

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

JUVENILE JUSTICE IN INDIA: CHILD-FRIENDLY SAFEGUARDS AND THE CHALLENGE OF SYMBOLIC COMPLIANCE

AUTHORED BY - MANDHIR SINGH¹, SHIVANI SACHAN² & SWATI CHAUHAN³

Abstract

Children require a legal framework that places their best interests at the centre of judicial processes, rather than merely offering protection on the basis of their young age or vulnerability. In India, various legal provisions have been established to safeguard the rights, dignity, and well-being of children who come into contact with the justice system, whether as victims, witnesses, or alleged offenders. These measures seek to ensure that children are treated sensitively and respectfully throughout legal proceedings. The Protection of Children from Sexual Offences (POCSO) Act, 2012 and the Juvenile Justice (Care and Protection of Children) Act, 2015 provide important statutory safeguards in this regard. In addition, judicial decisions have increasingly strengthened the recognition of child-sensitive procedures, reflecting India's broader commitment to the principles of international child rights law. A grim reality, however, emerges from a closer look at the actual situation: these laws' spirit is frequently undermined during execution. Child-friendly facilities are frequently either completely absent or only partially used in courtrooms. Procedural delays deprive children of prompt redress, and police officers continue to lack adequate training in child psychology. The very mechanisms designed to keep children safe can and frequently do retraumatize them by making them relive their experiences in insensitive, alienating settings. Even with obligatory facilities for in-camera trials, special courts, and support personnel, numerous adolescents are nonetheless subjected to the burden of silence and the harshness of cross-examination. A crucial question is raised by this discrepancy between legal theory and practical reality: Is India's child-friendly justice system genuinely based on reformatory compassion, or are they merely token gestures intended to meet legislative checklists? Through legislative review, case laws and international instruments, this article explores the procedural, psychological, and systemic flaws that prevent reformation and rehabilitation of children in conflict with law, i.e. juveniles.

¹ Research Scholar, Faculty of Law, Nehru Gram Bharati (Deemed to be University), Prayagraj.

² Research Scholar, Faculty of Law, University of Lucknow, Lucknow.

³ Research Scholar, Faculty of Law, University of Lucknow, Lucknow.

Keywords: Juvenile Justice Act, Legal Safeguards, Symbolic Compliance, Child Rights in India, Reformatory Justice.

Introduction

“There can be no keener revelation of a society’s soul than the way in which it treats its children.”

-----Nelson Mandela

A child is born innocent, and with proper care, love, and guidance, has the potential to grow into a responsible and productive adult. Childhood is a critical stage of physical, mental, moral, and emotional development, and when nurtured in a secure environment, it lays the foundation for a dignified and meaningful life.⁴ However, neglect, poverty, broken families, and abuse often push children towards delinquent behavior, exposing them to crime either as victims or offenders.⁵ In India, where children make up a sizable fraction of the population, young vulnerability has a profound impact on society. Because of their immaturity and impulsivity, adolescents, especially young boys are more likely to do disruptive or criminal acts, according to numerous studies.⁶ For this reason, juvenile justice is a delicate topic that calls for a balance between social and legal remedies. Over the years, India has witnessed a sharp rise in juvenile offences, with crimes ranging from theft and extortion to serious violent acts, reflecting both systemic failures and socio-economic stressors. Since children are a nation’s greatest resource, their treatment within the justice system must prioritize reform and rehabilitation rather than punishment.⁷

Concept of Juvenile Delinquency and its Causes

Lawbreaking or socially abnormal behavior by people under the age of eighteen is referred to as juvenile delinquency. In early infancy, what could seem like simple mischief frequently turns into a crime when a child reaches puberty. The Juvenile Justice (Care and Protection of Children) Act, 2015, aligns India's stance with the UN Convention on the Rights of the Child by defining a juvenile as any anyone under the age of eighteen. In cases like *Pratap Singh v. State of Jharkhand*⁸, where it was decided that the date of the offense rather than the date of production

⁴ UNICEF, *The State of the World’s Children 12* (Oxford University Press, New York, 2019).

⁵ Census of India, *Children in India 2011: A Statistical Appraisal* (Office of the Registrar General & Census Commissioner, New Delhi, 2012).

⁶ Laurence Steinberg, “Adolescent Development and Juvenile Justice” 5 Annual Review of Clinical Psychology 459 (2009)

⁷ National Crime Records Bureau, *Crime in India 2022* (Ministry of Home Affairs, Government of India, 2023) <https://ncrb.gov.in/en/crime-india> (last accessed on 30 August 2026).

⁸ *Pratap Singh v. State of Jharkhand & Anr.*, AIR 2005 SC 2731

before the court is the pertinent date for calculating age, courts have also provided clarification significant issues.

Delinquent offences including offences like theft, assault, property damage, or even more serious crimes like rape and murder, and offences against state, which are actions deemed unsuitable for children are examples of juvenile misconduct. These behaviors are influenced by a variety of factors, and because of their complexity, it is challenging to treat them with purely punitive tactics. Children who grow up in abusive, neglectful, or impoverished households are more likely to engage in misbehavior because these situations impair their moral sensibilities. At the same time, children are more likely to be lured into deviant paths when society does not offer them education or opportunities.

Juvenile delinquency has a variety of causes. Some adolescents are more susceptible to risky and illegal behavior due to personal variables such as psychological illnesses, impulsiveness, poor mental health, or a lack of self-control. Adolescents who have trouble controlling their emotions may act aggressively or defiantly, which can lead to destructive behaviors toward others or oneself. Family variables are similarly important; children are frequently influenced to engage in antisocial behavior by parental neglect, domestic abuse, ongoing conflict, or a lack of appropriate guidance. Children who witness their parents disregarding the law or moral standards are more prone to emulate similar behavior, and there is frequently a direct correlation between juvenile offences and dysfunctional families.

The Development of Juvenile Justice System in India

India's juvenile justice system has evolved gradually from unofficial social responsibility to codified legal institutions shaped by colonial rule, constitutional requirements, and global norms. Prior to 1773, the welfare of children was primarily addressed by the personal laws of Islam and Hinduism, which held that raising children was the main responsibility of the family and the community and that helping poor or abandoned children was a noble duty.⁹ However, there was no explicit mention of juvenile crime, with the exception of texts such as the Manusmriti that prescribed different punishments for minors. As the East India Company evolved from a commercial company to a governing body between 1773 and 1840, the first sporadic rules pertaining to children emerged, indicating a gradual acknowledgment of their unique status. The

⁹ Werner Menski, *Hindu Law: Beyond Tradition and Modernity* 215 (Oxford University Press, 2003).

founding of the David Sassoon Industrial School in Bombay in 1843 marked a turning point in the reform of juvenile offenders through education and apprenticeships. This was followed by the Apprentices Act of 1850 and the Reformatory Schools Act of 1897, which demonstrated a move toward vocational training and rehabilitation, albeit with conditions that frequently mirrored those of prisons.¹⁰ Provincial laws like the Children Acts had been passed by the early 20th century, but regional disparities resulted from the lack of a unified national law.

A petition by journalist Sheela Barse in 1983 led to the Supreme Court calling for uniformity in juvenile justice after welfare principles gained prominence after independence and the Children Act of 1960 was passed for Union Territories, inspiring similar laws in the states.¹¹ However, disparities in age definitions and procedures led to unequal treatment. As a result, India's first national framework, the Juvenile Justice Act of 1986, was created. It forbade the imprisonment of minors and guaranteed that they would be prosecuted separately, although it only applied to those under the age of sixteen.

After India ratified the UN Convention on the Rights of the Child in 1992, the law needed to be in line with international norms.¹² This led to the creation of the Juvenile Justice (Care and Protection of Children) Act of 2000¹³, which prioritized rehabilitation through foster care, adoption, and other non-institutional measures. Its provisions were reinforced by subsequent amendments in 2006 and 2011. The contentious Juvenile Justice Act of 2015, which expanded adoption and child protection frameworks and allowed for the possibility of trying children aged sixteen to eighteen as adults in heinous crimes, was the result of public pressure for harsher punishment of older juveniles following the Delhi gang rape case in 2012.¹⁴ This case highlighted the ongoing conflict between India's commitment to child-friendly justice and its propensity for symbolic compliance with public sentiment.

The Juvenile Justice (Care and Protection of Children) Act, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015¹⁵ is a comprehensive law that combined the care and protection of children in need of protection with the treatment of children in conflict with the law under a unified framework. Rehabilitation, social reintegration, and the

¹⁰ Apprentices Act, 1850 (Act 19 of 1850); Reformatory Schools Act, 1897 (Act 8 of 1897); Madras Children Act, 1920 (Madras Act 4 of 1920); Bombay Children Act, 1948 (Bombay Act 71 of 1948); West Bengal Children Act, 1959 (West Bengal Act 30 of 1959); Children Act, 1960 (Act 60 of 1960).

¹¹ *Sheela Barse v. Union of India*, AIR 1986 SC 1773.

¹² Convention on the Rights of the Child, adopted 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990, ratified by India 11 December 1992).

¹³ Juvenile Justice (Care and Protection of Children) Act, 2000 (Act 56 of 2000).

¹⁴ *Mukesh & Ors. vs. State of NCT of Delhi & Ors.*, (2017) 8 SCC 192

¹⁵ The Juvenile Justice (Care and Protection) Act, 2015 (Act 2 of 2016)

use of a child-friendly approach in case management with an emphasis on food, shelter, education, and emotional stability are all focused upon. Recognizing the claim of juvenility and permitting the question of immaturity to be brought up at any point during the legal process was one of its noteworthy aspects. According to the ruling in *Deoki Nandan Dayma v. State of Uttar Pradesh*¹⁶, the Juvenile Justice Board was tasked with evaluating such accusations by carefully examining supporting documentation, such as school records.

Similarly, the court upheld the argument that immaturity may be raised even after a case had been moved in *Kulai Ibrahim v. State of Coimbatore*¹⁷. Through the Juvenile Justice Rules, 2007, the Act established comprehensive guidelines mandating that boards evaluate cases sensitively while striking a balance between legal requirements and community considerations. Notwithstanding criticism, the 2015 Act was an attempt to integrate responsibility and welfare, guaranteeing that juvenile justice encompassed not just punishment but also protection and reformation.¹⁸

Juvenile Justice (Care and Protection of Children) Amendment Bill, 2018

In order to close ongoing gaps in the 2015 Act's implementation, especially with regard to adoption and administrative effectiveness, the Juvenile Justice (Care and Protection of Children) Amendment Bill, 2018 was introduced. By giving local judicial officers the authority to issue adoption and reception orders instead of higher courts, the Bill sought to decentralize decision-making. The goal of this reform was to expedite processes, cut down on delays, and give children faster access to secure homes. Furthermore, the Bill alleviated the strain on higher courts by giving district-level judges the authority to request financial assistance and resources required to address the backlog of more than 600 ongoing adoption cases. It reaffirmed the idea that adoption establishes a lasting and legal connection between parents and children and is not just a legal procedure but also a lifetime commitment.¹⁹

International Perspective on Juvenile Justice

The evolution of India's juvenile justice system has been significantly influenced by international conventions and guidelines that set global standards for the treatment of children. These

¹⁶ *Deoki Nandan Dayma v. State of Uttar Pradesh & Anr.*, (1997) 10 SCC 525 (SC)

¹⁷ *Kulai Ibrahim @ Ibrahim v. State Rep. by the Inspector of Police, B-1, Bazaar Police Station, Coimbatore*, Criminal Appeal No. 1308 of 2014 (S.L.P. (Crl.) No. 9412 of 2013), Supreme Court of India, decided 3 July 2014.

¹⁸ *Shilpa Mittal v. State (NCT of Delhi)* (2020) 2 SCC 787.

¹⁹ Parliamentary Standing Committee on Human Resource Development, *Report on the Juvenile Justice (Care and Protection of Children) Amendment Bill, 2018* (Rajya Sabha, 2019).

instruments emphasize that children are not merely miniature adults, but individuals entitled to special protection, care, and opportunities for development.

- **International Covenant on Civil and Political Rights (1966)**

The ICCPR emphasized the need for humane treatment of persons deprived of their liberty and established the groundwork for fair trial norms that apply equally to children. In order to prevent punishment from overshadowing reformation, it mandated that states set up processes that consider the age and rehabilitation requirements of young offenders. The Covenant acknowledged the right to dignity and reintegration for youth in legal trouble, which were later extended in child-specific treaties.²⁰

- **Convention on the Rights of the Child (1989)**

The most extensive international agreement on child rights is the UN Convention on the Rights of the Child (CRC), which India ratified in 1992. Anybody under the age of eighteen is considered a child, and states are required to provide for their participation, survival, growth, and protection. Detention should only be used as a last resort and for the lowest amount of time, according to the CRC. It protects children from exploitation, abuse, and neglect and ensures their rights to family life, health care, and education. Crucially, it reinterprets children's rights as human rights, which include social, cultural, political, economic, and civil aspects.²¹ India's juvenile justice laws from 2000 and 2015 were directly impacted by the CRC's requirement that governments align their domestic laws with these principles.

- **Beijing Rules (1985) – United Nations Standard Minimum Rules for the Administration of Juvenile Justice**

The first extensive international standards pertaining to juvenile justice were the Beijing Rules. They emphasize the importance of treating young offenders with respect for their worth and dignity, emphasizing reintegration above punishment. These regulations promote the use of alternatives including community service, probation, and counseling as well as a diversion from formal legal processes. They shaped the idea of child-friendly justice globally, including in India, by laying out minimal requirements for judges, prosecutors, and police when working with minors.

²⁰ International Covenant on Civil and Political Rights, 1966, arts. 10(2)(b), 10(3), 14(4) & 24(1).

²¹ Convention on the Rights of the Child, 1989, arts. 3(1), 12, 37 & 40

²² United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 1985, rr. 5, 7, 11, 13, 14 & 26, G.A. Res. 40/33, U.N. Doc. A/RES/40/33 (Nov. 29, 1985).

- **Riyadh Guidelines (1990)– United Nations Guidelines for the Prevention of Juvenile Delinquency**

The foundation of juvenile justice, according to the Riyadh Guidelines, is prevention. They emphasize the need for societies to decrease risk factors like poverty, neglect, and exploitation and to foster healthy development. In order to prevent delinquency, these guidelines encourage a multidisciplinary strategy that involves communities, schools, families, and the media. Additionally, they emphasize the value of early intervention and systems of support that empower kids instead of stigmatizing them.²³ The Riyadh Guidelines have been essential for India in bolstering community-based rehabilitation and child protection measures.

- **United Nations Rules for the Protection of Juveniles Deprived of Liberty (1990)**

For children in custody, these regulations²⁴ offer comprehensive protections that guarantee their rights to humane treatment, education, healthcare, and family contact. To stop abuse and exploitation, they forbid severe punishment, torture, and inhuman treatment. They also mandate that children be kept apart from adults. By recommending separate observation houses, special homes, and child care facilities for juveniles, India's model regulations under the Juvenile Justice Acts mirror similar ideas.

Implementation Challenges: Symbolic Compliance in Practice

Although India's juvenile justice system appears to be progressive on paper, there are significant gaps in its actual application, which frequently reduces it to merely complying with international standards rather than providing real child safety. The worst problem is the condition of childcare facilities. In observation homes and special homes, reports from the National Commission for Protection of Child Rights (NCPCR) and other committees have shown overcrowding, poor food, poor hygiene, and a lack of qualified counselors.²⁵ Instead of offering a secure and reforming environment, many of these facilities expose kids to abuse, neglect, and secondary victimization. Frequent media allegations of violence within these homes and the deaths of youngsters in custody highlight the system's vulnerability.

The backlog of cases before Juvenile Justice Boards (JJBs) is another significant obstacle. Thousands of instances involving children in dispute with the law go unaddressed for years,

²³ United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), 1990, G.A. Res. 45/112, U.N. Doc. A/RES/45/112 (Dec. 14, 1990).

²⁴ United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990, rr. 1, 2, 12 & 17, G.A. Res. 45/113, U.N. Doc. A/RES/45/113 (Dec. 14, 1990).

²⁵ National Commission for Protection of Child Rights (NCPCR), *Annual Report 2020–21* (New Delhi, 2021).

according to NCRB data.²⁶ In addition to undermining the Article 21 constitutional promise of prompt justice, this delay is especially harmful to children, whose education is disrupted, their stigma is increased, and they are frequently further pushed into vicious cycles of criminality by protracted trials. The Supreme Court has previously emphasized the significance of promptly resolving matters involving children and instructed governments to set up suitable facilities in *Sheela Barse v. Union of India*²⁷. However, pendency is still a systemic issue decades later, indicating a disconnect between judicial orders and real-world implementation.

Another aspect of symbolic compliance is the punitive change brought about by the Juvenile Justice Act of 2015, specifically the clause permitting minors between the ages of 16 and 18 to be tried as adults for heinous crimes. This clause, which was passed in the wake of the 2012 Delhi gang rape case, was less a move toward child-centered reform and more a political reaction to popular indignation. The foundation of juvenile justice is rehabilitation, according to international documents like the UNCRC, yet this clause puts India closer to retaliation. Despite criticism, the Supreme Court maintained the 2000 Act's emphasis on reform in *Salil Bali v. Union of India*²⁸, stating that children and adults should not be compared. This fundamental ethos seems to be diluted by the 2015 Act, casting doubt on India's long-term commitment to child-friendly justice.

However, there is another view point also that given the severity of the crime, trial of juveniles as adult may create a deterrent effect in the society. Before the trial as an adult there has to be preliminary assessment. It must consider developmental maturity, mental capacity, circumstances and rehabilitation of the juvenile. A balanced approach should prevent the adultification of children merely because of the offence while ensuring accountability for serious offences and recognizing the rights and interests of victims.

Furthermore, although being suggested by both the Beijing Rules and the Riyadh Guidelines, diversionary and community-based alternatives such as counseling, vocational training, mentorship, and restorative justice are rarely put into practice. Instead, the system still makes extensive use of institutionalization, which keeps kids apart instead of reintegrating them into society. Due to their frequent lack of specialized training in child psychology, police officers, magistrates, and staff frequently apply the law in a way that is insensitive to the needs of juvenile offenders.

Lastly, accountability and monitoring systems are still inadequate. Regular inspections of

²⁶ National Crime Records Bureau, *Crime in India 2022* (Ministry of Home Affairs, Government of India, 2023)

²⁷ *Sheela Barse v. Union of India*, AIR 1986 SC 1773

²⁸ *Salil Bali v. Union of India* (2013) 7 SCC 705.

childcare facilities are frequently neglected by state governments, and when infractions are discovered, administrators are rarely disciplined. Despite the existence of robust legislative protections, breaches of children's rights continue because of this lack of control. In *Re: Exploitation of Children in Orphanages in State of Tamil Nadu*²⁹, the Supreme Court noted that passing laws alone is insufficient unless strict oversight guarantees that they are really implemented.

When combined, these difficulties show that although India has produced a legislative framework that seems to be in line with international norms, there are still many flaws in the way it is actually implemented. Child-friendly justice frequently exists more in theory than in reality due to the dependence on punitive provisions, a lack of funding, inadequate infrastructure, delays, and lax monitoring procedures. As a result, much of India's compliance is reduced to a symbolic gesture rather than a lived reality for children who are in legal trouble.

Comparative Perspectives: Lessons from Global Juvenile Justice Models

Analyzing juvenile justice systems around the globe shows where India stands in respect to others and offers insightful information on how various jurisdictions strike a balance between accountability and child-friendly measures.

The Crime and Disorder Act of 1998 and its follow-up amendments, which prioritize early intervention, restorative justice, and diversion, serve as the foundation for the juvenile justice system in the United Kingdom. In addition to receiving counseling, mentorship, and educational support, young offenders are urged to accept responsibility for their acts. Custody is rarely utilized and is reserved for extreme circumstances.³⁰ The goal of specialized juvenile courts is to streamline procedures so that kids may engage in them more successfully. Youth Offending Teams (YOTs), which combine experts from the social services, police, probation, and health sectors to offer comprehensive solutions catered to each kid, are a crucial component. India's Juvenile Justice Boards frequently experience delays and a lack of resources; in contrast, the UK model demonstrates the efficacy of a coordinated, interdisciplinary approach.

The Child Justice Act of 2008 in South Africa is another example of a progressive framework. Diversion is a key component, as it openly supports restorative justice. Instead of receiving jail time, children are offered the chance to make amends with the victims, complete community service, or participate in rehabilitation programs³¹. Crucially, the Act recognizes that protracted

²⁹ *Re: Exploitation of Children in Orphanages in State of Tamil Nadu*, (2017) 7 SCC 578.

³⁰ Crime and Disorder Act, 1998 (UK), c. 37.

³¹ Child Justice Act, 2008 (South Africa), Act No. 75 of 2008.

trials are harmful to children's development and establishes stringent time restrictions to guarantee prompt case settlement. This strategy stands in stark contrast to India's heavy caseload before Juvenile Justice Boards, where delays frequently compromise the law's intended rehabilitative purpose.

The United States presents a conflicting image. Despite the fact that many states have strong diversionary and rehabilitation programs, others have a history of sending minors to adult courts for major offenses. This practice has drawn criticism for subjecting kids to harsher conditions and increasing recidivism rates. Historic rulings like *Graham v. Florida*³², which outlawed life in prison without the possibility of parole for non-homicide offenses committed by minors, and *Roper v. Simmons*³³, in which the US Supreme Court overturned the death penalty for minors, demonstrate a growing understanding that children cannot be treated like adults. A similar punitive trend can be seen in India's 2015 Act provision permitting 16–18-year-olds to be tried as adults, which raises questions about whether India is making the same mistakes that other countries are now fixing.

A recurring theme among these approaches is that the most effective systems place more emphasis on prompt intervention, community-based alternatives, and rehabilitation than on punitive measures³⁴. Despite India's alignment with international treaties such as the UNCRC, it appears that most of its compliance is merely symbolic given its persistent dependence on institutionalization and provisions for adult trials. India can learn a lot from these international strategies to improve its own system and make sure that kids who run afoul of the law are not viewed as hopeless criminals but rather as unique people with the capacity to change.

Suggestions for Reform

India needs to address its legal and infrastructure issues in order to go from symbolism to substantive compliance. First, as it goes against the juvenile justice system's rehabilitative ethos, the clause permitting minors between the ages of 16 and 18 to be tried as adults ought to be reexamined. The preliminary assessment for deciding trial of juvenile as an adult should be individualized. A balanced approach must be adopted which guarantees justice to victim and rehabilitation and reformation of the juvenile.

Second, childcare facilities need to be changed into authentic places of transformation. To stop

³² *Graham v. Florida*, 560 U.S. 48 (2010).

³³ *Roper v. Simmons*, 543 U.S. 551 (2005).

³⁴ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“Beijing Rules”), adopted by UNGA Res 40/33 (29 November 1985)

abuse and neglect, this calls for infrastructural investment, hiring qualified personnel, and routine monitoring. It should be mandatory for independent organizations like the NCPDR to conduct transparent audits.

Third, diversion programs need to be extended, using international models as a guide. Community service, skill development, mentoring, and counseling can all be useful substitutes for jail time. India would be more in line with global best practices if it adopted restorative justice techniques, in which criminals make apologies to victims and communities.

Fourth, it is essential to increase stakeholders' capability. Specialized training in child psychology, counseling, and rights-based techniques is required of police officers, courts, and child welfare officials. Lastly, there is a need to increase community involvement and public awareness. In order to prevent delinquency and promote reintegration, families, schools, and civil society organizations are essential. Unless society views juveniles as children in need of guidance rather than criminals, legislative safeguards will remain ineffective.

Conclusion

India already has a strong foundation for child-friendly justice system thanks to international agreements and judicial interventions. However, these protections are frequently reduced to symbolic compliance due to implementation difficulties, institutional shortcomings, and a tendency toward punitive actions. The judiciary's endeavor to preserve the restorative spirit of juvenile law is exemplified by seminal rulings like *Sheela Barse*, *Pratap Singh*, *Salil Bali*, and *Shilpa Mittal*. However, the promise of a child-friendly justice system will not be realized until rehabilitation, diversion, and reintegration are given priority in legislative and institutional reforms. India must reaffirm its commitment to children's rights in both law and practice in order to achieve meaningful compliance. This would guarantee that every child who is in legal trouble is given a real chance to start over.