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A Comparative Study of India's Juvenile Justice System Against International Standards

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ABSTRACT

Protection of children has existed in society ever since the inception of humans. The juvenile justice system is a special framework designed specifically for matters involving minors who are accused of breaking the law and are considered to be neglected and need protection and care. Highlighting the evolution of the Juvenile Justice system of India, which is very extensive and elaborate, and attempts to align with the international standards set by the UN Convention on the Rights of the Child, but there are challenges faced in the form of a lack of implementation, procedural error, and stigma towards juveniles. The main aim of almost all juvenile justice systems in the world is rehabilitation and reintegration. A comparison is drawn based on different juvenile justice systems across different nations against the international standards. This paper closes by highlighting recent changes and puts forward recommendations for a more effective juvenile justice system.

KEYWORDS

Juvenile, Justice, Child, Rights, Reintegration, Rehabilitation

INTRODUCTION

In today's modern day and age, the protection of children and their rights has become integral and indispensable for the development of the society at large. A very predominant aspect of the protection of children includes an efficient, supportive, and community-based juvenile justice system. The Child Justice

System provides guidance and resources to help lost and lawless young people to become law-abiding citizens. It helps them to learn from their mistakes, develop skills, and reintegrate into society as a working, earning, respectable citizen. Juvenile justice systems are designed not only to uphold public safety but also to safeguard the rights and developmental needs of young offenders. In India, approximately 42% of the population is under the age of 18 years, and the majority of them are vulnerable and getting victimized by social circumstances. Hence, there is a long road ahead. Different nations all around the world work towards strengthening their juvenile justice system to become more and more accessible, reformative, and compassionate for the purpose of reintegrating lost teenagers and youngsters into the society to lead them on the path of respectful earning and living. There are a lot of challenges faced by the state in creating a community-based, child-centric, and holistic child justice system that seeks to balance accountability as well as reformation. However, questions persist regarding how effectively India's JJS aligns with international standards both on paper and in practice. Issues such as MACR, trial procedures, and rehabilitation measures continue to be a topic of debate.

This research paper critically compares India's Juvenile Justice System with international standards that are set. It also consists of its evolution and the international frameworks that are in place. A detailed analysis of legal provisions, institutional mechanisms, and the challenges faced by the child justice system of India. A comparative study of juvenile justice systems of different nations, and lastly, it also lays the groundwork for recommendations for policy reforms and enhancement of the Juvenile Justice System of India.

EVOLUTION OF THE JUVENILE JUSTICE SYSTEM OF INDIA

The increasing rate of youth indulgence in immoral and illegal activity led to the need for a systematic juvenile delinquency system that would try them according to the nature of the unlawful activity committed by them. The origin of the juvenile justice system in the world is credited to the legislation passed by Cook County, Illinois, in 1899¹. This legislation is the first foundational stone for the modern juvenile justice system. Before this, several attempts were made to create a cohesive and functional legal framework towards this aim, and legislations were passed, including the Massachusetts Child Tribunal, 1874, and the New York Child Tribunal, 1877, that enforced separate tribunal hearings for juveniles and distinction of child and adult

¹ Ctr. on Juv. & Crim. Justice, *Juvenile Justice History* (last visited Jan. 11, 2026), <https://www.cjcj.org/history-education/juvenile-justice-history>.

offenders respectively. India's Juvenile justice system was not made in a day. In India, the British were the ones to formulate the first laws on JJS, as before that, there was no evidence of a codified law on the treatment or trial of a minor offender. The parents, especially the father, had full authority over the children, and there was no intervention of the state in matters of parental control.

Pre-Independence Era

India's juvenile justice system can be traced back to the British Raj era, when the first law was passed that focused on juvenile delinquents. The Apprentices Act, 1850, was the first statute enacted in India that specifically addressed children. This act allowed the courts to treat juvenile offenders, who were specifically between the ages of 10 to 18 years old, and turn them into apprentices rather than sending them to prison. Apprentice, here refers to a person who is learning a skill under the guidance of a skilled worker. This law was applicable to the children committing petty crimes. This act gave the children a chance to develop a skill that would help them earn a living as part of their rehabilitation. The main aim of this act was to offer an alternative to imprisonment and impart vocational training to learn a trade or craft. This Law acted as the foundational stone for the juvenile justice legislation in India.

A milestone step in this reform was the Indian Penal Code, 1860, which recognized children of ages below 7 years as *doli incapax*, which presumes them as incapable of doing any harm, as they cannot form a criminal intent which is required to commit a crime.

Later came the Reformatory Schools Act, 1876, which furthered the legislation for juvenile justice in India. This legislation helped to differentiate between adult criminals and minor offenders. It gave courts the power to send these minor offenders to reformatory schools instead of incarceration. This power was given specifically to special courts, including the High Court, Court of Session, District Magistrate, and the specially empowered magistrates, which applied to offenders of 15 years of age and under. The State government had the authority to define the criteria for selecting minor offenders and was responsible for the establishment and upkeep of the schools. The major drawback of this act was that it was implemented inconsistently across different provinces.

Further, several state-level children acts were passed across different states, like the Madras Children Act, 1920, Bengal Children Act, 1922, and the Bombay Children Act, 1924. These laws had different definition of 'child' in all three of them. This

created a lack of standardized framework, ineffectiveness, and created inconsistency in applicability as these laws were only applicable to the presidency towns of Madras, Calcutta, and Bombay. These laws were the direct reflection of the legal framework that was present in Britain in those times. The courts that were established under the Madras Children Act, 1920 were not so different from the courts established under the English Children Act, 1908. These statutes were the result of the recommendations that were given by the All Indian Jail Committee 1919-1920, which gave the much-needed recommendations after visiting several jails and reformatory schools.²

The Children Act, 1944, was considerable in the historical development of the juvenile justice system in India. This law further elaborated on the 1920 law and recognized that minor offenders should not be treated with punitive measures rather reformed through education. The major setback of this act was that this was too, very inconsistently implemented in India.

Before independence, several legislations like the Delhi Children Act, 1941, the Mysore Children Act, 1943, the Travancore Children Act, 1945, and the Cochin Children Act, 1946 were passed on the same paradigm as the acts passed by the Presidency towns.

These laws were the ones that paved the path towards the development of a more holistic based approach towards forming new legislation. The existing laws were not consistent, effective, or progressive. The need for a unified, centralized, and reformatory legislation regarding young and minor offenders was at an all-time high because of the rising rate of juvenile offender cases day by day. The major holy grail that was to be accomplished by the newly autonomous and sovereign India in this regard was to create a comprehensive law that is implemented throughout the nation.

Post-Independence Era

A newly independent state has a lot on its plate with the structural reform of the entire system. The Children Act of 1960 was an act passed in India that completely prohibited the imprisonment of children, no matter the circumstances. It also created a system of three-level institutions which included an observation home, a children's home for neglected children, and a children's school for child offenders. Later on, this act was amended in 1978, which

² Azad Kumar Dwivedi, *Evolution of Juvenile Justice Sys. in India*, 7 *Int'l J. Res. Soc. Sci. & Humanities* 130 (2017).

permitted lawyers in a children's court.

The first extensive and eminent statute passed by both the houses towards JJS was the Juvenile Justice Act, 1986, which was enforced on October 2nd, 1987. This law singlehandedly brought a uniform juvenile justice system to the whole country. The key aspect of this particular act was that it distinguished the juveniles into two different categories: firstly, the children in need of care and protection that are also known as the neglected children, and secondly, the children in conflict with the law, also known as the offenders. This segregation made the trial easier and more holistic. It defined a juvenile as a boy under the age of 16 years and a girl under the age of 18 years. Some major aspects also included that this statute mandated the establishment and maintenance of juvenile homes, special homes, observation homes, and after-care homes. It created juvenile welfare boards for the neglected children and the juvenile courts for offenders. The main focus of the act is the rehabilitation and social reintegration of the juveniles, and it also prohibits capital punishment or life imprisonment.

This act amends the Juvenile Justice (Care and Protection of Children) Bill, 2000 comes into effect. This amendment was made to be in compliance with the international conventions and standards to meet the trends and changes. This amendment was consistent with the UN Convention on the Rights of the Child, as India ratified the UNCRC in 1992. It was more juvenile oriented and emphasized reformation and rehabilitation. This allows a child to remain unnamed with security and privacy. It discussed issues such as crimes against children, adoption process, which ensures legal proceedings and protection. In the landmark case of *Bhola Bhagat And Ors v. State of Bihar, 1997*³ The Hon'ble Supreme Court emphasized the mandatory obligation of lower courts to conduct a thorough inquiry into the age of the accused when a juvenile plea is raised. It extends opportunities for reform and reintegration to minor offenders.

The Juvenile Justice (Care and Protection of Children) Act, 2006, was passed with the main objective of consolidating the existing laws on juvenile justice in India. It focuses primarily on strengthening procedural safeguards for juvenile offenders and neglected children.

In 2005, The National Commission for Protection of Child Rights was constituted under the Commission for Protection of Child Rights Act, 2005. It is the nodal agency to look after and review the working of States in the matter of juveniles in conflict with

³ *Bhola Bhagat v. State of Bihar*, A.I.R. 1973 Pat. 58 (India)

law. The main aim of the commission is to formulate policies and recommend measures for their effective implementation that ensure the protection of children in the age group of 0 to 18 years. It can inspect or cause to be inspected any juvenile custodial home or institution. It can also analyze the existing laws, policies, and frameworks to assess compliance with international standards⁴.

After the gruesome and spine-chilling case of the Nirbhaya rape case in 2012, an extreme need for new juvenile laws emerged, and in 2015, the Juvenile Justice (Care and Protection of Children) Act, 2015 was passed, which became enforceable in 2016. This act focused on a very crucial aspect that a juvenile between the ages of 16 to 18 will be tried as an adult in cases of heinous crimes, subject to determination by the Juvenile Justice Board.

LEGAL PROVISIONS AND INSTITUTIONAL MECHANISMS PRESENT IN INDIA

Criminality and delinquency can be differentiated by the age of the offender. Crime can be committed by a person of any age, but delinquency is the unlawful activity committed by a minor, which is a person under the age of 18 years. Some acts that are considered delinquent acts may not be illegal if committed by an adult or a person of age above 18 years, for example, running away from a legal guardian or drinking alcohol. The result of delinquency depends on the gravitas of the act committed because the JJS focuses on the correction of the underlying cause of the behavior and rehabilitating them in the society. According to UNICEF, the minimum age of criminal responsibility refers to the age under which a child cannot be held criminally responsible for his or her actions and therefore cannot be brought before a criminal court. The Convention on the Rights of the Child (CRC) requires states to establish '*a minimum age below which children shall be presumed to not have infringed the penal law*⁵'.

The Convention on the Rights of the Child came in the year 1989 and was enforced in the year 1990, but India had already established provisions and laws regarding the protection of children with the enactment of the IPC in 1860, indicating that legal recognition of issues relating to children existed in India long before the UN Convention. In 2023, IPC was replaced by the Bhartiya Nyaya Sanhita (BNS), which came into force in 2024, making BNS the primary criminal code for India. Section 20 of the

⁴ Nat'l Comm'n for Prot. of Child Rts., *Home* (last visited Jan. 11, 2026), <https://ncpcr.gov.in/>.

⁵ UNICEF, *Minimum Age of Criminal Responsibility* (last visited Jan. 11, 2026), <https://www.unicef.org/lac/media/2771/file/PDF%20Minimum%20age%20for%20criminal%20responsibility.pdf>.

BNS (earlier section 82 of IPC) describes the doctrine of doli incapax. This doctrine states that a child under the age of 7 years has absolute immunity; that is, the child is presumed to be incapable of committing any offense because they lack the mental capacity to form criminal intent or mens rea, an important element of crime. This provision is aimed to protect young children and save them from the consequences of the trial. Section 21 of BNS (earlier section 83 of IPC) describes the doctrine of partial doli incapax that refers to the partial immunity given to children between the ages of 7 to 12 years. Under this doctrine, it is upon the understanding of the court, the child's behavior, the nature of the act committed, and the facts of the case to classify whether the child who committed a crime has attained a certain level of maturity. The burden to prove the child's maturity is upon the defense. In the landmark case of *Kakoo vs. the State of Himachal Pradesh*⁶, the court found a 13 year old guilty of rape but reduced his sentence because the doctrine rules that children should be treated with leniency.

A bipartite system has been established under the Juvenile Justice (Care and Protection) Act, 2015. A State Child Protection Unit (SCPU), the body established for the implementation and oversight of the child protection policies and laws. A District Child Protection Unit is established as a base unit for the implementation of child protection policies at the district level. There are numerous institutions and bodies established under the Juvenile Justice (Care and Protection) Act, 2015, to protect and provide care to the children in need of care and protection and the children in conflict with law. Institutions such as Juvenile Justice Boards, Child Welfare Committees, Special Juvenile Police Units, Observation Homes, Foster Care, Rehabilitation Centers, and Shelter Homes.

1. Juvenile Justice Boards

Section 4 of the Juvenile Justice (Care and Protection) Act, 2015, governs the establishment of the juvenile justice boards. It states that the state government can establish one or more juvenile justice boards in each district. It ensures that the child's rights are protected throughout the process starting from the apprehension of the child, inquiry, and rehabilitation. It provides legal aid to the children through legal services institutions, and it also has the authority to conduct monthly inspection visits to the residential facilities for children in conflict with the law.

⁶ *Kakoo v. State of Himachal Pradesh*, 1971 Cri. L.J. 1 (H.P.).

2. Child Welfare Committees

Under Section 27 of the Juvenile Justice (Care and Protection) Act, 2015, the establishment of the Child Welfare Committee is given. As per the Section, one or more CWCs can be instituted in one district by the State Government. Each child has an individual care plan, and according to that care plan, CWC can direct placement of a child in foster care, rehabilitation, and ensure care and protection. CWC has an interdisciplinary ecosystem of different institutions like the labour department, the police, and legal aid cells, which makes the process of child care and protection effective and efficient.

3. Special Juvenile Police Unit

SJPU is a distinctive police force, established under the JJ Act, 2015, with the main objective of ensuring a child-friendly approach to law enforcement and to protect children's rights.

INTERNATIONAL FRAMEWORKS REGARDING THE RIGHTS OF CHILDREN

In the international domain, it is said that children's rights were recognized back when the League of Nations adopted the Geneva Declaration of the Rights of the Child in 1924. This declaration has its roots in World War I, as the Save the Children Fund, which was established in 1919 with the aim of providing support and assistance to the war-affected children, was changed into the International Save the Children Union, which later on adopted its Declaration of the Rights of the Child.⁷ This was later adopted by the League of Nations. This declaration had little to no impact on the protection of the children, as World War II had an even more severe impact on the children. The UN believed that there was a need to distinguish children's rights from adult rights; hence, the Declaration of the Rights of the Child, 1959, was adopted with the mission to delineate various children's rights, including education and protection from exploitation.

The most notable treaty for children's rights is the United Nations Convention on the Rights of the Child, 1989. It came into force in 1990. It is the most ratified treaty of the UN, with 196 nations ratified. A few important articles of the convention include Article 2 and Article 3, which state that a child's best interest should be ensured and non-discrimination against children, respectively.

⁷ B. K. Gran, *An International Framework of Children's Rights*, 13 *Ann. Rev. L. & Soc. Sci.* 84 (2017).

Article 12 gives the right to participation as it guarantees children the right to express their views freely on matters affecting them, regardless of age. It focused on the due weight given to the opinion of the child according to their age and maturity. Article 19 governs the freedom from abuse and exploitation. There are three additional optional protocols to the UNCRC. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC), which was adopted in 2000, was the first optional protocol. The second optional protocol is the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (OPAC), which was also adopted in 2000. This optional protocol makes it illegal for children to participate in military hostilities. The third optional protocol to the UNCRC is the Optional Protocol to the Convention on the Rights of the Child on a communication procedure, adopted in 2011. This protocol allows the UN Committee to hear individual cases. The UNCRC was ratified by India in 1992. This ratification heavily influenced the Indian laws on the protection of children. Several articles of the UNCRC were manifested in Indian laws in different forms. The Right to Education Act was enacted, making education free and compulsory for all between the ages of 6-14 years. The Protection of Children from Sexual Offences Act and the grundnorm for the protection of children in India, the Juvenile Justice (Care and Protection) Act was amended after the ratification to align with the international norms and standards.

The Beijing Rules, which is formally known as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, was adopted in 1985. According to Rule 5, these Rules have two objectives. First objective is to promote the well-being of the juveniles. The second objective is based on the 'Principle of Proportionality'⁸. This refers to that the reaction given to the juvenile should be proportionate to the severity of the act committed. These rules aim to promote juvenile welfare to minimize the intervention of the juvenile justice system. These rules are applied to all the juvenile offenders irrespective of their race, religion, place of birth, colour, sex, language, and personal and political opinions. These rules are formulated in such a manner that they can be applied to any definition of juvenile in any kind of system. There are provisions in the Rules that extend to the acts committed by juveniles that are considered an offence, but not if committed by an adult. The modern approach towards setting a minimum age of criminal responsibility is that the mental, emotional, and intellectual maturity of the child is to be considered. Under Rule 7, the rights of juveniles are mentioned.

⁸ G.A. Res. 40/33, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*, ¶¶ 1-4 (Nov. 29, 1985).

These Rules provide rights such as the right to the presence of a parent or legal guardian, the right to appeal, the right to counsel, the right to be notified of the charge, and the presumption of innocence until proven guilty. Although India has not ratified the Beijing Rules but these rules rather influenced the juvenile justice system of India.

The United Nations Guidelines for the Prevention of Juvenile Delinquency, also known as the Riyadh Guidelines was adopted in 1990. Its main objective is to create standards to help countries formulate laws and policies to prevent juvenile delinquency, and for children to have an active role in the society. A strong emphasis on preventive policies should be recognized, rather than relying solely on punishment. Community based services and programmes should be developed. Socialization and integration of all children through the means of family, community, peers, and schools is considered paramount. An important provision under these guidelines is guideline no.5, which states that behaviours that don't cause serious harm or damage to the development of the child or others should not be treated as criminal offenses. India has not ratified the Riyadh Guidelines, but these guidelines aligned the juvenile laws of India with more child centric laws.

IMPLEMENTATIONAL CHALLENGES IN INDIA

Although India has enacted very extensive and detailed laws and policies aimed towards the protection and welfare of children, there are major challenges that exist in their implementation. The reality of the implementation of these laws and policies is not anywhere near defensible. There is a huge gap between the CRC and the implementation of the Juvenile Justice Act, 2015, in reality. These challenges can be classified under three broad categories, given below,

1. Deficiency of Infrastructure

- *According to the data released by the Ministry of Women and Child Development in the year 2023, a total of 311 juvenile observation homes (residential facilities during the pendency of an inquiry of a juvenile) with 9157 beneficiaries in India⁹. Many states like Orissa, Himachal Pradesh, and Arunachal Pradesh have zero observation homes. A total of 2245 Child Care Institutions are functional and funded in India as per the report submitted by the Ministry of Women and Child*

⁹ D. Singh, *Gov't of India, Ministry of Women & Child Dev., Conditions of Juvenile Observation Homes* (2023) (statement to Lok Sabha).

Development in 2023¹⁰. These data clearly show the severe absence of proper infrastructure.

- Many of these observation homes and child care institutions are alarmingly overcrowded, resulting in dreadful conditions in the process of proper rehabilitation. Overcrowding can obstruct the growth of the children in conflict with law as well as the child in need of care and protection. When the number of children exceeds the capacity of the institution, it often leads to resource scarcity.
- According to Section 27 of the JJ Act, 2015, a Child Welfare committee should comprise of 5 persons, including an expert in the matters of children. Often, reports suggest that there is a dire need for child psychologists, therapists, counselors, and social workers. This shortage of professionals creates a hindrance in delivering care and support to juveniles.

2. Procedural Errors

- According to the data published by the National Judicial Data Grid (NJDG) there are 4.6 crores cases pending in lower courts, 63 lakh cases pending in High Courts and more than 86000 cases pending in the Supreme Court as of July 2025¹¹. NJDG provided that the data for the judicial delay, specifically in juvenile cases, is consistent and less readily available because of a lack of infrastructure, complex procedure, and staff shortage.
- Majority of the time, the juvenile or the child in conflict with law is undocumented or does not possess the correct documents to determine their correct age. There is no reliable or set method to determine the age of the juvenile, which can cause discrepancies in the treatment of the juveniles.

3. Mental Health and Social Opprobrium

The tag of a 'juvenile' is attached to the child for a long time. This adversely affects the reintegration of the child in the society. Limited access to education, fewer job

¹⁰ D. Singh, *Gov't of India, Ministry of Women & Child Dev., Conditions of Juvenile Observation Homes* (2023) (statement to Lok Sabha).

¹¹ Nat'l Judicial Data Grid (NJDG), *Home* (last visited Jan. 11, 2026), <https://njdg.ecourts.gov.in/>.

opportunities, and social exclusion are some of the forms in which the stigmatization manifests itself, which handicap their chance of leading a lawful life. The societal notion that these juveniles are deviants and have no chance of redemption is pretty common. Children who are subjected to discrimination experience lower self-esteem, confidence, and sense of identity that may lead to recidivism and marginalization.

COMPARATIVE INTERNATIONAL ANALYSIS

The juvenile justice system across the world is like chalk and cheese. Each country has a different set of provisions and laws aimed at the protection and welfare of children. Each country formulates its laws in accordance with its cultural values and societal norms, which are based on the morals and ethics of the society accepted by its people at large. Some countries have more rigorous laws regarding juveniles and some countries strongly believe in total rehabilitation and leniency towards juveniles. According to a report published by The Child Rights International Network, India is ranked in 43rd position, scoring a total of 167 out of 261 based on the extent to which its legal system effectively guarantees children's right to access to justice.¹²

Juvenile Justice System in the United States of America

The system in place for the protection and care of children in the USA is solely aimed towards the rehabilitation of children under the age of 18 years of age who commit offenses. In the USA, the state assumes the role of guardian and decides in the best interest of the child. However, due to the federal system, each state can make laws that are applicable only in that particular state, resulting in an inconsistent system established across all the states in the country. The Juvenile Justice and Delinquency Prevention Act, 1974 acts as the blueprint for the laws that are being formulated by the states. It tries to rehabilitate the juveniles and incarceration is seen as the last resort. There are separate juvenile courts established in each state that look over the cases of juveniles. There are three kinds of cases that are tried by the juvenile courts, namely, Dependency cases (cases where the facts and circumstances indicate neglect or abuse, and it is up to the court to decide whether it is in the best interest of the child to remove the child from the home. Secondly, Delinquency cases (cases where an act committed by an adult would be considered a crime). And lastly, Status Offenses (cases where an act is illegal

¹² Child Rights Int'l Network (CRIN), *Access to Justice for Children: Global Ranking* (last visited Jan. 11, 2026), <https://archive.crin.org/en/access-justice-children-global-ranking.html>.

only when committed by a person under a certain age). There is no minimum age of criminal responsibility, it varies from state to state. It is also important to note that the USA has not ratified the UNCRC but has ratified the three optional protocols to the UNCRC. In 32 states, there is no set minimum age at which a child can be held criminally responsible. It ranges from as low as 6 years to 12 years of age.¹³ In the landmark case of *In re Gault*¹⁴, the court held that juveniles shall have rights like adults. Some rights like the right to phone call, the right to remain silent, the right to attorney were granted in this case.

Juvenile Justice System in the United Kingdom

The UK comprises of England, Scotland, Wales, and Northern Ireland. The law governing the youth justice system in England and Wales is the Crime and Disorder Act 1998 and the Youth Justice and Criminal Evidence Act 1999. In Northern Ireland, the youth justice system is governed by the Justice Northern Ireland Act 2002, and the law governing the youth justice system of Scotland is the Criminal Justice (Scotland) Act 2016. So inferentially, the minimum age of criminal responsibility is different in all these states. The MACR in England, Wales and Northern Ireland is 10 years of age, and in Scotland is 12 years of age.¹⁵ In cases of minor offences, the child is reprimanded and given a final warning. Although in exceptional cases, the court may decide to treat children as adults. The case of the murder of James Bulger in 1993 is one such case where the court ordered to treat the child offender as an adult. There are separate youth courts that are established with the purpose of trying youth offenders. There are correctional facilities and youth offender facilities built to train these offenders to prevent them from reoffending. The UK has one of the lowest and inconsistent ages of criminal responsibility, which continues the debate on the best age at which a child can be held responsible for their acts.

Juvenile Justice System in Japan

The minimum age of criminal responsibility according to the Japanese Penal Code is 14 years of age¹⁶, which is among the best age set in accordance with the international standards. The basic

¹³ Juvenile Justice Geography, Policy, Practice & Statistics (JJGPS), *Jurisdictional Boundaries* (last visited Jan. 11, 2026), <http://www.jjgps.org/jurisdictional-boundaries>.

¹⁴ Panel on Juvenile Crime: Prevention, Treatment, and Control et al., *Juvenile Crime, Juvenile Justice* 404 (Joan McCord et al. eds., 2001)

¹⁵ U.K. Home Off., *Age of Criminal Responsibility* (last updated Feb. 12, 2018), <https://www.gov.uk/age-of-criminal-responsibility>.

¹⁶ G. Jin, *Japan: The Criminal Responsibility of Minors in the Japanese Legal System*, 75 *Revue Int'l Dr. Pénal* 409 (2004).

principle behind setting this high age is that they believe it is better to abstain from punishing such minors to prevent future crimes. The Japanese juvenile system aims towards a protective disposition that creates a way for proper rehabilitation of the juvenile over criminal penalties. The current Japanese juvenile system came into existence after a revised law was in 2000. This new law thoroughly expanded on the ambit of the crimes committed and the acts that can be considered 'delinquent' but are not necessarily crimes. The Child Welfare Law established two institutions for the welfare of delinquent children. The Child Education and Training Home and Home for Dependent Children are institutions that are established with the aim to train, educate and provide care and protection to the children who are likely to become delinquents in the future and the children who are neglected and abused. There is a Juvenile Training School established to provide training to the convicted juveniles by the court. The juvenile cases are tried under discretion, hence there is no jury system in the juvenile process and the cases are heard by one judge and in some cases by a collegiate of 3 judges¹⁷. The Japanese juvenile system has seen one of the lowest rates of recidivism, but some states criticized that the system might be too lenient.

Juvenile Justice System in Scandinavian Countries

The Scandinavian also known as countries of Denmark, Norway, Sweden, and Finland. There is no singular, specific juvenile justice system in Scandinavia, but some general rules are followed by all the countries. Jail is considered to be the last resort, a certain minimum age of criminal responsibility, and a system based on the principle of rehabilitation and welfare of the child are some general rules followed by all three countries. The Scandinavian countries were one of the earliest to ratify the UNCRC in the early 1990s. The minimum age of criminal responsibility is 15 years, which is pretty high by international standards. *Multi Systematic Teams*¹⁸ is the solution that the Nordic Ministries of Justice came up with for the aim of transformation and rehabilitation of the child within his or her residence. In this system, the treatment is carried out in the home of the juvenile on a daily basis. Denmark has a very effective system to prevent criminality at a young age through the system of SSP¹⁹. The SSP stands for School, Social Welfare and Police. This is a comprehensive community based system established

¹⁷ G. Jin, *Japan: The Criminal Responsibility of Minors in the Japanese Legal System*, 75 *Revue Int'l Dr. Pénal* 409 (2004).

¹⁸ A. Storgaard, *Juvenile Justice in Scandinavia*, 5 *J. Scandinavian Stud. Criminology & Crime Prevention* 188, 188–204 (2004).

¹⁹ A. Storgaard, *Juvenile Justice in Scandinavia*, 5 *J. Scandinavian Stud. Criminology & Crime Prevention* 188, 188–204 (2004).

which ensure that the child doesn't deviate from the lawful path. All the members of the society that the child has interaction with and are important for his development look after him. These groups share information and create a safe space for the child. Sweden's system came under scrutiny because there is a possibility of trying the criminal guilt of a child and custodial sentencing in a separate institution.

Juvenile Justice System in Belgium

The Belgian juvenile protection laws identify two categories of children. First are the neglected children, where the situation in which they are living tends to affect their development negatively, and second is the children who have committed an offence. There is no minimum age of criminal responsibility set but a general age of 16 years was set under the Child Protection Act, 1912 and later on increased by the Youth Protection Act, 1965 to 18 years²⁰. Belgium has been ranked top of the list by The Child Rights International Network because of its child friendly courts and strong implementation of its laws.

SUGGESTIONS AND CONCLUSION

In recent years, there have been multiple contemporary developments which occurred in the juvenile laws and provisions to ensure that India adheres and aligns with the international standards set and its commitment towards the treaties ratified. In the landmark case of *Sri. M. Channappa vs E. Subramanyam, 2018*²¹ Karnataka High Court ruled that the accused, who was convicted in 2018 for a murder in 2011, was granted relief and compensation because it found that the accused was a juvenile at the time of murder and should never have been sent to jail. This case emphasized the need for correct age determination, which is a major flaw in India's JJS. In April 2025, Nagpur police issued an SOP²² to treat offenders of 16 to 18 years of age as adults in cases of heinous crimes. This will help expedite the cases of heinous crimes and address complex issues of juvenile crime. Recently, Punjab became the first state to empanel sign language experts and interpreters under the Juvenile Justice Act, 2015²³,

²⁰ J. Put, *The Juvenile Justice System in Belgium* (2007), <https://www.researchgate.net/publication/290860715>.

²¹ *Sri M. Channappa v. E. Subramanyam, A.I.R. 2015 (India)*.

²² S. Bose, *Times of India* (Nagpur ed.), June 2, 2025, <https://timesofindia.indiatimes.com/city/nagpur/nagpur-police-issue-sop-to-address-rising-heinous-crimes-by-juveniles-allowing-treatment-as-adults/articleshow/121580069.cms>.

²³ TNN, *Times of India* (Chandigarh ed.), Aug. 4, 2025, <https://timesofindia.indiatimes.com/city/chandigarh/punjab-empanels-sign-language-interpreters-special-educators-under-juvenile-law/articleshow/123104055.cms>.

to ensure vast accessibility of benefits envisioned by the laws to hearing and speech impairments. This move will surely help reduce the everlasting gap between the provisions on paper and reality. Development of infrastructure and hiring and training the staff are more required than ever.

This analysis reveals both aspects of progress and limitations of the system put in place. India, through the Juvenile Justice (Care and Protection) Act, 2015, has established a framework that aligns with the international standards set by the United Nations Convention on the Rights of the Child, which aims for the rehabilitation of juveniles. Problems like inconsistent implementation and lack of infrastructure create deviation from a holistic approach towards juveniles. Systems in Belgium and Scandinavian countries are perfect examples of how rehabilitation can be achieved, keeping in mind public safety. For India, a balanced approach that protects juvenile rights as well as community interests.