
REFORMS IN THE JUVENILE JUSTICE SYSTEM: COMPARISON OF INDIAN APPROACH WITH INTERNATIONAL BEST PRACTICES

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ABSTRACT

This paper explores reforms within India's juvenile justice system with an emphasis on the statutory and operational changes implemented following the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015. Despite many initiatives taken by the government to improve the status and welfare of child in conflict with law and of child in need of care & protection, the juvenile justice system in India is facing challenges that include inconsistent application of laws, inadequate rehabilitation facilities, and societal stigmatization. By comparing India's approach with international best practices from countries such as Norway, United States, Australia, Japan and Sweden this study highlights the key differences in rehabilitative strategies, legal frameworks, and community involvement in the eradication of stigma of delinquency. It also emphasizes the importance of shifting from a punitive to a reformatory and restorative approach, promoting policies that prioritize rehabilitation over incarceration, and incorporating mental health services, community participation, and family involvement. The findings underscore the need for comprehensive reforms in India's juvenile justice system that align with global standards, ultimately aiming to enhance the outcomes for vulnerable youth and promote their reintegration into society.

Keywords: Juvenile, Reformation, Re-integration, Juvenile Justice, Child in conflict with law.

1. INTRODUCTION

In the era of the welfare state, a notable shift has occurred towards reforming juvenile justice systems, both within India and at international level. The growing emphasis on juvenile justice system reform is rooted in a worldwide acknowledgment that the traditional approach, which often handled child in conflict with law similar to adult offenders, was inappropriate and inadequate in addressing the specific requirements related to issues of children. A holistic approach of prioritizing societal reintegration and rehabilitation of child in conflict with law and child in need of care & protection is required which will focus on safeguarding the best interests of juveniles. These reforms are rooted in the belief that a juvenile justice system can successfully minimize recidivism among young offenders by promoting a positive social identity and supporting lawful behaviour. This approach is based on incorporating the expanding research on adolescent development into the design and execution of the system. In the wider global context, India's approach towards juvenile justice reforms has been shaped by domestic ground reality issues and international influences. Juvenile justice systems worldwide have undergone significant reforms in recent decades, shifting from punitive approaches towards more rehabilitative and restorative models. In the United States, the system has faced criticism for reinforcing defiance of authority rather than remedying delinquent behaviour (Guarino-Ghezzi, 2017).¹

The framework of juvenile justice legislation has consistently prioritized reform and rehabilitation, especially regarding laws governing child in conflict with law. A key milestone in this progression was the introduction of the Juvenile Justice Act of 1986 and its subsequent amendments. This evolution gained momentum towards the end of the 20th century, driven by the need to meet international standards, including those articulated in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice-1985, the United Nations Convention on the Rights of the Child-1989, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty-1990. This legislative journey reached a pivotal moment with the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2000, and its model rules, which were later revised in 2007. A significant turning point in this narrative occurred in response to the Delhi gang rape incident in 2012, which involved a juvenile offender. Although the Supreme Court affirmed the constitutional validity of the Act in 2015,

¹ Guarino-Ghezzi, S. (2004). *Balancing Juvenile Justice* (2nd ed.). Routledge.
<https://doi.org/10.4324/9781351314923>

widespread public concern regarding perceived inadequacies in justice led to legislative changes. This culminated in the passage of the Juvenile Justice (Care and Protection of Children) Bill, 2014, which was enacted on January 15, 2016, as the Juvenile Justice (Care and Protection of Children) Act, 2015.

More than 50% of the population of India is under the age of 25. In the context of juveniles accused of offences, termed as child in conflict with the law, international standards emphasize the importance of prevention as well as rehabilitation. International standards recognize “the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth.” (Convention on the Rights of the Child, Art. 40).² It is evident from the history that juveniles have faced prosecution and punishment for offences in regular criminal courts and were confined in prison alongside adult hardcore offenders. In the last century, there has been a growing awareness that has resulted in the establishment of a distinct judicial process for juveniles in India and outside.

It is the responsibility of the state to give every child an equitable development opportunity during their formative years in order to teach them equality and guarantee social justice. It is expected of children to be respectful, obedient, and to possess virtues and positive traits. However, some juveniles do not adhere to established social and legal norms for a variety of reasons (Gupta, 2022).³ A child who has not yet attained the legal age to be held responsible for their criminal actions in the same manner as an adult is known as a juvenile. The term juvenile delinquency is used to describe youthful criminal offenders. Therefore, according to penal legislation, a juvenile is a child who is accused of committing specific infractions or omissions (Mahawar, 2022).⁴

2. HISTORICAL CONTEXT OF JUVENILE JUSTICE SYSTEM IN INDIA

The juvenile justice system has undergone significant transformations, evolving from a framework that treated children as adults to one that recognizes their unique developmental needs. In the past, juveniles involved in delinquent activities faced severe penalties; however,

² Convention on the Rights of the Child, Art. 40

³ Gupta, P. (2022, February 16). Juvenile crimes in India - law, reasons, history. *Infinity Learn by Sri Chaitanya*. <https://infinitylearn.com/surge/study-materials/english/social-issues/juvenile-crimes/>

⁴ Mahawar, S. (2022, January 17). *Juvenile crimes in India*- iPleaders. <https://blog.ipleaders.in/juvenile-crimes-india/>

the focus has shifted towards rehabilitation, resulting in the establishment of dedicated juvenile courts and institutions. A pivotal moment in this evolution was the founding of the first juvenile court in Chicago in 1899, which set in motion reforms that prioritize prevention, education, and rehabilitation of juveniles. Today, the system continues to evolve, addressing challenges such as racial disparities, mental health issues, and the critical need to strike a balance between accountability and supportive measures for juveniles. As far as India is concerned, in the year 1920, the first juvenile court was established in Bombay under the realm of the Children Act, 1920. Through this Act, a recognition was marked that a child below 16 years of age requires a distinct protection and nurturing. The Apprentices Act of 1850 was the first law in India to address children who were breaking the law or committing crimes. It stated that minors under the age of 15 who are found to have committed minor infractions will be restricted to working as apprentices. After that, the Reformatory Schools Act of 1897 came into force, stating that children under the age of 15 who received prison sentences would be placed in reformatory cells (Agarwal & Soma Sundaram, 2022).⁵

A monumental piece of legislation, the Children Act passed in 1960 but was limited to union territories. In 1986, Indian parliament passed the Juvenile Justice Act which replaced the Children Act of 1920. It was a watershed moment in the history of juvenile justice in India wherein the terms- 'delinquent juvenile' and 'neglected juvenile' were aptly defined and provisions for the care, protection, treatment, development and rehabilitation of these juveniles by establishing Juvenile Courts and Juvenile Welfare Board. The provisions for special home, juvenile home and observation home were also provided for the reception, care and treatment of juvenile. According to the Act, a "juvenile" refers to a male who is under sixteen years of age or a female who is under eighteen years of age (Section 2(h) of the Juvenile Justice Act, 1986).

In 1989, the most widely ratified treaty on human rights to transform children's lives around the world i.e. United Nations Convention on the Rights of the Child, an international agreement on childhood was passed. As India being a signatory and also ratified the convention, replaced the Juvenile Justice Act, 1986 with the Juvenile Justice (Care & Protection of Children) Act, 2000. To emphasise rehabilitation and hassle-free societal reintegration of juveniles, the age of juvenile delinquency was raised from 16 to 18 years. In 2012, a high

⁵ Agarwal, M. K., & Soma Sundaram, P. M. (2022). Juveniles in Conflict with the Law: Challenges in Reintegration and Social Stigma. *Neuroquantology*, 20(17), 2454–2471. <https://doi.org/10.48047/nq.2022.20.17.nq880312>

profile brutal and heinous gang rape and murder of a girl in the capital city of India popularly called as *Nirbhaya case* was an eye opener to rethink delinquent behaviour of juveniles and to reconsider the provisions of Act of 2000 as to the age of juvenile.

3. RECENT CHALLENGES TO THE INDIAN JUVENILE JUSTICE SYSTEM

Despite various reforms, at present, numerous challenges are faced by the Indian juvenile justice system, which includes:

A. Overcrowding in Juvenile Homes

One of the significant challenges which the juvenile justice system of India presently facing is overcrowding of juvenile homes. The count of care homes has increased to 3,010 in 2024-25, up from 2,450 in 2023-24. More than 60,000 children are currently residing in institutional care in India, with Tamil Nadu at the forefront, housing approximately 10,000 children in these facilities, as per government statistics (Kavita Bajeli-Datt, 2024).⁶ The number of children in conflict with law is rising continuously which leads to overcrowding due to reception of juveniles beyond intended capacity. It is nothing but a compromise to living conditions of juveniles as well as hampers the very objective of government i.e., rehabilitating and reintegrating them into a society. Various factors are involved to root causes of overcrowding. It includes scarcity of satisfactory infrastructure, inadequate funding to special homes, juvenile homes and observation homes through state government and day by day proliferating population of vulnerable youth. Several juvenile homes are not fully equipped to handle the marginal influx of children, which leads to restricted living spaces, insufficient access to education, and very limited backing to mental health issues. This scenario is fully evident to impair too many behavioural issues and hamper with crucial life skill development concerns. To confront with this challenge, an important task for policymakers is to prioritize reforms which will focus on prevention, alteration and rehabilitation. By investing into community-based programmes, having positive mindset to improve inner conditions of juvenile homes and by providing adequate trainings to the staff will create supportive environment for juveniles. Furthermore, raising awareness amongst people by addressing the basis of delinquent

⁶ Datt K. Bajeli-, (2024, December 15). *Over 60,000 children living in care homes in India; highest in TN*. The New Indian Express. <https://www.newindianexpress.com/nation/2024/Dec/15/over-60000-children-living-in-care-homes-in-india-highest-in-tn>

behaviour of juveniles can foster a sympathetic approach to juvenile justice.

B. Stigmatization of Juveniles in Conflict with Law

Undermining core principles of rehabilitation and societal reintegration, stigmatization of juveniles in conflict with law carries a noteworthy challenge to the Indian juvenile justice system. In India, juveniles in conflict with law are frequently viewed by society as "criminals," which perpetuates a cycle of isolation and discrimination that makes it difficult for them to change. In addition to harming the individuals, this stigma often impacts their families, making it difficult for them to get support and acceptance from others. Further, the public's perception is greatly influenced by the media. By depicting young offenders as unredeemable, sensationalized reporting on juvenile crimes can worsen stigma. This affects governmental decisions as well as public opinion, frequently resulting in more severe measures rather than the supportive kind of interventions.

There are many systemic and societal obstacles to reintegrating young people who have run afoul of the law into society. The reintegration process is crucial for reducing recidivism and helping young offenders transition into productive adulthood. However, the path to successful reintegration is often obstructed by systemic deficiencies, social stigma, and inadequate support networks (Agarwal & Soma Sundaram, 2022).⁷

C. Lack of Trained Personnel

The training provided to personnel within the juvenile justice system is deficient and truly a significant challenge that can badly affect the outcomes for juveniles. Individuals lacking sufficient training may not grasp the complexities of juvenile development, which is essential for engaging with young individuals which can lead to delusions of behaviour and futile communication. Professionals who lack the necessary knowledge in therapeutic and rehabilitative approaches may find it difficult to carry out successful programs which foster positive behavioural change and societal reintegration. Additionally, untrained staff members run the risk of unintentionally re-traumatizing juveniles who already experienced traumatic situations in their early days, which would impair their mental health and hinder their recovery.

⁷ Agarwal, M. K., & Soma Sundaram, P. M. (2022). Juveniles in Conflict with the Law: Challenges in Reintegration and Social Stigma. *Neuroquantology*, 20(17), 2454–2471. <https://doi.org/10.48047/nq.2022.20.17.nq880312>

D. Insufficient Mental Health Support

A person's psychological, emotional, and social well-being is all part of their mental health, which influences their feelings, thoughts, and behaviours. Mental disorders pertain to problems or challenges that an individual may encounter with their social, emotional, and psychological health. There are two types of mental health disorders: internalizing and externalizing. Depression, anxiety, and dissociative disorders are examples of internalizing disorders, which are negative behaviours directed inward. Conduct disorders, oppositional defiant disorder, and antisocial behaviours are examples of externalizing disorders, which are defined by actions aimed at a young person's surroundings. Approximately 9.8 million teenagers between the ages of 13 and 17 need active mental health care, per a national mental health survey. And if we take into account the full range of childhood and adolescence, the number is probably going to increase (Laxmi, 2021).⁸ Adolescent mental health problems are a major contributor to child crimes in India, and the Juvenile Justice Board and Child Welfare Committee should collaborate to address them. There is a lack of juvenile mental health support despite the new Act of 2015.

4. INTERNATIONAL BEST PRACTICES

India has always followed liberal approach by adopting and implementing policies which have productive impact on society. At an international level, states such as Norway, United States of America, Australia and Japan have tried to implement successful juvenile justice systems that gives priority to rehabilitation over punishment. The key features of these systems include:

A. Community-Based Alternatives to Detention

These programs at the community level have different places, periods, treatments, and supervision levels. Nevertheless, the general purpose is to protect young people from care and restrictions, regardless of the type of program. After cleaning, the criminals live at home, visit schools and workplaces and achieve other necessary tasks. However, they are carefully managed to guarantee that the court respects the conditions established by the court. Offenders must adhere to this strict schedule, leaving

⁸ Laxmi, V. (2021, January 14). *The Kids Aren't All Right: Mental Health And Indian Youth*. Youth Ki Awaaz. <https://www.youthkiawaaz.com/2021/01/mental-health-needs-of-children-and-young-people-in-india/>.

their homes only for necessary activities, with periods of time that vary depending on the case. Day or evening reporting centers is a highly structured, non-residential, community-based alternative that provides intensive supervision to an offender. It can be used either pre- or post-adjudication. Sometimes the offenders must report to the medical institution daily at the specified time for a certain number of days a week, but they are allowed to return home to the night. Shelter Care is an alternative that does not offer safe housing care for young people who need short-term accommodation (that is, within 1-30 days) outside the house.

Residential homes are an option for minors who need more supervision than a non-residential environment or who need housing because their parents or family members cannot provide it, and therefore can be used both before and after a court sentence. Group homes are long-term, community-based alternatives where minors are allowed extended contact with the community. Boys in the group homes can attend school, work in the community, or do both. Each group home serves five to 15 boys who have been admitted to the facility by court order or through a public welfare agency (Development Services Group, Inc., 2014).⁹ These are some community-based alternatives to detention which are effectively carried out in other countries.

B. Comprehensive Support Services for Youth

Using governmental, non-profit, community, and local resources, victims would receive the required material, medical, psychological, and social support under this approach. Social and health services, as well as other suitable aid, should be readily available to victims and they should be made aware of their availability. They should be provided with medical assistance, including first aid, emergency medical care, medical evacuation and support during medical examinations. Support services should be provided to victims if forensic examination is required or after death. There would be material assistance, including shelter, housing, transportation and repairs of property (Chakraborty & Chakrabarti, 2018).¹⁰

⁹ Development Services Group, Inc. (2014). Alternatives to detention and confinement. In *Literature Review*. https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/alternatives_to_detection_and_confinement.pdf.

¹⁰ Chakraborty, S., & Chakrabarti, N. K. (2018). Support services to the Victims of Crime in India: an appraisal [Journal-article]. *Scholars International Journal of Law, Crime and Justice*, 1–1, 10–16. <https://doi.org/10.36348/sijlcj.2018.v01i01.002>.

C. Emphasis on Restorative Justice Principles

Repairing the harm produced by criminal action is a key component of restorative justice (Bazemore, 1998)¹¹. Restorative justice programs for juveniles bring together those most affected by a criminal offense, justice-involved youth, victims, and community members, in a non-adversarial process to promote accountability and meet the needs of victims and the community to repair the harm caused by the crime (Bergseth and Bouffard, 2007; Bouffard, Cooper, and Bergseth, 2017).¹² The important elements of the justice programs of the rehabilitation include- 1) young people, led by justice, the responsibility of their actions, 2) Dialogue between young people caused by justice and victims, and 3) young people, put into Work by justice, which exercises repairs to the damage caused by a crime, which may include the drafting of a letter with apology, payment of a fine or participation in public work (*Literature Review: Restorative Justice for Juveniles | Office of Juvenile Justice and Delinquency Prevention*, n.d.).¹³

The States highlighted below illustrate the effective implementation of the Juvenile Justice System:

NORWAY

Norway has not enacted a unique legislation in Juvenile Justice area as they govern justice for children through a number of criminal statutes, including the Penal Code and the Code of Criminal Procedure. There is no special law that would govern justice for children other than the penal code because Norway lacks a distinct penal system that governs punishment for juvenile offenders apart from that for adult offenders. Numerous criminal laws in the nation regulate matters such as the age of criminal responsibility, the kinds of criminal penalties that can be applied to non-serious offenders and the circumstances under which they can be applied, criminal procedure for minors and special procedures pertaining to restorative justice, and the imposition of criminal penalties against convicted minors such as the Penal Code, the Law on

¹¹ Bazemore, G. (1998). Restorative justice and earned redemption. *American Behavioral Scientist*, 41(6), 768–813. <https://doi.org/10.1177/0002764298041006003>

¹² Bergseth K, Bouffard J *Journal of Criminal Justice* (2007) 35(4) 433-451; Bergseth, K.J., and Bouffard, J.A. 2012. Examining the effectiveness of a restorative justice program for various types of juvenile offenders." *International Journal of Offender Therapy and Comparative Criminology* 57(9):1054–1075.

¹³ *Literature review: Restorative Justice for Juveniles | Office of Juvenile Justice and Delinquency Prevention*. (n.d.). Office of Juvenile Justice and Delinquency Prevention. <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/restorative-justice-for-juveniles>

Conflict Resolution (the Mediation Law) and the Criminal Procedure Act (*COMPARATIVE APPROACH TO JUVENILE JUSTICE*, n.d.).¹⁴ All offenders, regardless of age, may be offered victim-offender mediation because Norway has a separate juvenile justice system; nonetheless, this process is typically used with teenagers or young adults who have committed crimes (Kemény, 2006)(Mestitz & Ghetti, 2005).¹⁵

It is significant to remember that Norway is the global leader in health care, child care, and social equality. The majority of the world follows Norway when it comes to juvenile criminal justice. This state provides a model for social equality, child care, and health and has a high level of social and familial stability.” (Van Wormer, 1990)¹⁶ Lappi-Seppala, in 2008 states that the Nordic model has placed a strong emphasis on social services and child welfare from the early 1990s. According to him, Norway has a comparatively high minimum age of criminal liability as compared to several other nations. Children under 15 are not regarded as having the capacity for criminal culpability and are, if required, placed under the jurisdiction of child welfare authorities. Norway's Child Welfare Services provided intervention support to 53,150 children in 2013, which is almost the same number as in 2012 (Statistics Norway, 2014). Only 14 nations (15%) have a greater upper age restriction, and only three countries outside of the Nordic region have an upper age limit of 15. However, youths aged 15 to 17 are eligible for social benefits and fall under the purview of CJS. Although there are ever more particular sanctions that are specifically applicable to minors, Norway lacks juvenile courts, juvenile legislation, and a juvenile code for juvenile offenders. (Lappi-Seppala, 2008).¹⁷ Formal detention and imprisonment are used sparingly. Apart from its focus on young people's welfare, the "Nordic model" is a crime prevention approach rather than a crime control model when dealing with "undisciplined" young people. Thus, all formal interventions are supportive in nature (Winterdyk et al., 2016).¹⁸ So, in Norway, there is an effective inclusion of above reformative principles.

¹⁴ *COMPARATIVE APPROACH TO JUVENILE JUSTICE*. (n.d.). <http://maclc.mk/Upload/Documents/BA.pdf>

¹⁵ Kemény, S. (2006). Victim-Offender Mediation with Juvenile Offenders in Norway. In *Springer eBooks* (pp. 101–114). https://doi.org/10.1007/1-4020-3879-8_5; Mestitz, A., & Ghetti, S. (2005). *Victim-offender mediation with youth offenders in Europe : an overview and comparison of 15 countries*. <http://ci.nii.ac.jp/ncid/BA80893396>.

¹⁶ Van Wormer, K. (1990). The hidden juvenile justice system in Norway: A journey back in time. *Federal Probation*, 54, 57–61. <https://psycnet.apa.org/record/1990-22879-001>.

¹⁷ Lappi-Seppala, T. (2008). Crime prevention and community sanctions in Scandinavia. *Helsinki, Finland: National Research Institute of Legal Policy*.

¹⁸ Winterdyk, J., Antonopoulos, G. A., & Corrado, R. (2016). Reflections on Norway's juvenile justice model: A comparative context. *Crime Prevention and Community Safety*, 18(2), 105–121. <https://doi.org/10.1057/cpcs.2016.3>

UNITED STATES

First time, in 2005, the U.S. the Supreme Court decided to raise the death penalty's minimum age to 18 years old (*Roper v. Simmons*, 543 U.S.551 (2005)).¹⁹ Most U.S. juvenile courts also handle cases of child neglect or abuse, as well as criminal and civil offenses committed by children (Shoemaker & Jensen, 2007).²⁰

Most of the cases related to minor criminals are informal by warning or advice. The procedure for minors continued in front of a criminal court. The juvenile court was originally established as a compulsory social work agency rather than a criminal court. Therefore, the Court for the minors was usually concerned about determining the guilt and innocence as the conclusion of the facts. It means that the court is legally eligible. This conclusion is comparable to the convicted ruling during a criminal trial in front of the adult court, and is generally called the ruling. The declaration of a minor as a delinquent constitutes the basis for a decision, comparable to a conviction, in which either freedom in the community under supervision or incarceration in a correctional institution may be ordered. Consistent with the juvenile court's intended role as a social welfare court rather than a criminal court, procedural standards in the United States were once quite elastic (Sherman & Strang, 2012).²¹

AUSTRALIA

There is no single piece of legislation in Australia establishing a separate juvenile justice system each state and territory has its own legislation. However, throughout Australia the minimum age of criminal responsibility is 10 years. All children in Australia between the ages of 10 and 14 are covered by the common law doctrine of *doli incapax*. Young people are subject to criminal prosecution when they reach 18 years of age in all states and territories except Queensland, where the age is 17.

Although each Australian jurisdiction is different, in general of the law on justice for minors covers the principles applicable to the management of young people, the way in which

¹⁹ *Roper v. Simmons*, 543 U.S.551 (2005).

²⁰ Shoemaker, D. J., & Jensen, G. (2007, October 15). Juvenile justice | Definition, Systems, History, & Debate. Encyclopedia Britannica. <https://www.britannica.com/topic/juvenile-justice/United-States>

²¹ Sherman, L. W., & Strang, H. (2012). Restorative Justice as Evidence-Based Sentencing. In Oxford University Press eBooks. <https://doi.org/10.1093/oxfordhb/9780199730148.013.0009>

the police can continue against a young person by the use of the arrest or assignments of justice, rules and principles governing the police and diversion regimes of the courts, any particular consideration for young people with regard to the surety or preliminary police custody, the exclusive jurisdiction of the children's court, which The criminal affairs that the children's court may hear and that the questions must bring before a higher court, appeals to a decision of the children's court, the short options for determining the sentence available for the court, any specific requirement relating to the return and compensation, as well as the creation of minors' detention centers and their operation (Cunneen, 2014).²² Like United States, the system of Juvenile Justice in Australia is proved beneficial to youths.

JAPAN

According to Article 41 of the Japanese Penal Code, an individual under the age of fourteen cannot be penalized for their actions. Furthermore, in accordance with Japanese juvenile law, the Family Court is generally not allowed to refer a case to the Public Prosecutor for the imposition of a criminal disposition if the juvenile is younger than twenty years old, with the exception of specific circumstances (Penal Code of Japan, Article 20).²³ Therefore, under existing law, even people with criminal ability should, in theory, receive protective (educational) measures and only get criminal punishment in certain extraordinary circumstances. The ability to discriminate between good and wrong and to regulate one's actions based on that discrimination is the general definition of criminal capacity in Japan. However, the Penal Code's denial of juveniles under the age of fourteen's criminal capability does not imply that those individuals are incapable of committing crimes. Instead, it is recognized that the Penal Code is based on a criminal policy viewpoint that emphasizes not punishing these juveniles in order to deter future offenders. Furthermore, juvenile law prioritizes protective dispositions that aim to rehabilitate and adjust the juvenile delinquent to their environment over criminal penalties, even for those who have reached the age of criminal liability, because it is founded on "the aim of the healthy growth and development of juveniles" (Article 1). Although most people agree that the core principles and ideals of juvenile justice should be upheld, the November 2000 revision of the Juvenile Law made several changes to the current system to address issues raised by various viewpoints. According to the Juvenile

²² Cunneen, C. (2014). Youth justice in Australia. In Oxford University Press eBooks.
<https://doi.org/10.1093/oxfordhb/9780199935383.013.62>

²³ Penal Code of Japan, Article 20.

Law, the phrase "juvenile delinquency" encompasses not just "juvenile crime" but also various other types of misconduct carried out by minors. Only crimes committed by minors who have attained the age of liability are included in the concept of juvenile crime.

By removing the age threshold for transfer, the amended Juvenile Law standardized the age for criminal responsibility and the possibility of transfer to the Public Prosecutor. There is no system in place in Japan that can hold parents criminally liable for their children's delinquent behavior. However, based on civil action that is separate from the juvenile or criminal process, the parents can be held civilly liable for reparation. Furthermore, the updated Juvenile Law included a new clause addressing guardians' obligations in specific situations (Jin, 2004).²⁴ As compared to India, Juvenile Justice in Japan is effective with new provisions.

SWEDEN

The only Scandinavian country where a court has the authority to rule on whether or not a minor is guilty of a crime (trial of evidence) is Sweden. The prosecutor may use this alternative option at the request of the parents, custodial parents, or social welfare agencies. It is assumed that this option will only be used in situations where a juvenile is accused of committing a particularly serious crime. Whether the juvenile is found guilty of the offense in question will be decided by the court. In actuality, the reality to try a juvenile's guilt in court has hardly ever been utilized (Storgaard, 2005).²⁵

Proving the guilt of someone who cannot be punished initially seems strange and contradictory. Furthermore, the child who is deemed "guilty" will undoubtedly receive a harsh label that could have a negative impact on their future. However, there are various ways to defend the system. One could argue that the primary goal of the evidence trial is to establish the child's innocence. And this will undoubtedly be in the best interests of the "accused" child, for instance, if the public has already pronounced the youngster guilty despite their innocence. If the matter wasn't tried in court, there can be mitigating circumstances that are unknown. In Sweden, it is legally possible for a court to try a child's guilt in serious instances. Additionally, children may be considered "parties" in a mediation process in Finland and Norway, which could result in a duty to provide compensation. Attending mediation could be a requirement

²⁴ Jin, G. (2004). Japan / The criminal responsibility of minors in the Japanese legal system. *Revue Internationale De Droit Pénal*, 75(1), 409. <https://doi.org/10.3917/ridp.751.0409>

²⁵ Storgaard, A. (2005). Juvenile justice in Scandinavia. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 5(2), 188–204. <https://doi.org/10.1080/14043850410028703>

for avoiding social measures, such as being institutionalized against one's will. For example, in Sweden, during the suspicion stage, the juvenile's parents or other adult caregivers must be notified. In order to question the juvenile, they must also be gathered. Additionally, in Sweden, preliminary investigations against minors must be completed at a specific pace, and a person specifically qualified for this task must conduct a preliminary inquiry against someone under the age of 18 (Storgaard, 2005).²⁶ After examining above all provisions, it seems that many provisions are protective towards the juvenile in nature.

6. RECOMMENDATIONS FOR REFORM

Juvenile delinquency is caused by a number of root causes. Poverty, illiteracy, and limited access to essential facilities are socio-economic factors that can influence young people to engage in criminal activity. Juvenile offenders' behaviour is also greatly influenced by family dynamics, such as dysfunctional households, abuse, and neglect. Peer pressure, substance misuse, and a dearth of positive role models can also make matters worse. In addition to these elements, the Indian legal and judicial system is a significant influence on how young offenders experience life (Mitra, 2024).²⁷ To enhance the effectiveness of the juvenile justice system in India, the following recommendations are proposed:

A. Implementing Community-Based Rehabilitation Programs

As discussed earlier, there can be various Community-based Rehabilitation Programs. Locally based many people, especially those who live in rural areas, may not find rehabilitation at specialized centers necessary or feasible, and numerous rehabilitation initiatives can be started locally. Rehabilitation activities that can be conducted in the community with local resources are outlined in the WHO manual on Community Training for People with Disabilities. In India, meeting the needs of young offenders necessitates an all-encompassing strategy that takes into account social, economic, and legal factors. Juveniles must have access to education, career training, constructive community interventions, and mental health support in order to be diverted from a life of crime.

²⁶ Storgaard, A. (2005). Juvenile justice in Scandinavia. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 5(2), 188–204. <https://doi.org/10.1080/14043850410028703>

²⁷ Mitra, P. (2024, June 3). Rehabilitation program for juvenile offenders in India. <https://www.linkedin.com/pulse/rehabilitation-program-juvenile-offenders-india-pushpita-mitra-n2vzc#:~:text=Addressing%20the%20needs%20of%20juvenile,from%20a%20life%20of%20crime>

B. Training Personnel in Child Psychology and Restorative Practices

As we've already seen, a crucial element of restorative justice is patched the harm caused by criminal activity. In order to foster accountability and address the needs of victims and the community in order to patched the harm caused by the crime, restorative justice programs are necessary to juveniles bring together victims, justice-involved youth, and community members in a non-adversarial process. People with specialized training should be there to handle children with ease because they understand their psychology. They would act friendly toward the child.

C. Increasing Collaboration with NGOs and Community Organizations

NGOs pair up young people with seasoned mentors who can offer direction, encouragement, and insightful advice. Professionals are frequently these mentors. They can provide guidance based on their personal experiences and assist aspiring leaders to form new policies for Juvenile offenders. Since NGOs are more accessible to communities than those working within criminal justice systems and are frequently more trusted than law enforcement, public prosecutors, and judges, the UN acknowledges the significant role they play in the creation and execution of restorative justice initiatives around the globe (United Nations Office on Drugs and Crime, 2006, pp. 75-76).²⁸ They can support creative, client-sensitive interventions while staying true to the fundamental healing principles of restorative justice because they are less politically and bureaucratically compromised, indoctrinated, and subject to external constraints than government institutions. The main point of this article is the important contributions NGOs can make to the advancement of restorative juvenile justice. NGOs may play a part in advancing restorative justice research and policies, empowering self-advocacy, educating and preparing participants, providing mentorship and support, creating and overseeing restitution opportunities, and more (*European Forum for Restorative Justice*, n.d.).²⁹

D. Establishment of monitoring and evaluation mechanisms to measure the impact of reforms

As ultimate control is essential for implementing reformative provisions, there should be

²⁸ WDR 2006. (n.d.-b). United Nations: Office on Drugs and Crime. <https://www.unodc.org/unodc/en/data-and-analysis/WDR-2006.html>

²⁹ *European Forum for Restorative Justice*. (n.d.). <https://www.euforumrj.org/ngo-roles-promoting-restorative-jvenile-justice-programmes>

an incorporation of Monitoring and Evaluation Mechanisms to keep watch on policies which are framed for the Community-based rehabilitation, to keep watch on training personal and to solving grievances under the Act. They can assess the impacts of all kind of reforms.

7. CONCLUSION

The analysis of reforms in the juvenile justice systems reveals significant understandings for the Indian approach as compared to international best practices. While India has made strides in addressing juvenile delinquency through legislative changes and rehabilitation efforts, a need for further alignment with global standards still remains. By emphasizing restorative justice, enhancing the role of community-based interventions, and ensuring the protection of children's rights, creating a more effective and humane juvenile justice system is essential. By incorporating effective international practices, India can foster a more rehabilitative environment that prioritizes the well-being and reintegration of juveniles in conflict with law into a society. Reforming the juvenile justice system in India is essential for ensuring that juveniles in conflict with law receive the support they need to reintegrate into society. By learning from international best practices, India can create a more effective and humane system that prioritizes rehabilitation and the well-being of children. In order to address the underlying causes of juvenile delinquency and reintegrate juveniles in conflict with laws into society as law-abiding, productive members of society.

Although the juvenile justice system in India has made significant reforms in recent years, aligning more closely with international best practices requires a constant commitment and planned initiatives. A well-functioning juvenile justice system is duty bound to strike a balance between compassion and accountability, acknowledging that every child in conflict with law has the capacity to develop and change. Societies can address the immediate problems of juvenile offending while also promoting the long-term growth and well-being of future generations by adopting a more supportive and rehabilitative approach, which will ultimately foster a safer and more just community.