

EXAMINATION OF JUVENILE JUSTICE SYSTEMS: ASSESSING APPROACHES AND ITS IMPACT

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ABSTRACT

This article delves into the intricate landscape of juvenile justice systems globally, placing a particular emphasis on the theoretical and statistical analysis of India's Juvenile Justice system. Additionally, the article sheds light on landmark court rulings that magnify the intricacies involved in determining the ages of juveniles, providing a comprehensive view of the challenges faced in this aspect.

A significant segment of this article is dedicated to comparative analysis, drawing parallels and distinctions between the juvenile justice systems of the UK and the US, aligning these comparisons with India's system. This comparative exploration aims to underline the contrasting methodologies and practices adopted by these nations concerning juvenile justice, providing insights into the differences and potential areas for improvement within India's system. Furthermore, this article directs attention to the international legal framework concerning juvenile justice, discussing its implications and relevance in the global context. It concludes by offering suggestive measures aimed at refining and strengthening the juvenile justice system, drawing from the insights gathered from the analysis of various countries and the international legal framework.

Keywords: Juvenile Delinquency, Juvenile Justice Systems, Legal Reforms, Age Determination, Comparative Analysis.

INTRODUCTION

“A child is a person who is going to carry on what you have started. He is going to sit where you are sitting, and when you are gone, attend to those things you think are important. You may adopt all the policies you please, but how they are carried out depends on him. He is going to move in and take over your churches, schools, universities and corporations. The fate of humanity is in his hands”¹

- ‘Abraham Lincoln’

¹ WROBLESKI M. HENRY & KAREN M. HESS (EDS.) ‘AN INTRODUCTION TO LAW ENFORCEMENT AND CRIMINAL JUSTICE’, 540-541 (Thomson learning, USA, 2000).

The youth in the country are regarded as the custodians or protectors of its future. As they mature and assume different positions in society, young individuals possess the capacity to mould and exert influence over the future of their nation. Hence, it is imperative that individuals are situated within an environment that is both secure and conducive to their well-being. This is essential for fostering the development of responsible citizens who possess sound mental, moral, and physical health.² The proposition that children who find themselves entangled within the legal system are entitled to receive individualised and tailored care is not a novel concept.

The world at large demonstrates a heightened awareness and unwavering dedication to the establishment of a judicial framework that is specifically attuned to the unique requirements of children. This endeavour seeks to create an environment that is both amicable and nurturing, with the primary objective of catering to the needs of this vulnerable population.

It is widely acknowledged that children who appear in a court frequently experience psychological and social victimisation, leading to further suffering. Child-friendly justice is a concept that advocates for the idea that the legal system of a nation has the potential to be a powerful and influential instrument in shaping the lives of children who interact with the courts.³

The conception of "Best Interest of the Child" is articulated without a particular definition in the 'United Nations Convention on the Rights of the Child (UNCRC)'. It is provided that "*In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*"⁴

The subject of juvenile delinquency is one that concerns people everywhere. The question has been the focus of much discussion among psychologists, legal professionals, and world leaders worldwide. The topic at hand is addressed by a number of international conventions and treaties that establish the norm for the rights of juveniles or adolescents who interact with or disagree with the law. The pattern of delinquency, the categorization of behaviours as delinquency and crimes, and related matters exhibit variations across different countries worldwide. Comparing western nations to their counterparts in other regions, there has been a noticeable advancement in the development of a more progressive juvenile justice system. Several Asian countries are actively addressing the issue and making ongoing efforts to reform their systems in accordance with international legal norms.⁵

A comparison of juvenile justice systems in culturally varied countries is a complex and time-consuming task. Comparing legal systems, both in a general sense and specifically in terms

² H. K. Dev. Mahanta & Ruli Daulagupu, 'Comparative Study on Growing Issues of Children under various Government Departments with Intervention in Cachar District of Assam', 4(3) IJSR, 1997 (2015), <https://www.ijsr.net/archive/v4i3/SUB152299.pdf>

³ BMP Bandaranayake, 'Child-Friendly Justice and the Best Interest of the Child: A Comparative Analysis of Sri Lanka, India, and International Standard's', INTERNATIONAL RESEARCH CONFERENCE ARTICLE (KDU IRC) 181 (2021) <http://ir.kdu.ac.lk/handle/345/5083>

⁴ 'The United Nations Convention on the Rights of the Child', Art. 3(1).

⁵ Bashir Uddin Khan & Yanwen Tang: 'A Comparative Analysis between the Juvenile Justice Process of Bangladesh and China', 66 IISTE 17 (2018).

of juvenile justice, presents a unique and valuable opportunity for scholarly investigation. However, it also poses a significant challenge.

In this particular scenario, it is of significant importance to examine the manner in which a specific culture responds to these challenges and the subsequent ramifications that ensue.⁶ The comparison is drawn due to the similarities in the issues at hand, which provide an opportunity to examine the results of particular interventions and evaluate them within the corresponding legal framework. A chance to improve our comprehension is to compare and contrast the juvenile justice systems.

JUVENILE JUSTICE SYSTEM: INDIA

India's juvenile justice system was partly established as a result of the tragic Nirbhaya Delhi gang-rape case. The release of the juvenile defendant in the well-known Delhi Nirbhaya's case on December 16, 2012, played a major role in the Juvenile Justice Amendment Bill's presentation in the Lok Sabha.

In light of the widespread public outrage triggered by the Nirbhaya Gang Rape Case, the government implemented a substantial revision to the 'Juvenile Justice (Care and Protection) Act' in 2015. The recognition that the prior laws lacked measures that aligned with the guidelines established in the 1993 'Hague Convention on the Protection of Children and Cooperation' in respect of 'Inter-Country Adoption' served as the catalyst for this revision. The Juvenile Justice Act focuses on the intricate matters pertaining to minors who are involved in legal conflicts and those who require care and protection. The aforementioned legislation necessitates the creation of two essential entities in each district, namely 'Juvenile Justice Board' (JJB) and 'Child Welfare Committee' (CWC), with a requirement for the inclusion of at least one female member in each. One significant amendment implemented by this legislation concerns individuals between the ages of 16 and 18, who are now eligible to be considered as adults for serious offences following an initial evaluation conducted by the JJB in accordance with the JJA 2015.⁷

The term "juvenile" pertains to individuals who are considered immature or young offenders, in contrast to "minors" who are generally characterised as young individuals in their teenage years. A person is considered "juvenile" within the applicable legal framework if they are under the age of majority, and they may receive different treatment than an adult when it comes to their involvement in an offense, according to the 'United Nations Standard Minimum Rules for the Administration of Juvenile Justice'.⁸ Section 2 (12) of the 'Juvenile Justice (Care and Protection) Act', 2015 defined the meaning of child "*a child means a person who has not completed eighteen*

⁶ Bernd-Dieter Meier & Abhijit D. Vasmatkar, 'Juvenile Justice in Different Cultural Contexts: A Comparison of India and Germany', Festschrift für Internationale Strafrechtsdogmatik 491 (2011).

⁷ Pragati Yadav, *Comparative Study between World's Best Juvenile Justice System to Indian Juvenile Justice System*, 11 PEN ACCLAIMS 2 (2020), <http://www.penacclaims.com/wp-content/uploads/2020/07/Pragati-Yadav.pdf>

⁸ Harini. S, et al., *Juvenile Justice in India*, 2 (2) IJLSI 460 (2020), <https://www.ijlsi.com/wp-content/uploads/Juvenile-Justice-in-India.pdf>

years of age.” The Act makes a division for child into two categories, ‘child in conflict with law’⁹ and ‘child in need of care and protection’.¹⁰

The ‘Juvenile Justice (Care and Protection) Act 2015’, which came into force on January 2016, provides a comprehensive structure for handling the requirements of both minors requiring care and those involved in legal conflicts. The Act presents crucial measures with the objective of mitigating the unfavourable implications linked to the term “juvenile.” Additionally, it provides clear delineations for children who are orphaned, abandoned, or voluntarily surrendered, while also classifying offences into varying degrees of severity and atrocity.¹¹ The legislation thoroughly delineates the authorities, roles, and obligations of the Child Welfare Committee, while also establishing explicit protocols for the examination of minors by the JJ Board. The JJA, 2015 has been enhanced with several significant revisions, such as minors who engage in heinous criminal activities and are arrested before reaching the age of 21 may be subjected to a period of three years of confinement in a specialised residential facility, accompanied by therapeutic intervention.¹² It is worth noting that the law explicitly forbid the obtruding of life imprisonment or to give death sentence on those who are classified as juveniles.¹³ These provisions promotes a more empathetic approach towards child in conflict with law.¹⁴

In ‘*Jaya Mala v. Home Secretary, Government of J&K*’,¹⁵ Supreme Court ruled that age as determined by a medical analysis is not conclusive proof of age. The doctor's statement is subjective, and there is a potential margin of error of plus or minus two years. In ‘*Bhoop Ram v. State of U.P.*’,¹⁶ discordance between ‘documentary evidence’ and a ‘medical report’ was clarified, apex court has established that preference shall be given to the documentary evidence as the accurate representation. In, ‘*Pratap Singh v. State of Jharkhand & Ors.*’¹⁷ according to S.C., the date of the offense will be used as the calculating date to determine the age of the minors in question, as opposed to the date of their appearance before the governing body or within the judicial system.

The intricate issues surrounding the assessment of juveniles' ages emphasize the need for a comprehensive and nuanced approach. Apex Court of India has delivered landmark judgments to demystify the inherent complexities and challenges in determining the age of juveniles within the Indian legal framework. While these court rulings attempt to streamline age determination processes within the juvenile justice system, they also expose the system's intricacies and limitations. The subjective character of medical evaluations, the difficulties in integrating contradictory evidence sources, and the difficulty in establishing the reckoning date for a minor's

⁹ The ‘Juvenile Justice (Care and Protection of Children) Act, 2015’, § 2 (13). child in conflict with law means “a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence”.

¹⁰ *Id.*, § 2 (14)

¹¹ *Id.*, § 2 (1), 2 (42), 2 (60).

¹² *Id.* § 2 (5), 19 (3), 20.

¹³ *Id.* § 21

¹⁴ Harini.S et al., *supra* note 8, at 461-462

¹⁵ AIR 1982 SC 1297.

¹⁶ AIR 1989 SC 1329.

¹⁷ (2005) 3 SCC 551.

age draw attention to the necessity of a more thorough and nuanced approach to guarantee justice and accuracy when managing juvenile cases within the legal system of India.

STATISTICAL ANALYSIS

Table 1: Disposal of Juveniles Apprehended and Sent to Courts

Year	Number of Juvenile apprehended	Juvenile Imprisoned	Juvenile acquitted/ Discharged	Pending cases
2018 ¹⁸	76185	482	3810	41709
2019 ¹⁹	80590	658	5036	39156
2020 ²⁰	74124	526	2597	40305
2021 ²¹	77732	601	4191	40519
2022 ²²	78443	704	4104	41581

Source: National Crime Record Bureau

Based on the available data, there appears to be a trend in the juvenile crimes between 2018 and 2022. The number of juveniles apprehended exhibited fluctuations across different years, reaching its highest in the year 2019. In a similar way, it is worth noting that the population of incarcerated juveniles exhibited a degree of variability, with the highest juvenile imprisoned during the year 2022. The data reveals notable fluctuations in the number of juveniles who were either acquitted or discharged, with the highest acquittal or discharges occurring in the year 2019. Lastly, it is noteworthy that there hasn't been a substantial enough shift in the number of cases pending to necessitate modifications to the legislation or legal system.

INTERNATIONAL: LEGAL FRAMEWORK

The 'United Nations Convention on the Rights of the Child' 1989 serves as the primary basis of international law in the realm of juvenile justice.²³ Every UN member, with the exception of the US, has ratified the UNCRC and promised to implement its principles into national laws and

¹⁸ 'NATIONAL CRIME RECORD BUREAU, CRIME IN INDIA 2018, STATISTICS VOLUME-I', Table 5A.5, 427 (2019), (2019), https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1653734481_Crime%20in%20India%202018%20-%20Volume%201_3_0_0.pdf

¹⁹ 'NATIONAL CRIME RECORD BUREAU, CRIME IN INDIA 2019, STATISTICS VOLUME-I', Table 5A.5, 427 (2020), https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1653730573_Crime%20in%20India%202019%20Volume%201.pdf

²⁰ 'NATIONAL CRIME RECORD BUREAU, CRIME IN INDIA 2020, STATISTICS VOLUME-I', Table 5A.5, 431 (2021), <https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/post/16959885631653645869CII2020Volume1.pdf>

²¹ 'NATIONAL CRIME RECORD BUREAU, CRIME IN INDIA 2021, STATISTICS VOLUME-I', Table 5A.5, 451 (2022), <https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1696831798CII2021Volume1.pdf>

²² 'NATIONAL CRIME RECORD BUREAU, CRIME IN INDIA 2022, STATISTICS VOLUME-I', Table 5A.5, 451 (2023), <https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701607577CrimeinIndia2022Book1.pdf>

²³ Stephen T. Day, 'Comparative Analysis of Juvenile Justice Between the United States and Spanish-Speaking Countries', UNT DALLAS LAW REVIEW 3 (2023), <https://onthecusp.untdallas.edu/docs/2023/juvenile-justice-final.pdf>

practices.²⁴ Important ideas and guidelines that seek to give children's rights a foundational degree of protection is included in the UNCRC. These clauses centre on the requirement to protect and give the child's best interests top priority in all endeavours that have an impact on them.²⁵ It is essential to mention that UNCRC explicitly prohibits nations from imposing capital penalty or life imprisonment without the opportunity for parole on individuals who are under the age of majority.²⁶

The underlying principle of child-friendly justice is to mitigate the difficulties encountered by children during the course of a legal action. Nevertheless, it is important to highlight that none of the existing international legal instruments provide a specific definition for the term "Child-Friendly Court Procedure." The primary objective of implementing a child-friendly court procedure is to enhance children's trust and confidence in the judicial system as a dependable and effective method for addressing a wide range of challenges they may encounter. Several international instruments have been established to ensure child-friendly justice, prioritising the child's interest. These tools seek to provide children with unfettered access to justice, which is essential for addressing rights breaches, and to lessen the upsetting experiences that they might have during legal proceedings in adult courts. Nevertheless, it is important to acknowledge that these regulations, primarily enforced via UN General Assembly Resolutions, do not possess inherent legal enforceability. They are commonly recognised as "soft law" instruments, exerting a significant influence and moral obligation on member nations of the UN with regards to enhancing their juvenile justice systems.²⁷

It is crucial to undertake an examination of international standards and principles within the realm of juvenile justice. The examination of current international level and concepts pertaining to the legal handling of children involved in criminal activities holds significant importance.

1. ***'United Nations Standard Minimum Rules for the Administration of Juvenile Justice' called as 'The Beijing Rules':*** The outcome of the Beijing conference was the creation of the Bill of Rights for Young Offenders. On November 29, 1985, these rights were formally implemented as a result of a resolution passed by the UN 'General Assembly'. 'The Beijing Rules' concern how juvenile and minor offenders as well as prisoners are handled. The primary purpose has been declared, wherein it has been said that "The juvenile justice system shall emphasize the well-being of the juvenile and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence."²⁸ Again it was stated that "the proceedings shall be conducive to the best interests of the juvenile and shall be conducted in an atmosphere of understanding, which shall allow the juvenile to participate therein and to express herself or himself freely."²⁹

²⁴ *Id.*; Brian K. Gran, 'An International Framework of Children's Rights', 13 ANN. REV. LAW SOC. SCI. 79, 86 (2017).

²⁵ United Nation Convention on the Child's Right, Art. 3.

²⁶ *Id.* at, Art. 37

²⁷ Bandaranayake, *supra* note 3 at 183

²⁸ The Beijing Rules, 1985, Rule 5.

²⁹ *Id.* at, Rule 14.2.

2. ***‘United Nations Guidelines for the Prevention of Juvenile Delinquency’ called as ‘The Riyadh Guidelines’***: In the year 1990 on 14th December, the United Nation General Assembly formally accepted and declared these recommendations with Resolution 45/122. The guidelines aim to emphasise the significance of mitigating juvenile delinquency in the context of crime reduction, the imperative of adopting child-cantered guidelines, and the collective obligation towards the well-being of children starting from an early stage of life.

The recommendations for coping with minors in the judicial system are that “In the use of the Guidelines for Action at both the international and national levels, consideration should be given to the following: (a) Respect for human dignity, compatible with the four general principles underlying the Convention, namely: non-discrimination, including gender sensitivity; upholding the best interests of the child; the right to life, survival and development; and respect for the views of the child.”³⁰ It is further provided in guidelines that: “In accordance with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, States should undertake to ensure that child victims and witnesses are provided with appropriate access to justice and fair treatment, restitution, compensation and social assistance. If applicable, measures should be taken to prevent the settling of penal matters through compensation outside the justice system, when doing so is not in the best interests of the child”³¹

3. ***‘United Nations Rules for the Protection of Juveniles Deprived of their Liberty’ called as ‘The Havana Rules’***: These Rules were implemented with the aim of eradicating the prevalent phenomenon in the juvenile incarceration. These rules were designed to promote the utilisation of alternative methods to imprisonment and to safeguard the fundamental rights of those child offenders in custody, rather than advocating for the construction of additional juvenile detention facilities. When UN ‘General Assembly Resolution’ 45/113 was issued in the year 1990 on 14th December, the aforementioned regulations were publicly recognized and announced. A juvenile is defined by the Havana Rules as a person who is younger than eighteen. Furthermore, the act of putting someone in jail or prison or in a private or public correctional setting where they are not permitted to depart freely is referred to as deprivation of liberty. They are subject to this restriction by a judicial, administrative, or other public authority's decree.

COMPARATIVE ANALYSIS: UK AND USA

United Kingdom .A

The year 1908 marked the introduction of Juvenile Courts in England, which were established by the Children Act of that same year. The establishment of these courts was primarily motivated by

³⁰ ‘Guidelines for Action on Children in the Criminal Justice System’, Recommended by ‘Economic and Social Council Resolution’ 1997/30 of 21 July 1997, Guideline no. 8, <https://resourcecentre.savethechildren.net/document/united-nations-guidelines-prevention-juvenile-delinquency-riyadh-guidelines-ares45112/>

³¹ *Id.*, Guideline no. 43.

the objective of offering suitable treatment and guidance to juvenile offenders who had deviated from societal norms, with a particular emphasis on comprehending the root causes that led to their delinquent behaviour.³² The primary objective was to eradicate detrimental influences in their existence and assist their reformation through the process giving education and constant mentoring. The 'Children and Young Offenders Act' of 1933 served to enhance the authority and jurisdiction of Juvenile Courts, particularly in cases of notable magnitude that necessitated meticulous scrutiny and intervention. The aforementioned legislation also implemented the requirement that any minor who had participated in delinquent conduct must fall under the exclusive jurisdiction of the Juvenile Courts. Moreover, this act served as the basis for the creation of Remand Homes, which played a crucial part in the legal proceedings.³³ The legislative landscape in the United Kingdom saw further development after the implementation of 'The Criminal Justice Act' in 1948. The aforementioned legislation expanded the scope of rights and safeguards afforded to juvenile offenders, acknowledging the distinctive conditions and requirements of young individuals who had engaged in criminal behaviour.³⁴ The legislation granted the authorities the ability to guide these persons to remand homes, where they may access suitable care, support, and rehabilitation services. The development of these legal frameworks in the United Kingdom demonstrates a deliberate endeavour to tackle adolescent delinquency by an emphasis on comprehension, assistance, and reformation, rather than punitive actions. The dedication to offering young individuals who have engaged in criminal behaviour essential support and prospects to steer their lives in a more constructive direction, adhering to societal norms and laws. As stipulated under 'The Children and Young Person Act', 1933³⁵ the arrest of a kid under the age of 10 years is not permissible. In the event that a juvenile is apprehended and subsequently determined to be below the age of 10 years, it is imperative that they be promptly released.³⁶

United States of America .B

In the US, juvenile justice is administered at the state level within the confines set by the Constitution and the Supreme Court's interpretation of it. The 'International Covenant on Civil and Political Rights (ICCPR)', has been ratified by the United States despite not being a signatory to the 'United Nations Convention on the Rights of the Child (UNCRC)'. This makes it unique, the

³² Neha Singh, *Comparative Study of Juvenile Delinquency with Special References to India, UK, USA*, 2(7) INTERNATIONAL JOURNAL OF RESEARCH PUBLICATION AND REVIEWS, 1616-1617 (2021).

³³ *Id.*

³⁴ JOHN RAWLS, A THEORY OF JUSTICE, (Universal Law Publishing Co., Delhi, 2005).

³⁵ The Children and Young Person Act, 1933 § 44; Raymond Arthur, 'Exploring childhood, criminal responsibility and the evolving capacities of the child: the age of criminal responsibility in England and Wales', 67 (3) 273 (2016), <https://nilq.qub.ac.uk/index.php/nilq/article/view/117/84>

³⁶ See also, Varun Kumar, 'Juvenile Delinquency: A Comparative Study Between India, U.K. & U.S.A.', 1 (2) LAW AUDIENCE JOURNAL (2018), <https://www.lawaudience.com/juvenile-delinquency-a-comparative-study-between-india-u-k-u-s-a/>

ICCPR mandates the segregation of young individuals from adults and the provision of treatment that is suitable for their age, with a particular focus on rehabilitation.³⁷

In the US, there isn't a set minimum age for criminal culpability. Instead, each state has the authority to establish its own minimum age requirement. Certain states have implemented minimums as low as 7, while the majority of states have minimums ranging from 10 to 18. Additionally, there are states that do not have any minimum requirement in place. The establishment of a national minimum can be found in the 'Violent Crime Control and Law Enforcement Act of 1994'. This legislation permits the prosecution of individuals as young as 13 years old in federal courts as adults, specifically in cases involving specific felonies such as murder and bank robbery.³⁸

Judicial Process: Comparative Analysis .C

In India, the Juvenile Justice Act is in place to safeguard juveniles from being subjected to conventional criminal court proceedings. The major aim of these specialised courts is not centred on punishment, but rather on the socio-legal rehabilitation and reformation of individuals involved. The primary focus lies in facilitating the child's comprehension of the repercussions stemming from their behaviour and steering them into a path that discourages engagement in subsequent unlawful endeavours, mostly through the use of counselling interventions. A 'Metropolitan Magistrate' or a 'Judicial Magistrate' of the first class, accompanied by two social workers—at least one of whom must be female—make up a traditional court under the 'Juvenile Justice Act, 2015'. The purpose of this design is to facilitate the prompt resolution of cases within a period of four months.³⁹

In the United States, youth courts function as programmes in which young individuals preside over their peers' cases involving minor offences, status crimes, and various behavioural concerns. The primary objective of the majority of youth court programmes is to ascertain an equitable and rehabilitative sentencing or disposition for the juvenile respondent.⁴⁰

In the context of the United Kingdom, in instances where a juvenile individual engages in a severe criminal act or transgression, they may be subject to legal procedures within the jurisdiction of the young offender's Court. With the exclusion of cases involving murder and manslaughter, youth courts are responsible for adjudicating all significant offences committed by juvenile individuals. The procedure exhibits variability contingent upon the age of the kid or adolescent. The majority of individuals involved in youth court proceedings fall between the age range of 14 to 17, although there is a possibility for inclusion of 12 and 13-year-olds in cases involving exceptionally serious offences. It's also important to remember that, as of July 1, 2019,

³⁷ NAT'L COLLABORATION FOR YOUTH & NAT'L JUV. JUST. NETWORK, 'HUMAN RIGHTS AS A CATALYST FOR JUVENILE JUSTICE REFORM', Policy Brief No. 3, 2 (2006).

³⁸ Stephen T. Day, *supra* note 23.

³⁹ Priyanka Choudhary, 'Juvenile Justice: Comparative Analysis with the Laws of USA, UK and Canada', LEX PEEPS (June 12, 2021), <https://lexpeeps.in/juvenile-justice-comparative-analysis-with-the-laws-of-usa-uk-and-canada/>

⁴⁰ *Id.*

people who are 17 years old and facing legal accusations are now under the juvenile court's extended authority. In instances where the charges are of a very grave nature, the juvenile offender is initially brought before the youth court, and subsequently, there exists the possibility of transferring the case to the District Court.⁴¹

The Juvenile Justice Act in India confers substantial jurisdiction upon Juvenile Justice Boards to develop and administer diverse institutions aimed at promoting the well-being and rehabilitation of juveniles involved in criminal activities.⁴² Observation homes or place of safety are specifically designated for the temporary accommodation of young individuals who are under investigation. These institutions offer a regulated setting, guaranteeing that young individuals receive the requisite attention and care during the assessment of their cases.⁴³ The establishment of these residential facilities is the duty of the State Government. They are essential in providing for the complex needs of youth and supporting their re-socialization process.

In contrast, the countries like United States and the United Kingdom exhibit divergent approaches in their juvenile justice systems. A variety of punishment options are made available for young offenders. The available alternatives encompass placement in specialised juvenile prison facilities, engagement in community service as a means of reparation, participation in counselling sessions to tackle underlying issues and behaviours, and placement within families, groups, or the community at large.⁴⁴ The judicial systems in these nations possess the ability to customise the imposition of penalties in order to suit the specific requirements and conditions of the underage wrongdoer. Electronic monitoring is a supplementary mechanism utilised in the 'juvenile justice system', necessitating the juvenile to don a tracking device, commonly in the shape of a bracelet or wristband, in order to maintain continuous surveillance of their location. This particular methodology facilitates the implementation of different degrees of limitation, so affording the juvenile delinquent the opportunity to retain a certain degree of autonomy.⁴⁵

In both India, 'United States', and the 'United Kingdom', the juvenile justice systems are created with the intention of catering to the distinct requirements and situations of young individuals who find themselves in dispute with the law. The strategy of each country is a reflection of its legislative and cultural viewpoints of the optimal way to strike a balance between safeguarding society and promoting the rehabilitation and welfare of the young individuals concerned.

CONCLUSION AND SUGGESTIONS

A thorough approach must be implemented in order to improve India's juvenile justice system. To mitigate subjective inconsistencies and errors in estimating the ages of juveniles, it is

⁴¹ *Id.*

⁴² 'The Juvenile Justice (Care and Protection of Children) Act', 2015, § Sec 8.

⁴³ *Id.*, § Sec 47, 48, 49.

⁴⁴ Pranay Prakash, *Comparative study between different Juvenile Justice Systems as compared to Indian*, 6 (1) JETIR 229 (2020), <https://www.jetir.org/papers/JETIREQ06050.pdf>

⁴⁵ Annapurna Patnaik and Nilanjan Chakraborty, 'Comparative Study of Juvenile Justice in India with other Countries', 57 (9) PSYCHOLOGY AND EDUCATION 756 (2020)

recommended to employ standardised techniques that integrate medical examinations, documented evidence, and social assessments. By combining these approaches, a more objective and accurate determination of juveniles' ages can be achieved. Furthermore, it is crucial to establish comprehensive training initiatives for professionals involved in juvenile justice procedures. The implementation of standardised rules and protocols will promote a unified approach among judges, legal practitioners, social workers, and medical specialists. In addition, it is imperative to implement individualised rehabilitation programmes that prioritise education, skill enhancement, mental health assistance, and social integration in order to effectively cater to the varied requirements of juvenile offenders. Community engagement efforts should aim to promote active involvement in the rehabilitation process, thereby increasing comprehension, acceptance, and the successful reintegration of young offenders. It is necessary to implement legal reforms that are in line with international standards, enact policy changes that are informed by research, conduct awareness campaigns to modify social attitudes, allocate resources for infrastructure development, and foster collaboration among government entities, non-governmental organisations (NGOs), and international organisations. These collaborative endeavours would strengthen the system, guaranteeing a comprehensive, equitable, and efficient approach in managing instances of juvenile offenders in India.

The evolving landscape of juvenile justice globally underscores the increasing challenges in addressing the complexities of youthful offenders. The practical application of the UNCRC and international norms, which offer a framework for protecting children's rights inside legal systems, differs greatly throughout nations. India's revised Juvenile Justice Act, stemming from the Nirbhaya case, demonstrates the nation's responsiveness to societal outrage, proposing important changes to deal with young people who are in legal trouble.

The incidence of juvenile delinquency has exhibited a significant increase over the course of several decades. There have been numerous contentious debates and discussions surrounding the determination of minors' age and the severity of the punishment being administered to them. The number of serious crimes committed by people in their late adolescent years has increased significantly over the last ten years. The primary factor contributing to this issue is not solely limited to a lack of education and mental illness, but also encompasses the adverse environmental circumstances in which individuals are raised as a result of inadequate parental nurturing. The stage of an individual's life that is considered to be the most vital requires appropriate therapy in order to shape them into a more exemplary member of society. However, due to feelings of worry and the influence of substance misuse, pornography, and peer pressure, adolescents are inclined to deviate from a proper course of action. The observed phenomenon can be attributed to a confluence of social and biological variables. Therefore, it is imperative to manage these individuals in a manner that ensures their rights are not infringed upon, while also ensuring that the prevailing rules and penalties do not unfairly target them. In order to ensure justice and equality for all individuals.

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