Legal Aid Agency,<sup>42</sup> whereas in India, even though the National Legal Services Authority (NALSA) offers complimentary legal support,<sup>43</sup> availability and quality can vary widely, particularly in rural or disadvantaged regions.

Regarding international commitments, both nations have signed the UNCRC, which requires that children facing legal disputes be treated in a way that respects their dignity and value.<sup>44</sup> The UK generally conforms well to the principles of the convention, although criticisms have surfaced about the inadequate age of criminal responsibility. In India, detractors contend that prosecuting

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<sup>37</sup> National Commission for Protection of Child Rights. (2018). *Assessment of juvenile justice system in India*.; Batra, P. (2019). Implementation of juvenile justice legislation in India: A critical analysis. *Journal of Social Welfare and Family Law*, 41(2), 210–225. <https://doi.org/10.1080/09649069.2019.1590894>

<sup>38</sup> Case, S., & Haines, K. (2015). Children first, offenders second: The centrality of engagement in positive youth justice. *The Howard Journal of Crime and Justice*, 54(2), 157–175. <https://doi.org/10.1111/hojo.12118>

<sup>39</sup> National Commission for Protection of Child Rights. (2018). *Assessment of juvenile justice system in India*.

<sup>40</sup> The UK retains comprehensive records of youth offending through the Youth Justice Board and the Office for National Statistics (ONS), enabling policymakers and researchers to assess and improve practices.; Office for National Statistics. (n.d.). *Crime and justice statistics*.

<sup>41</sup> National Crime Records Bureau. (2023). *Crime in India 2022: Statistics*. Ministry of Home Affairs, Government of India.

<sup>42</sup> *Legal Aid, Sentencing and Punishment of Offenders Act 2012*, c. 10 (UK).

<sup>43</sup> *Legal Services Authorities Act, 1987*, No. 39 of 1987, § 13 (India).

<sup>44</sup> Office of the United Nations High Commissioner for Human Rights. (n.d.). *Convention on the Rights of the Child*. [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en)

16–18-year-olds as adults breaches the tenets of the UNCRC, notably the idea of "best interests of the child."<sup>45</sup>

Moreover, there are socio-legal aspects that affect juvenile justice results. In the UK, factors of race and social exclusion contribute to the excessive incarceration of Black and minority ethnic (BME) youth.<sup>46</sup> In India, issues of caste, poverty, and illiteracy significantly influence the situation. Children from Scheduled Castes, Scheduled Tribes, and religious minorities are disproportionately found in juvenile detention centres.<sup>47</sup> Both systems exhibit structural biases, although their characteristics and contexts are distinct.

Despite these variations, both India and the UK encounter shared challenges—how to find a balance between accountability and rehabilitation, how to stop reoffending, and how to ensure that children are not further harmed by the system designed to safeguard them. Increasingly, both nations are also addressing new types of juvenile offenses, including cybercrimes, which require updated policies, technology, and interdisciplinary methods.

In conclusion, although the United Kingdom provides a more organized, well-funded, and rehabilitative juvenile justice system backed by strong institutional support, India is still in a transitional stage. The Indian juvenile justice system has made considerable progress over the last twenty years, especially following the amendments made in 2015. Nonetheless, there is a necessity for increased investment in training, infrastructure, community-based rehabilitation, and awareness among law enforcement agencies. The UK's experiences provide important insights, particularly regarding early intervention, multi-agency collaboration, and non-custodial options. Still, both countries must keep developing their systems in response to emerging challenges and the primary aim of juvenile justice to reintegrate children into society with dignity and hope.

### 4.3 JUDICIAL INTERPRETATION AND PRECEDENTS

Juvenile justice systems across the globe seek to balance the dual objectives of safeguarding children in conflict with the law and maintaining public safety. Although based on comparable welfare principles, the methodologies in the United Kingdom, United States, and India differ markedly, especially regarding judicial interpretation and precedents.

#### 4.3.1 Juvenile Justice in the United Kingdom

The juvenile justice system in the U. K. is built on a welfare-oriented approach, prioritizing rehabilitation rather than punishment. The Children and Young Persons Act of 1933 established

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<sup>45</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, No. 2 of 2016, § 2(9) (India); *Juvenile Justice (Care and Protection of Children) Act, 2015*, No. 2 of 2016, § 3(iv) (India).

<sup>46</sup> Lammy Review. (2017). *The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the criminal justice system*. UK Government.

<sup>47</sup> National Crime Records Bureau. (2023). *Crime in India 2022: Statistics*. Ministry of Home Affairs, Government of India.

the foundation, with subsequent reforms introduced in the 1998 Crime and Disorder Act and the 2003 Criminal Justice Act.

### **Judicial Interpretation and Precedents**

*T v UK and V v UK (1999)*: This case from the European Court of Human Rights, involving the trial of two 10-year-olds accused of murder, criticized the adult-like trial procedures applied to children in the U. K. It resulted in important procedural changes, such as the implementation of privacy safeguards and adjustments in courtroom environments to accommodate juveniles.<sup>48</sup>

*R (on the application of HC) v Secretary of State for the Home Department (2013)*: The High Court determined that the indefinite retention of police records for juvenile offenders was excessive and breached Article 8 of the European Convention on Human Rights. This case underscored the focus on rehabilitation and privacy.<sup>49</sup>

Case Law Influence: Courts in the U. K. reference jurisprudence from the European Court of Human Rights and place a strong emphasis on proportionality, the best interests of the child, and procedural fairness.

### **4.3.2 Juvenile Justice in the United States**

The juvenile justice system in the U. S. is based on the “*parens patriae*” principle but has moved toward a more punitive framework due to increasing youth crime during the 1980s and 1990s. The system lacks centralization, resulting in notable differences between states.

#### **Judicial Interpretation and Precedents**

*Kent v. United States (1966)*: The Supreme Court determined that juveniles are entitled to a hearing prior to being moved to adult court, along with the right to legal representation. This decision initiated the process of extending due process rights to young offenders.<sup>50</sup>

*In re Gault (1967)*: This pivotal case revolutionized juvenile justice by bestowing upon juveniles’ rights similar to those of adults, such as the right to legal counsel, the right to be informed of charges, and the right to avoid self-incrimination.<sup>51</sup>

*Roper v. Simmons (2005)*: The Court abolished the death penalty for individuals under 18, highlighting the importance of developmental psychology and global standards.<sup>52</sup>

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<sup>48</sup> *T and V v. United Kingdom*, App. Nos. 24724/94 & 24888/94, European Court of Human Rights (1999, December 16)

<sup>49</sup> *HC (A Child), R (on the application of) v Secretary of State for the Home Department & Anor*, [2013] EWHC 982 (Admin).

<sup>50</sup> *Kent v. United States*, 383 U.S. 541 (1966)

<sup>51</sup> *In Re Gault*, 387 U.S. 1 (1967)

<sup>52</sup> *Roper v. Simmons*, 543 U.S. 551 (2005)

*Miller v. Alabama* (2012): The ruling deemed mandatory life sentences without the possibility of parole for juveniles as unconstitutional under the Eighth Amendment, stressing the need for personalized sentencing.<sup>53</sup>

*Graham v. Florida* (2010): This case banned life sentences without parole for juveniles found guilty of non-homicide crimes.<sup>54</sup>

The U. S. judiciary has significantly contributed to the protection of constitutional rights for juveniles, although the application of these protection varies from state to state.

### 4.3.3 Juvenile Justice in India

India's juvenile justice framework has transitioned from a welfare-oriented model to a rights-centred approach, established under the Juvenile Justice (Care and Protection of Children) Act, 2015. This shift was prompted by the 2012 Nirbhaya incident and public calls for more stringent juvenile penalties.

#### Judicial Interpretation and Precedents

*Sheela Barse v. Union of India* (1986): The Supreme Court highlighted that children in custody should be treated distinctly from adults and reaffirmed the necessity for care, protection, and expedient trials.<sup>55</sup>

*Salil Bali v. Union of India* (2013): Affirmed the legality of the Juvenile Justice Act, 2000, amidst claims that it was excessively lenient. The Court determined that international responsibilities under the UN Convention on the Rights of the Child (UNCRC) obligated the State to regard juveniles according to their developmental stage.<sup>56</sup>

*Mukesh v. State (Nirbhaya Case, 2017)*: Despite the juvenile offender not being prosecuted as an adult under the law at that time, public uproar resulted in the 2015 amendment permitting youths aged 16-18 to be charged as adults for serious crimes, contingent upon a Juvenile Justice Board investigation.<sup>57</sup>

Court Interpretation of "Heinous Offense": In *Shilpa Mittal v. State of NCT of Delhi* (2020), the Supreme Court clarified that crimes lacking a minimum sentence of seven years do not meet the criteria for "heinous," affecting how individuals aged 16–18 is approached under the law.<sup>58</sup>

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<sup>53</sup> *Miller v. Alabama*, 567 U.S. 460 (2012)

<sup>54</sup> *Graham v. Florida*, 560 U.S. 48 (2010)

<sup>55</sup> *Sheela Barse v. Union of India*, 1986 SCALE (2)230

<sup>56</sup> *Salil Bali v. Union of India*, AIR 2013 SC 3743

<sup>57</sup> *Mukesh and Anr. v. State for NCT of Delhi*, AIR 2017 SC 2161

<sup>58</sup> *Shilpa Mittal vs State Of NCT Of Delhi*, AIR 2020 SC 405

Indian judiciary navigates a delicate balance between global human rights commitments and local public opinion, frequently influenced by media and political pressure.

#### **4.4 ROLE OF NGO'S and GOVERNMENTAL AGENCIES IN INDIA**

In India, both NGO's and governmental agencies play a vital role in juvenile justice system, focusing on rehabilitation, protecting, and reintegration of children in conflict with the law and children in need of care and protection.

##### **1. Government Agencies**

Juvenile Justice Boards (JJBs): Legal entities formed under the Juvenile Justice (Care and Protection of Children) Act, 2015. They resolve cases involving minors and ensure their rehabilitation.<sup>59</sup>

Child Welfare Committees (CWCs): Address cases concerning children in need of care and protection. They determine the suitable rehabilitation or institutional care.<sup>60</sup>

District Child Protection Units (DCPUs): Supervise and execute child protection initiatives and promote inter-agency collaboration.<sup>61</sup>

Integrated Child Protection Scheme (ICPS): A nationally supported scheme that offers financial and technical aid to enhance child protection systems.<sup>62</sup>

Special Homes and Observation Homes: Managed by the state, these facilities provide shelter, education, and vocational training for juveniles.

##### **2. Non-Governmental Organizations (NGOs)**

Rehabilitation and Reintegration: NGOs such as Prayas, Butterflies, and Save the Children provide counselling, skill training, and education to help reintegrate youths into society.

Legal Aid and Advocacy: NGOs offer legal representation, assist children in understanding their rights, and advocate for changes in policy.

Research and Training: NGOs perform research and provide training to professionals involved in juvenile justice to enhance best practices.

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<sup>59</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, No. 2 of 2016, § 4 (India);

<sup>60</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, No. 2 of 2016, § 27 (India);

<sup>61</sup> *Juvenile Justice (Care and Protection of Children) Act, 2015*, No. 2 of 2016, § 106 (India);

<sup>62</sup> Ministry of Women and Child Development. (2014). *Revised Integrated Child Protection Scheme (ICPS)*. Government of India. <https://cara.wcd.gov.in/pdf/revised%20icps%20scheme.pdf>

Rescue and Outreach: Numerous NGOs collaborate with police and government agencies to liberate children from trafficking, labour, and abuse, subsequently integrating them into the juvenile justice system.

Collaboration:

Government agencies frequently work with NGOs through financing, training, and policy development. NGOs serve as executing partners in various government initiatives under ICPS and other child welfare programs.

#### **4.5 GLOBAL BEST PRACTICE: CASE STUDY**

Juvenile justice systems globally seek to balance the need for accountability with the understanding that young individuals are still developing and can be rehabilitated. The international approach to juvenile justice varies, influenced by cultural, political, and social contexts. This case study investigates the juvenile justice systems in the United States, the United Kingdom, and India, analysing their legal structures, rehabilitation methods, challenges, and reform efforts.

##### **Juvenile Justice in the United States**

In the U. S., the juvenile justice system has evolved significantly over the last century, originating from the idea that the state should act as a guardian for young offenders. Initially, juveniles were treated similarly to adults, but reforms in the late 19th and early 20th centuries shifted the focus to rehabilitation. The legal framework identifies individuals under 18 as juveniles, with some states allowing 16 or 17-year-olds to be tried as adults. The Juvenile Justice and Delinquency Prevention Act of 1974 set federal standards to improve treatment of juveniles.

The focus now is on rehabilitation, with programs designed to divert youth from the formal justice system and provide support services. However, challenges remain, such as unequal representation of minority youth and issues related to transferring juveniles to adult courts. Recent reforms include landmark Supreme Court rulings that abolished the death penalty for juveniles and barred life sentences without parole for non-homicide crimes, promoting mental health screenings and diversion initiatives.

##### **Juvenile Justice in the United Kingdom**

In the United Kingdom, the juvenile justice system focuses on rehabilitation, education, and helping young offenders reintegrate into society. This approach is guided by the Children Act of 1989 and the Crime and Disorder Act of 1998, which aim to reduce youth crime while ensuring the well-being of young people. Those under 18 are considered juveniles, with the Youth Justice System (YJS) overseeing their cases, often favouring community sentences over imprisonment. The age of criminal responsibility is set at 10, which raises ongoing debates about possibly increasing it.

The YJS emphasizes intervention and rehabilitation through community-based sentences like Youth Rehabilitation Orders (YROs). Restorative justice practices are also important, allowing conversations between victims and offenders to repair relationships. However, there are challenges, including a rise in youth violence and inconsistencies in treatment based on socioeconomic status. Recent reforms include establishing "Secure Schools" for education and rehabilitation in secure settings and involving families in the rehabilitation process, recognizing the value of family support in reducing reoffending.

### **Juvenile Justice in India**

The juvenile justice system in India focuses on rehabilitating children in conflict with the law. Juveniles often stay in homes or reformatories where they receive education and vocational training. The system also helps "children in need of care and protection," ensuring that abandoned or neglected kids get necessary services.

However, the system faces significant challenges like overcrowding in homes, lack of proper staff training, and poor infrastructure. There are concerns about how to treat serious juvenile offenders, especially those 16 and older, who can be tried as adults.

Reforms are in place to improve juvenile care and rehabilitation, promoting a child-focused approach with alternatives to detention and restorative justice. New initiatives like "District Child Protection Units" provide crucial services, but more work is needed to make these efforts effective and reduce juvenile.

### **CONCLUSION**

The juvenile justice systems in the U. S., U. K., and India represent various strategies for addressing young offenders, each influenced by cultural and legal factors. While the U. S. has made progress in decreasing juvenile incarceration and prioritizing rehabilitation, significant issues related to race and age persist. The U.K. emphasizes rehabilitation and restorative justice, although challenges such as knife crime and systemic inequality remain. India's juvenile justice system, although relatively new, is developing with an emphasis on child protection and rehabilitation, yet it encounters difficulties in infrastructure and execution.

The effective practices across these systems underscore the significance of rehabilitation, the necessity for legal reforms, and the emphasis on tackling the underlying causes of juvenile crime. The common objective shared by all nations is to ensure that young offenders are provided the chance to reintegrate into society as constructive individuals, instead of facing punishments for their efforts.