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Comparative Analysis: Indian Juvenile Justice Framework v/s Global Standards

TUSHAR RAJENDRA BANDAL*

ABSTRACT

In an era where the protection, rehabilitation and development of children in conflict with law have become essential components of a progressive criminal justice system, juvenile justice has emerged as a significant area of legal and social concern. The Indian juvenile justice framework is primarily governed by the Juvenile Justice (Care and Protection of Children) Act, 2015, which establishes mechanisms for the care, protection, treatment, development, rehabilitation and social reintegration of children in conflict with law and children in need of care and protection. The framework is further influenced by constitutional guarantees and international principles concerning child rights and juvenile justice. Increasing concerns relating to juvenile delinquency, child protection, rehabilitation, institutional care and the treatment of children accused of serious offences have highlighted the need to examine whether India's juvenile justice system adequately reflects internationally recognised standards. Global standards, particularly those emphasising the best interests of the child, rehabilitation, non-discrimination, proportionality and detention as a measure of last resort, provide an important basis for comparative evaluation. Despite the existence of a comprehensive statutory framework in India, concerns persist regarding the treatment of children in conflict with law, institutional mechanisms, procedural safeguards, rehabilitation measures and the possibility of differential treatment for children accused of heinous offences. The extent to which the Indian framework conforms to internationally recognised juvenile justice standards therefore requires critical examination. The Indian juvenile justice framework substantially incorporates the principles of child protection, rehabilitation and social reintegration; however, gaps in implementation, procedural safeguards, institutional mechanisms and the treatment of children involved in serious offences may create divergence from global juvenile justice standards. This paper aims to critically analyse the Indian juvenile justice framework in comparison with global standards, examine the principles and safeguards governing children in conflict with law, identify areas of convergence and divergence, and suggest appropriate measures to strengthen India's juvenile justice system in accordance with child-centred, rehabilitative and rights-based principles.

Keywords: *Juvenile, Justice, Child Rights, Standards*

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I. INTRODUCTION

Juvenile delinquency is a significant social and legal concern because children who come into conflict with law require a response that recognises both the nature of the offence and their age, maturity, circumstances and capacity for rehabilitation. Juvenile delinquency generally refers to unlawful or antisocial behaviour committed by persons who are below the legally recognised age of adulthood. Unlike adult offenders, children are still undergoing physical, psychological, emotional and social development. Their involvement in offending behaviour may be influenced by several factors, including family environment, poverty, lack of education, peer pressure, substance abuse, neglect, abuse, social exclusion and other adverse environmental circumstances. The nature of offences involving children has also changed with social and technological developments, with children increasingly becoming involved in cyber-related offences, online fraud, violence, substance-related offences and other technology-facilitated activities. Therefore, treating children merely through a punitive adult-oriented criminal justice approach may not adequately address the underlying causes of delinquency. A separate juvenile justice system is consequently required to emphasise protection, accountability, rehabilitation and social reintegration.

The development of juvenile justice in India reflects a gradual movement from a predominantly welfare-oriented approach towards a more structured child-centred legal framework. Before the present legislation, India enacted the Juvenile Justice Act, 1986, which sought to provide a uniform framework for the care, protection, treatment, development and rehabilitation of juveniles. It was subsequently replaced by the Juvenile Justice (Care and Protection of Children) Act, 2000, which incorporated important child-rights principles and reflected India's obligations under international standards. The present Juvenile Justice (Care and Protection of Children) Act, 2015 introduced several significant changes, including the classification of offences into petty, serious and heinous offences, revised provisions on the constitution and functioning of Juvenile Justice Boards, and a mechanism for preliminary assessment in cases involving children between sixteen and eighteen years alleged to have committed heinous offences. The Act continues to emphasise rehabilitation and social reintegration while attempting to address concerns relating to serious juvenile offending.[1]

At the international level, juvenile justice has developed through important human-rights instruments and standards. The United Nations Convention on the Rights of the Child, 1989 (UNCRC) recognises the best interests of the child, the child's right to be heard, protection from

[1] The Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, §§ 2(12), 3, 15, INDIA CODE (2016) [hereinafter JJ Act].

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arbitrary detention and the importance of rehabilitation and reintegration.[2] The Beijing Rules, 1985, provide standards for the administration of juvenile justice, while the Riyadh Guidelines, 1990, emphasise prevention of juvenile delinquency through family, education and community-based measures.[3] The Havana Rules, 1990, provide safeguards for juveniles deprived of liberty. These standards collectively promote a child-sensitive, rehabilitative and rights-based approach.

The present study therefore comparatively examines the Indian juvenile justice framework against these global standards, particularly in relation to diversion, detention, rehabilitation, participation, institutional care and the treatment of children aged sixteen to eighteen years. It seeks to determine the principal areas of convergence and divergence and considers whether existing Indian legal and institutional mechanisms sufficiently reflect internationally recognised principles. The study proceeds on the hypothesis that although Indian juvenile justice law substantially incorporates international child-rights principles, certain legislative and institutional aspects, particularly those concerning older juveniles, detention, diversion and rehabilitation, require further examination and strengthening.

II. CONCEPTUAL FRAMEWORK OF JUVENILE JUSTICE AND GLOBAL STANDARDS

A. Meaning and concept of juvenile justice

Juvenile justice refers to the legal and institutional system established to deal with children who are alleged to have committed offences, while recognising their age, developmental stage and potential for reform. It differs from the conventional criminal justice system because its primary objective is not merely punishment, but the protection, rehabilitation and social reintegration of children. A child-centric approach considers the best interests, dignity, welfare and individual circumstances of the child while determining an appropriate response to offending behaviour. The Indian juvenile justice framework therefore seeks to balance accountability with opportunities for education, counselling, rehabilitation and reintegration into society. In contrast, conventional criminal justice generally places greater emphasis on culpability, punishment and deterrence applicable to adult offenders.[4]

[2] Convention on the Rights of the Child arts. 3, 12, 37, 40, Nov. 20, 1989, 1577 U.N.T.S. 3.

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

[4] VED KUMARI, THE JUVENILE JUSTICE SYSTEM IN INDIA: FROM WELFARE TO RIGHTS 1–12 (Oxford University Press 2004).

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B. Concept of child in conflict with law

The Juvenile Justice (Care and Protection of Children) Act, 2015 adopts the expression "child in conflict with law" rather than treating a child simply as a "juvenile offender". This terminology reflects a significant conceptual shift from identifying the child primarily with the offence towards recognising the child as a person requiring care, protection and appropriate intervention. Under the Act, the expression refers to a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of the offence. The terminology is therefore consistent with the broader child-rights approach, under which offending behaviour is addressed without permanently attaching a criminal identity to the child.[5]

C. Juvenile delinquency

Juvenile delinquency broadly denotes unlawful or antisocial conduct committed by children or adolescents. It may arise from a combination of social, economic, familial, psychological and environmental circumstances. Poverty, family instability, neglect, abuse, peer influence, lack of education, substance abuse, social exclusion and exposure to violence may contribute to offending behaviour. Consequently, prevention requires more than criminal sanctions and should include family support, education, counselling, community participation and opportunities for social development.[6]

D. Principles of juvenile justice

The juvenile justice system is founded upon principles including the best interests of the child, presumption of innocence, dignity and worth, non-discrimination and the right of the child to participate in proceedings. It also emphasises proportionality, diversion from formal proceedings where appropriate, institutionalisation as a last resort, and rehabilitation and social reintegration. These principles seek to ensure that the response to juvenile offending remains proportionate to the child's circumstances and does not unnecessarily expose the child to the harmful effects of institutional or criminal processes.[7]

E. Global approach to juvenile justice

International juvenile justice standards demonstrate a gradual movement from a predominantly punitive approach towards child protection, rehabilitation, reintegration and prevention. Instruments such as the UNCRC, the Beijing Rules, the Riyadh Guidelines and the Havana

[5] JJ Act, *supra* note 1, § 2(13); Kumari, *supra* note 4, at 35–45.
[6] Riyadh Guidelines, *supra* note 3.
[7] JJ Act, *supra* note 1, § 3.

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Rules collectively emphasise dignity, participation, diversion, minimum use of detention and rehabilitation. This conceptual progression, from punishment to child protection, rehabilitation, reintegration and prevention, provides an appropriate framework for examining the extent to which India's juvenile justice system corresponds with contemporary global standards.[8]

III. INDIAN JUVENILE JUSTICE FRAMEWORK

A. Constitutional framework

India's juvenile justice framework is rooted in constitutional guarantees of equality, dignity, protection and development. Article 14 guarantees equality before law and equal protection of laws. Article 15(3) permits special provisions for children, supporting protective legislation. Article 21 protects life and personal liberty and requires fair treatment. Article 21A guarantees free and compulsory education to children aged six to fourteen, supporting prevention and rehabilitation. Articles 23 and 24 protect children from trafficking, forced labour and hazardous employment. Article 39(e) directs the State to ensure that the tender age of children is not abused and that citizens are not forced by economic necessity into avocations unsuited to their age or strength, while Article 39(f) directs that children be given opportunities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood and youth be protected against exploitation and against moral and material abandonment. These provisions establish a constitutional foundation for child-centred juvenile justice.[9]

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

The Act is the principal statute governing children in conflict with law and children in need of care and protection. It aims at their care, protection, development, treatment, rehabilitation and social reintegration through a child-friendly approach in the best interests of children. It provides for Juvenile Justice Boards, Child Welfare Committees and child care institutions such as observation homes, special homes and places of safety, and assigns the trial of certain cases to Children's Courts.[10]

i. Classification of children

The Act recognises the "child in conflict with law" and the "child in need of care and protection". The former is a child who is alleged or found to have committed an offence and who had not completed eighteen years of age on the date of the offence. The latter covers

[8] United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), G.A. Res. 40/33, annex, U.N. Doc. A/RES/40/33 (Nov. 29, 1985), https://www.ohchr.org/Documents/ProfessionalInterest/beijingrules.pdf (last visited Sept. 18, 2026).
[9] INDIA CONST. arts. 14, 15(3), 21, 21A, 23, 24, 39(e), 39(f).
[10] JJ Act, *supra* note 1, pmbl., §§ 2(20), 3, 4, 27, 40, 47–49.

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children facing abandonment, abuse, exploitation or vulnerability. Eighteen years is the central age threshold.[11]

ii. Juvenile Justice Board

The Board comprises a Metropolitan Magistrate or a Judicial Magistrate of the First Class (the Principal Magistrate) and two social workers, of whom at least one must be a woman.[12] It conducts inquiries and passes appropriate orders through child-friendly procedures, and it also considers rehabilitation.

iii. Classification of offences

The Act classifies offences as petty, serious and heinous. Petty offences are those for which the maximum punishment is imprisonment for up to three years; serious offences form an intermediate category; and heinous offences carry a minimum punishment of imprisonment for seven years or more. Classification determines the procedure and response of the Board.[13]

iv. Children between sixteen and eighteen years

Section 15 applies where a child who has completed or is above the age of sixteen years is alleged to have committed a heinous offence. The Board assesses the child's mental and physical capacity to commit the offence, ability to understand its consequences and the circumstances in which it was allegedly committed. Psychologists or psycho-social workers may assist. Where the Board finds a need for trial as an adult, it may transfer the case to the Children's Court under section 18(3). This raises a comparative question concerning accountability and rehabilitation.[14]

v. Bail and detention

Bail is the general rule for a child alleged to be in conflict with law, subject to exceptions where release is likely to bring the child into association with any known criminal, expose the child to moral, physical or psychological danger, or defeat the ends of justice. If bail is denied, the child is kept in an observation home or place of safety, and never in a police lock-up or jail.[15]

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[11] *Id.* § 2(12)–(14).

[12] *Id.* § 4(2).

[13] *Id.* §§ 2(33), 2(45), 2(54). Clause (54) was substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, No. 23 of 2021, § 2(vii), INDIA CODE (2021), in force from Sept. 1, 2022 (Ministry of Women and Child Development Notification S.O. 4127(E) (Aug. 31, 2022)). Serious offences now include offences punishable with a minimum term of more than three and not more than seven years, and offences punishable with a maximum term of more than seven years for which no minimum, or a minimum of less than seven years, is provided.

[14] JJ Act, *supra* note 1, §§ 15, 18(3), 19; *cf. Salil Bali v. Union of India*, (2013) 7 SCC 705 (upholding eighteen years as the age of juvenility under the Juvenile Justice (Care and Protection of Children) Act, 2000).

[15] JJ Act, *supra* note 1, §§ 10(1), 12; *see also Sheela Barse v. Union of India*, (1986) 3 SCC 632 (children accused of offences must not be kept in jail).

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vi. Rehabilitation and social reintegration

Section 39 provides for rehabilitation and social reintegration based on an individual care plan, preferably through family-based care such as restoration to the family or guardian, sponsorship, adoption or foster care. Rehabilitation may include education, vocational training, counselling, skill development and aftercare. The framework supports the restoration of the child's family and social relationships.[16]

IV. Global Standards on Juvenile Justice

Global standards on juvenile justice have developed through international human-rights instruments that emphasise the protection, rehabilitation, dignity and social reintegration of children in conflict with the law. These standards seek to ensure that juvenile justice systems do not merely punish children but address the social, educational and developmental factors associated with delinquency.

A. UN Convention on the Rights of the Child, 1989

The United Nations Convention on the Rights of the Child (CRC), 1989 provides the principal international framework for the protection of children in conflict with the law. Article 3 establishes the principle of the best interests of the child, requiring the child's interests to be a primary consideration in actions concerning children. Article 12 recognises the child's right to express views freely in matters affecting them and requires those views to be given due weight according to age and maturity. Article 37 prohibits torture and cruel, inhuman or degrading treatment or punishment and provides safeguards concerning detention, including that deprivation of liberty should be used only as a measure of last resort and for the shortest appropriate period. Article 40 specifically requires children accused of offences to be treated consistently with their dignity and worth, while promoting their reintegration and constructive role in society. It also recognises the importance of legal safeguards and of measures for dealing with children without resorting to judicial proceedings wherever appropriate.[17]

B. Beijing Rules, 1985

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), 1985 provide detailed standards for the administration of juvenile justice. They emphasise the minimum age of criminal responsibility, proportionality, procedural safeguards and specialised treatment of juveniles. The Rules encourage diversion, allowing suitable cases

[16] JJ Act, *supra* note 1, §§ 39, 40, 46, 53.
[17] Convention on the Rights of the Child, *supra* note 2, arts. 3, 12, 37, 40, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child (last visited Sept. 18, 2026).

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to be dealt with outside formal judicial proceedings. They also recognise appropriate police discretion, judicial proceedings adapted to children, and the need to avoid unnecessary institutionalisation. Rehabilitation, education and social reintegration are central objectives.[18]

C. Riyadh Guidelines, 1990

The Riyadh Guidelines, 1990 focus primarily on the prevention of juvenile delinquency. They recognise that delinquency prevention should begin with supportive family environments, quality education, community participation and appropriate social services. The Guidelines promote positive childhood development and social support rather than relying principally upon punishment after an offence has occurred.[19]

D. Havana Rules, 1990

The Havana Rules, 1990 establish standards for children deprived of their liberty. They require detention facilities to protect juveniles from violence, abuse and exploitation and to provide appropriate accommodation, education, healthcare, recreation and other developmental opportunities. The Rules also stress maintaining regular contact with family, protecting dignity and ensuring that deprivation of liberty does not unnecessarily interrupt the child's education and rehabilitation.[20]

E. Tokyo Rules and other relevant standards

The Tokyo Rules, 1990 promote non-custodial measures and alternatives to imprisonment, thereby supporting approaches that minimise unnecessary incarceration. In juvenile justice, these principles complement diversion, probation, counselling, community-based rehabilitation and other measures that enable children to remain connected with their families and communities. Collectively, these international standards establish a child-centred, rehabilitative and prevention-oriented approach to juvenile justice.[21]

V. Comparative Analysis: Indian Framework and Global Standards

The Indian juvenile justice framework, principally governed by the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act), broadly reflects the international shift from a purely punitive approach towards care, protection, rehabilitation and social reintegration. The Act

[18] Beijing Rules, *supra* note 8, rr. 4–7, 11, 14, 19, 26, https://digitallibrary.un.org/record/120958 (last visited Sept. 18, 2026).
[19] Riyadh Guidelines, *supra* note 3, https://digitallibrary.un.org/record/105349 (last visited Sept. 18, 2026).
[20] United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (The Havana Rules), G.A. Res. 45/113, annex, U.N. Doc. A/RES/45/113 (Dec. 14, 1990).
[21] United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), G.A. Res. 45/110, annex, U.N. Doc. A/RES/45/110 (Dec. 14, 1990).

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expressly refers in its preamble to the Convention on the Rights of the Child, the Beijing Rules, the Havana Rules and other international instruments.[22] However, certain provisions, particularly concerning children aged 16 to 18 accused of heinous offences, create an important area for comparison with global child-rights standards.

A. Age of juvenile justice

Under Indian law, a "child" means a person who has not completed eighteen years of age. The JJ Act therefore generally brings persons below 18 within the juvenile justice system. However, the Act creates a special mechanism for children who have completed or are above 16 years and are alleged to have committed heinous offences. Under Section 15, the Juvenile Justice Board conducts a preliminary assessment concerning the child's physical and mental capacity, ability to understand consequences and the circumstances of the alleged offence.

International standards similarly emphasise that persons below 18 should receive child-specific justice. The UN Committee on the Rights of the Child has repeatedly stressed the importance of an appropriate minimum age of criminal responsibility and has encouraged States to establish higher minimum ages. The international approach therefore focuses on age, maturity and developmental capacity, rather than treating children primarily through the ordinary criminal justice system.[23]

B. Best interests of the child

The JJ Act incorporates a child-friendly approach and seeks to ensure care, protection, development, treatment, rehabilitation and social reintegration in the best interests of children. This is consistent with Article 3 of the UNCRC, under which the best interests of the child must be a primary consideration. Thus, both frameworks recognise that juvenile justice should consider the child's welfare and developmental needs rather than focusing exclusively on punishment.[24]

C. Diversion

International juvenile justice standards strongly encourage diversion and alternatives to formal judicial proceedings, including counselling, probation, community-based measures and other non-custodial responses. The Indian framework also provides rehabilitative and supervisory

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[22] JJ Act, *supra* note 1, pmbl.

[23] Comm. on the Rts. of the Child, General Comment No. 24 (2019) on Children's Rights in the Child Justice System, ¶¶ 21–22, 29, U.N. Doc. CRC/C/GC/24 (Sept. 18, 2019), https://documents.un.org/doc/undoc/gen/g19/275/57/pdf/g1927557.pdf; Kumari, *supra* note 4, at 35–52.

[24] SHARON DETRICK, A COMMENTARY ON THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD 92–106 (Martinus Nijhoff Publishers 1999).

measures, including probation, education, vocational training, counselling and therapeutic interventions. However, the comparative issue is whether these mechanisms are sufficiently and consistently used in practice instead of formal adjudication and institutionalisation.

D. Detention and institutionalisation

India provides institutional mechanisms such as observation homes, special homes and places of safety. The JJ Act also requires reformative services such as education, skill development, counselling and psychological support in appropriate cases. International standards, particularly the CRC and the Havana Rules, treat deprivation of liberty as a measure of last resort and for the shortest appropriate period. They also emphasise separation from adults, safe and child-sensitive conditions, education, healthcare and regular family contact.

E. Children aged 16 to 18 and heinous offences

This is one of the most significant differences. India permits a child aged 16 to 18 accused of a heinous offence to undergo preliminary assessment under Section 15, following which the matter may be transferred to the Children's Court. The Children's Court may determine whether the child should be tried as an adult, while still being required to consider the child's special needs, the tenets of fair trial and a child-friendly atmosphere.

International standards place greater emphasis on child-specific procedures, rehabilitation, proportionality and reintegration. The UN Committee has expressed concern where persons below 18 are subjected to adult criminal justice and has recommended that children, including those accused of serious offences, remain within specialised juvenile justice systems. This creates an important comparative debate regarding the balance between the seriousness of the offence and the developmental status of the child.[25]

F. Right to participation and legal representation

Article 12 of the UNCRC recognises the child's right to express views in matters affecting them. International standards additionally emphasise legal assistance, fair proceedings and child-sensitive procedures. Indian law similarly establishes specialised Juvenile Justice Boards and provides procedural safeguards intended to facilitate child-friendly adjudication. The comparative focus is therefore on whether children are meaningfully heard and adequately represented throughout the proceedings.[26]

[25] General Comment No. 24, *supra* note 23, ¶ 30; *see also Salil Bali* (n 14).
[26] Kumari, *supra* note 4, at 76–104.

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G. Rehabilitation and reintegration

Rehabilitation is a central objective of the JJ Act. Orders may include education, vocational training, counselling, behavioural therapy and other reformative services. In cases before the Children's Court, an individual care plan and follow-up by appropriate authorities are also contemplated. International standards similarly emphasise education, vocational development, family relationships and social reintegration rather than punishment alone.

H. Prevention of juvenile delinquency

The Riyadh Guidelines adopt a broader preventive approach by emphasising supportive families, education, community development and social services. Indian juvenile justice policy also recognises care, protection, development and rehabilitation. Nevertheless, effective prevention requires attention to wider factors such as poverty, family instability, educational exclusion and social marginalisation. Consequently, the comparative framework demonstrates that effective juvenile justice extends beyond the courtroom to family, school and community-based interventions.[27]

VI. JUDICIAL APPROACH AND CHALLENGES

The development of Indian juvenile justice has been significantly influenced by judicial decisions emphasising welfare, dignity, rehabilitation and differential treatment of children. At the same time, implementation continues to face institutional and administrative challenges.

A. Major challenges

A major challenge is the inconsistent implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015 across different States and institutions. Although the statutory framework provides for observation homes, places of safety, rehabilitation services and individual care plans, the availability and quality of such facilities may differ. Institutionalisation and detention therefore remain important concerns, particularly where children do not receive adequate educational, psychological and rehabilitative services.

Another challenge is the limited rehabilitation infrastructure and shortage of trained personnel. Juvenile justice requires trained social workers, psychologists, counsellors, probation officers, police personnel and members of Juvenile Justice Boards who understand child development. Delays in inquiry and proceedings may further undermine the principle of speedy and child-friendly justice. In *Sheela Barse v. Union of India*, the Supreme Court treated

[27] Riyadh Guidelines, *supra* note 3, https://digitallibrary.un.org/record/105349 (last visited Sept. 18, 2026).

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speedy trial as a fundamental right under Article 21 and issued directions concerning children kept in custody.[28]

Reintegration after release also presents difficulties. Children may face family rejection, educational discontinuity, unemployment and social stigma. These circumstances can make rehabilitation difficult even after completion of institutional programmes. Particular challenges arise concerning children aged 16 to 18 accused of heinous offences, where preliminary assessment under Section 15 and possible proceedings before the Children's Court create a complex balance between child protection and the seriousness of the alleged offence.

Effective juvenile justice additionally requires coordination between police, Juvenile Justice Boards, Child Welfare Committees, observation homes, probation services and other welfare authorities. Weak coordination can affect timely assessment, rehabilitation planning and follow-up.

B. Judicial approach

Indian courts have generally adopted a protective and child-centred approach. In *Sheela Barse v. Union of India*,[29] the Supreme Court addressed the treatment of children confined in jails and emphasised that children should not be kept in ordinary prisons.

In *Gopinath Ghosh v. State of West Bengal*,[30] the Court recognised the importance of extending the special protections applicable to juveniles rather than treating them as ordinary adult offenders. The principle continues to be relevant in cases involving improper trials of persons who were juveniles at the time of the offence.

In *Hari Ram v. State of Rajasthan*,[31] the Supreme Court adopted an important approach towards determining juvenility and recognised that a claim of juvenility could be raised even at a later stage. This principle has subsequently been relied upon in cases concerning the determination of juvenility.

Similarly, *Pratap Singh v. State of Jharkhand*[32] addressed the applicability of juvenile justice legislation and the determination of juvenility in relation to the relevant date. The decision contributed to the development of age-related safeguards under juvenile justice legislation.

[28] *Sheela Barse* (n 15).
[29] *Id.*
[30] *Gopinath Ghosh v. State of West Bengal*, 1984 Supp SCC 228.
[31] *Hari Ram v. State of Rajasthan*, (2009) 13 SCC 211.
[32] *Pratap Singh v. State of Jharkhand*, (2005) 3 SCC 551.

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In *Salil Bali v. Union of India*,[33] the Supreme Court considered constitutional challenges concerning the juvenile age framework and upheld the policy of treating persons below 18 differently from adult offenders. The judicial approach demonstrates an attempt to maintain a balance between child welfare, rehabilitation, dignity and the interests of justice.

VII. SUGGESTIONS AND RECOMMENDATIONS

The comparative analysis of the Indian juvenile justice framework with global standards indicates the need to strengthen implementation while maintaining a child-centred, rehabilitative and rights-based approach. The following recommendations may improve the effectiveness of juvenile justice in India.

A. Strengthening diversion mechanisms

Greater use should be made of diversionary measures such as counselling, mediation, probation, community service and other community-based interventions. Appropriate cases should be resolved without unnecessary exposure to formal judicial proceedings, consistent with the principles reflected in the Beijing Rules.

B. Strengthening rehabilitation infrastructure

The Government should strengthen rehabilitation facilities by increasing the availability of qualified psychologists, counsellors, social workers and vocational trainers. Juvenile institutions should provide education, skill development, mental-health support and recreational activities according to the individual needs of each child.

C. Reducing institutionalisation

Institutionalisation should not become the routine response to juvenile offending. Consistent with the UNCRC and the Havana Rules, deprivation of liberty should be used only when necessary and for the shortest appropriate period, while preference should be given to family- and community-based rehabilitation wherever appropriate.

D. Specialised training

Regular and specialised training should be provided to police officers, Juvenile Justice Board members, judges, prosecutors, probation officers and social workers. Training should cover child psychology, trauma-informed approaches, communication with children, diversion and rehabilitation.

[33] *Salil Bali* (n 14).

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E. Strengthening aftercare

Aftercare programmes should provide continued educational, vocational, financial and family support after release. Effective follow-up can assist children in rebuilding relationships and avoiding social exclusion.

F. Greater compliance with international standards

Implementation should be periodically reviewed against the UNCRC, the Beijing Rules, the Riyadh Guidelines and the Havana Rules to identify gaps between statutory provisions and practical implementation.

G. Child-centred approach for the 16 to 18 age group

The preliminary-assessment mechanism for children aged 16 to 18 should incorporate strong procedural, psychological and rehabilitative safeguards, ensuring that developmental needs and individual circumstances receive meaningful consideration.

VIII. Conclusion

The comparative analysis of the Indian juvenile justice framework and international standards demonstrates that India has developed a comprehensive legal framework for dealing with children in conflict with law. The Juvenile Justice (Care and Protection of Children) Act, 2015 incorporates several principles recognised under the UN Convention on the Rights of the Child, the Beijing Rules, the Riyadh Guidelines and the Havana Rules, particularly those relating to child welfare, dignity, rehabilitation, reintegration and protection of children deprived of liberty.

There is substantial convergence between the Indian framework and international standards in recognising children as a distinct category requiring specialised procedures and rehabilitative measures. However, certain areas require continued attention, including inconsistent implementation, limited rehabilitation infrastructure, delays, institutionalisation, shortage of trained personnel and effective safeguards for children aged 16 to 18 involved in heinous offences.

The comparative study indicates that rehabilitation and social reintegration should remain central to juvenile justice. Counselling, education, vocational training, family support, diversion and aftercare can provide more constructive responses to juvenile offending than reliance upon institutional measures alone.

The future direction of Indian juvenile justice should therefore focus not merely on strengthening legislation but on effective implementation and institutional capacity. Continuous alignment with international standards, specialised training, stronger diversion mechanisms and

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child-centred rehabilitation can help develop a juvenile justice system that balances accountability with the child's developmental needs, dignity and prospects for successful reintegration into society.

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