

INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION

[ISSN 2581-9453]

Volume 4 | Issue 1

2022

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A Critical Analysis of Juvenile Justice Systems in the UK, India and US

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ABSTRACT

Juvenile delinquency, often known as delinquency, is a name given to people who engage in deviant behaviour that is frowned upon by society. The age of the juvenile plays an important role in protecting them from harsh punishment. Following the exponential rise in the brutality of juvenile crime, a few countries, like the United States, have decided to shift from tolerant and reformative policies to stricter ones. While the United Kingdom and India refuse to give up on these children, they remain committed to the reform and rehabilitation programme. The various reasons for juvenile delinquency are examined, as well as the genetic, psychological, and biological hypotheses. In addition, specific forces and societal institutions that are linked to juvenile delinquency are identified and explained. In addition to the aforementioned topics, the author investigates the plethora of factors that influence juvenile delinquency, including peer groups, familial and economic position, religion, school, media, and other environmental and psychological triggers or motivators. This paper examines the rationale for the various approaches taken by the juvenile justice systems in India, the United States, and the United Kingdom, with the goal of highlighting a flaw in their criminal justice systems: the overemphasis placed on the age factor when assessing and determining the liability or culpability of a juvenile delinquent.

Keywords: Juvenile justice system, Reformation, Delinquent, Crime.

I. INTRODUCTION

A child is seen to be pure and cherubic in its ideal state. People work hard to ensure that children have a bright, safe, and happy future. Each child has the right to grow up in a supportive and safe environment that allows them to have a better life. Poverty, on the other hand, is one of the most serious social ills that continues to stifle social growth. Many people become destitute and

deprived of basic essentials as a result of it. Children who grow up in such surroundings have been reported to become juvenile delinquents. A delinquent is a child who appears to have gone from the established norms and moral paths. They are viewed as misbehaving children that act out and are irresponsible; their actions are frowned upon by society and are considered incorrigible. Frequent use of punishment and other forms of corrective action to redeem or

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repair their behaviour. The name "juvenile" is derived from the Latin term "juvenis," which means "young."

When an adult does something that is against the law, it is deemed a crime, and the perpetrator is held accountable. If an act is illegal in nature, the individual incurs criminal culpability and is subject to legal punishment. However, if we put a child in the shoes of the perpetrator, whose age is below a particular threshold, the previously considered criminal Act will no longer be perceived as such, regardless of the child's maturity and comprehension.

Juvenile justice is a law and a system created with the goal of safeguarding and protecting the rights of young/children. This branch of the law generally deals with underage or minors who have been neglected/abandoned or who have been accused of any crime. This approach tries to rehabilitate these children and assist them in changing their ways since it believes that children can be changed. A juvenile/child is defined as someone under the age of 18 years old, according to section 2 (12) of the Juvenile Justice (Care and Protection of Children) Act 2015. The term "child" is further divided into two categories by this legislation:

1. "A child in need of care and protection"
2. "A child in conflict with law"

A child in need of care is described as a child who is a victim of an offence has been exploited, abused, or abandoned, as defined under section 14 of the JJ Act. Juveniles who have been charged with crimes are classified as "children in

dispute with the law."²

This tragedy, as well as the involvement of a youngster in such a heinous crime, prompted Parliament to pass the Juvenile Justice (Care and Protection) Act, 2015. This statute established new laws and repealed previous juvenile statutes that allowed young offenders to break the law. One of the primary elements of this legislation was that minors between the ages of 16 and 18 would be tried as adults in serious instances. This article will seek to provide a better knowledge of juvenile laws by comparing India's juvenile system to that of the United Kingdom and the United States, as well as identifying any gaps in the system.

II. JUVENILE JUSTICE SYSTEM

The prevailing assumption in society is that children/juveniles aren't mature enough to fully appreciate the consequences of their actions/crimes. People argued that because these kids are unaware of what they are doing, they should be pardoned or given leniency while being punished. Everyone recognises that children are unable to manage their emotions and frequently act out forcefully without thinking. The Latin notion of 'doli incapax' is utilised to protect such young people. According to this theory, children and juveniles are incapable of committing criminal acts and so cannot be held criminally liable for their actions. However, it is now evident that a child aged 7 to 12 years can be convicted of a crime if substantial proof and evidence are shown to show that the juvenile had sufficient maturity and awareness to recognise

² The Juvenile Justice (Care and Protection of Children) Act 2015

the consequences of the Act and that the crime was terrible in nature.

The juvenile justice act has constitutional support thanks to Article 15 of the Indian constitution, which directs the state to make particular provisions to promote and safeguard the interests of women and children.³ It is also based upon other constitutional mandates such as the right to life, personal liberty and right against exploitation as established under articles 14, 15, 16, 21, 23 and 24 of the constitution.

III. JUVENILE DELINQUENCY

The word "delinquency" is derived from the Latin word "Delinquer," which means "to omit." This term was first used in 1484 by William Coxson to describe someone who has been found guilty of an offence. In layman's words, delinquency is a sort of misbehaviour or divergence from accepted social behaviour on the part of teenagers or youngsters. If the child's behaviour continues, he or she may become a future offender.

According to the Children Act of 1960's definition of "Juvenile Delinquency." It refers to a "kid who has been found guilty of committing a crime." A 'delinquent juvenile,' according to the Juvenile Justice (Care and Protection of Children) Act of 2000, is one whose actions result in a social or legal crime. As can be seen, many legal scholars and sociologists have expressed their opinions on who constitutes a juvenile delinquent. This is one of the areas

where juvenile laws are problematic. The law's wording and views are very subjective, unclear, and ambiguous. What may be classified as juvenile criminality and what cannot is a grey area.⁴ The problem of juvenile delinquency is a severe one that has to be addressed. It has been noted that the frequency and severity of crimes have increased to the point that they are gory, savage, and voracious in character.

IV. FACTORS OF JUVENILE DELINQUENCY

The following are some of the most important elements that contribute to juvenile delinquency:

Poverty: When it comes to factors that lead to juvenile delinquency, poverty is at the top of the list. A child's emotions might overwhelm them, and they often don't know how to control or moderate their thoughts and behaviours. It is only natural for someone who is economically, educationally, and monetarily deprived of many things to feel annoyed and envious of their status when they see others experiencing and having all they lack. These feelings instil a sense of desperation in the desire to achieve the same outcome in some way. Thievery is the first step on their path to becoming a delinquent adolescent.

Brusque or hostile Home Atmosphere: When the home environment is disturbing and unfriendly, it has a significant impact on the child's behaviour and traits. The way parents behave and treat their children at home has a

³ Bajpai, G.S. (2006), Making it Work: Juvenile Justice in India', <http://www.forensic.to/webhome/drgsbajpai/lcwseminar.pdf>

⁴ Elizabeth S Scott & Thomas Grisso, The Evolution

of Adolescence: A Developmental Perspective on Juvenile Justice Reform; the journal of criminal law and criminology (1973)

significant impact on the development of a child's mind and psyche. The upbringing and qualities instilled in a child from birth play a significant role in determining the child's future behaviour.

Environment and surroundings: Sociologists have discovered that environmental and other factors influence a child's behaviour. Their personalities are shaped by the experiences and environments they are exposed to. Such are the surrounding area, school, and other similar elements.

Individual factors: A teen's feelings, thoughts, and desires also influence their behaviour. Psychological and other societal elements play a role. They often wished, at a certain age, to be their own captain, to make their own judgments, and to rebel as a show of freedom. They have a tendency to act out throughout puberty and other changes.

Association with others in society: After a child begins meeting and associating with other members of society, he or she will come into contact with people of different ages and genders. A child's mind is incredibly absorbent, and he absorbs all he sees, hears, and learns. If a child becomes involved with a group of negative influences, he will begin to emulate and act like them.

According to figures from the National Crime Records Bureau, researchers have discovered that the number of instances involving adolescents who have run afoul of the law has

increased. Between 2005 and 2015, the number of IPC cases filed against children/juveniles in India increased. Furthermore, it was discovered that the number of boy juvenile offenders was exponentially higher than the number of girls; out of 41,385 offenders, 917 were girls, and 40,468 were boys.⁵

V. ROLE OF AGE FACTOR IN JUVENILE CASES

The term "adolescence" refers to the period of life between the ages of 13 and 17 when children are maturing into young adults preparing for adulthood. These children do not yet have the maturity or mental capacity to assess their own conduct, nor do they appear to be innocent. According to studies, most juvenile criminals are between the ages of 18 and 15, and only a small percentage of those younger than this engage in criminal activities. Theorists, researchers, psychologists, and other experts feel that throughout this stage of life, these juveniles are subjected to a great deal of strain and stress and that they may not be well suited to deal with such emotions. Then, if the juvenile suffers any maltreatment or suffers a traumatic event as a result of the conditions during this time, the juvenile will experience an internal struggle. This has been clarified by Sigmund Freud's psychoanalytical theory. He claims that this phase of life causes a conflict between the child's 'ego,' 'Id,' and 'superego,' maybe as a result of sexual desires or other factors. Anxiety, tension, and other emotional disorders result from the

⁵ Crime in India 2015, National Crime Records Bureau, Ministry of Home Affairs, Government of India

collision of these elements, which tend to dominate and determine the conduct of juveniles.⁶

(A) Culpability based on adolescence:

In an essay, it was stated that it would be incorrect to automatically assume that a kid under the age of 18 is incapable of formulating and possessing mens rea. Children and adolescents are not necessarily naive and unsuitable for guilt, contrary to popular belief.⁷ A juvenile's blameworthiness must be decided based on facts and circumstances specific to the case, and they cannot be exempt from punishment purely because of their age. Some may argue that imposing such a liability on a young mind, which is primarily uneducated and oblivious and lacks comprehension, is unkind. They stressed the importance of understanding that, while juveniles may be capable of acknowledging that their behaviours are wrong, they are unable to fully comprehend why such behaviour is condemned.

Influencing factors are frequently a reflection of previous familial or cultural experiences. In the face of such savagery, this part of the tale goes unheard or ignored. The main reason why courts and the judicial system favour juveniles or attempt to render light sanctions for young offenders despite evidence of recidivism is that these juveniles are unskilled and incapable of effectively overcoming their urges, ideas, and impulses. Such examples support the arguments

made by numerous experts that it is critical to use both rehabilitative and punitive techniques to transform juvenile delinquents.

(B) Ambiguity in Determination of Age

In the juvenile justice system, age is a critical factor in determining the outcome of a case. Due to difficulties in ascertaining the age of the juvenile in the case, a number of instances have been brought before the courts. According to Indian law, a juvenile is someone who has not reached the age of majority, which is 18 years old. All youngsters under the age of seven are fully safe and are immune from criminal prosecution for their actions. When adequate proof of knowledge and maturity was given, children aged 7 to 12 were also tried under the law in some exceptional situations. While a few other countries have raised the age limit to 14 years old. Children were allowed such concessions and forbearance since they were young and could be reformed rather than being prosecuted as adults. The IPC's Sections 82 and 83 deal with infancy and liability for children under and over the age of seven.⁸ Section 49(1) of the Juvenile Justice Act of 2000 gives a competent authority the discretionary power to determine whether or not a person is a juvenile. Medical records and other documentary proof are the best ways to determine an accused's age.⁹ There was a discrepancy between the data of the age provided in the medical evidence and the documentary evidence in Bhoop Ram vs. the

⁶ Ved Kumari, *The Juvenile Justice System in India - From Welfare to Rights*, 2004, Oxford University Press, 2004.

⁷ Richhards, M. 1997. *Criminal Children, Law and*

Philosophy.

⁸ Indian Penal Code, 1860

⁹ Juvenile Justice Act, 2000

State of Uttar Pradesh.

VI. POSITION IN UNITED KINGDOM

While the growing worry about juvenile delinquency has frightened people all over the world, the administrators of the English judicial system refuse to change their minds about how to deal with the problem. They continue to believe that such behaviour and conduct is the consequence of external causes and is fleeting in nature; they claim that youngsters will grow up to learn their mistakes and maybe reform with the appropriate type of assistance. As a result of this viewpoint, English reformers and the criminal justice system strive to address the issue outside of the normal process. They examined and looked into a variety of alternative options for dealing with the problem before settling on a system for dealing with juvenile offenders.

In the United Kingdom, the Children and Young Persons Act 1933 deals with a juvenile concern. A presumption exists under section 50 of this Act that no child under the age of ten may be found guilty of a crime. A child under the age of 10 must not be arrested and taken into custody, according to section 16 of this statute, and if a child is arrested without knowledge of their age and later found to be under the age of 10, he or she must be released immediately under section 34(2) of the Police and Criminal Evidence Act. A youngster can only be detained or held in police custody for up to 72 hours, according to standard procedure. They also have other privileges granted to juveniles, such as the fact that a youngster cannot be held in a police cell

until no other options are available. It is also a belief, as stated in the well-known case of *JM vs. Runeckles*¹⁰, that minors between the ages of 10 and 14 lack maturity and the ability to discern right from wrong and hence are incapable of committing an offence.

The United Kingdom abides by the United Nations Convention on the Rights of the Kid, which states that a child should not be punished as an adult offender, but rather should be handled humanely and with respect. It also implies that a child should be shielded from trial and custody to the greatest extent possible. According to article 37 of the convention, a child may not be imprisoned unless and until all other options have been explored, and imprisonment is the sole remaining option. While other countries have elected to adopt and implement harsh sanctions in an attempt to instil fear in the minds of children in order to reduce the rate of juvenile crime, the United Kingdom prefers to keep to its lenient ideas and practices. We can see, however, that they have made genuine efforts to reconcile the varied criteria and viewpoints on young offenders. The case of *Director of Public Prosecutions vs. K & B* is an example of such an attempt, in which a 14-year-old child was prosecuted and found guilty for a lurid rape and assault, much to the surprise of many.

VII. POSITION IN UNITED STATES

Previously, the United States, like other countries, had rules that were forgiving toward juvenile offenders. However, as time passed, this method of offender treatment evolved. In the

¹⁰ (1984) 79 Cr App R 255

1800s, large cities such as New York and Chicago created refuge and reform institutions. This method was used to meet the particular and other private needs of minors, as well as to keep them distinct from the company of other adult criminals. This strategy also cleared the way for youth reform and the prevention of future crime.

In the United States, penal reformists believed that minors needed to be reformed and that the primary goal of the laws should be rehabilitation rather than criminal culpability and punishment. They were initially opposed to the imposition of criminal culpability as well, believing that these juvenile criminals were immature and that reformatory procedures could help them mature and return to society. Furthermore, the fact that they are impulsive by nature and have extremely receptive minds came into play, potentially leading to children becoming delinquents. Children's minds are so flexible that they are very susceptible to unwanted influences. To add to this, kids' impulsive nature hinders their ability to appraise and fully comprehend the consequences of their actions. As a result of the widespread ideas in society, initiatives advocating for the deinstitutionalisation and decriminalisation of children were formed. Their establishment, however, was only temporary. After looking at some of the more terrible crimes committed, as well as the increase in the extent of violence and the size of deviance, these policies were overruled, and new laws replaced the old ones in the 1900s. Juveniles were also prosecuted under these laws for the heinous atrocities they

committed.

VIII. POSITION OF THE JUVENILE JUSTICE SYSTEM IN INDIA

Providing allowances to juveniles and pardoning them for crimes committed on the pretext of being a youngster has been a practice throughout history. We can see that Lord Cornwallis proposed and established "The Ragged School" for delinquents even during British control.¹¹ The IPC, for example, does not explicitly identify or provide for juvenile offenders, but it does provide provisions for their protection. Children under the age of seven are unable to be found guilty of a crime due to a lack of purpose or mens rea, according to sections 82 and 83 of the law.¹² A second juvenile justice act was also included in the Apprentice Act. This privileged status of juveniles in the country continues unaffected to this day unless they commit significant crimes with a full understanding of the nature of the crime, in which case they are held responsible.

The 1876 and 1897 reformatory school acts are regarded as positive milestones toward the goal of reforming pupils. The aim of this legislation switched from punishment to rehabilitative measures and reformation for minors who commit crimes. In the same way, as the UK is bound by the UN Convention on the Rights of the Child, the Indian criminal and juvenile justice systems are as well. In this effort to separate the treatment and punishment meted out to minors, India's constitution gives strong backing. The state is empowered under A.15(3) of the

¹¹ Dr. Anuradha, 2012, Juvenile Justice: critically juxtaposing the models in india and singapore, Asian

Law Institute,.

¹² Indian Penal Code, 1860

constitution to make particular provisions for children and to defend their interests. A. 21, 23, and 24, which speak of each citizen's essential rights, are likewise available to the children of the land. Later, in 1974, a National Policy for Children was developed with the goal of juvenile offenders' rehabilitation and reform, as well as the protection and welfare of other abandoned, neglected, and exploited children. Following the implementation of these numerous strategies in an attempt to create a separate system for juvenile cases, the juvenile justice act, a broader and more comprehensive statute, was enacted. This law aims to safeguard and promote the interests of children while also including measures for child reform and rehabilitation. India is well-versed in creating and enacting comprehensive and detailed legislation to address every societal issue. Despite these efforts, the number and severity of adolescent crimes in our country have been steadily increasing.

The shocking episode of gang rape in Nirbhaya, which horrified the entire country, was one such example. In this case, a 23-year-old woman was repeatedly raped by six men on an empty bus. Her internal organs were shredded and caused significant internal bleeding as a result of insensitive penetration of an iron rod, according to a medical assessment of her body. Internal organs were severely damaged, with no hope of recuperation. Further inquiry revealed that the most brutal acts were carried out by a kid. He

assaulted the woman with ferocity and ripped her apart like a wild animal. One would wonder if such a severe attack by a youngster was genuinely committed without any understanding of the nature and repercussions of the conduct. The minor was clearly aware of what he was doing and went ahead and did it anyhow, based on the nature of the offence and course of circumstances. He is definitely not innocent, and this will be considered a valid *mens rea*. This isn't the only example that proves juveniles are capable of committing heinous crimes. There are numerous other incidents that support the idea of juvenile violence and demonstrate their involvement in heinous crimes like this.

The public has been made aware of the fact that the Juvenile Justice Act has yet to be implemented in order to achieve its principal goal, thanks to academic studies and writings.¹³ Domestic violence and abuse in the home, a lack of sufficiently qualified officers and employees, poor education and care institutions, and ineffective reformatory methods and procedures within the legal system are all obstacles that obstruct the successful implementation of the Act. Juveniles are tormented and victimised on a deeper level as a result of these factors, which has an impact on the goal of reformation.

To respect the needs and rights of children, it is critical that appropriate and better welfare policies and programmes be implemented. According to psychological studies, children have a tender mind that is easily influenced; as a

¹³ Panakal, J.J. 1961. 'Special Training of Police for Prevention of Juvenile Delinquency', *The Indian Journal of Social Work* and K.a. Shukla, 1983,

'Juvenile Delinquency in India: Research Trends and Priorities'.

result, those juveniles who have been exposed to or subjected to abuse, harassment, or violence in any form tend to instil those characteristics and exhibit them as they grow older. Such violence and harassment may even be influenced by the very juvenile system that was established to protect them and prevent them from such behaviour.¹⁴ If the core elements and principles of the juvenile justice system are not upheld and executed, simply adhering to international conventions and following their processes is insufficient.

IX. WHETHER JUVENILES REQUIRE A SPECIAL CRIMINAL JUSTICE SYSTEM: REHABILITATION

Women, children, senior persons, and those from economically and socially disadvantaged backgrounds are considered the most vulnerable in society. Many people believe that women and children are the principal victims of abuse and exploitation. Children are young, and they are still learning about the world, society, and how things function. Due to a lack of development, they are frequently unable to comprehend many things at such young ages.

When news of juvenile offenders or minors participating in heinous acts reaches the public news channels and media, it is difficult to ignore. It culminates in public fury, with crude judgments about the legal system, as well as charges of incompetence and mercy. They strive for heavy penalties to deter future misbehaviour. While such powerful feelings and reactions are

comprehensible, it is also acceptable to conclude that they stem from a place of overwhelming emotion rather than reason and comprehension. The main idea and philosophy of the juvenile justice system are to reform these misbehaving adolescents who may not fully comprehend the consequences of their behaviour. The idea of equality and equal protection of the law is enshrined in our constitution under article 14. Equal protection of the law states that equals should be treated similarly and unequal should be treated unequally. Children are not the same as adults in terms of physically, thinking, thoughts, maturity, and so on. If children were treated and tried as adults for every offence, inequality rather than equality would be promoted. To sustain the essential ideals, a retributive and humanitarian approach is required. Unknown to them, countless children are abandoned on the streets, struggling to make ends meet in a world where they have nothing. Neglected, they are frequently the victims of violence, abuse, and exploitation. All of these elements influence the child's personality and mental abilities. Acts performed by them are not the same as those perpetrated by adult offenders since they are done without thought, on impulse, and owing to a lack of knowledge and awareness. Those actions are punishable, but they must be dealt with in a different manner.¹⁵

Indeed, these "innocent" and "unaware" juveniles are occasionally involved in the most heinous crimes such as rape, murder, and so on. Such offences aren't common, and they're even rarer.

¹⁴ Santrock, J. W. (2011). *Child development*. New York McGraw-Hill Humanities.

¹⁵ Arlene Manoharan and Swagata Raha, 2015, *Juveniles Need Reform Not Prison*, The Hindu.

The laws and legislations must be constructed with the main causes and instigating aspects of delinquency in mind, rather than just punishing the wrongdoing, as this does not always produce the desired outcome. It has been proven that when adolescents are secluded from the rest of the world, imprisoned with other criminals, punished, and tormented, they suffer shame and gain a social label. As a result, there is an increase in criminal and erratic behaviour. This is referred to as "secondary deviation."¹⁶ This supports the idea that in order to reintegrate juveniles into society, a rehabilitative and reformatory strategy is required. Children have a proclivity for absorbing and learning from their surroundings. If they witness harassment or abuse, they are likely to behave like; however, if they witness someone assisting another and being kind, they are likely to be similarly nice and helpful. Similarly, if children are imprisoned for activities they may not fully comprehend, they may grow up to be hardened criminals who learn from those around them. As a result, the primary goal of the juvenile justice system is to reform such deviant behaviours and turn the erring youngster.

X. CONCLUSION

It is possible to affirm categorically that no guy may be a criminal from the moment he is born. Criminal qualities and behaviour emerge as a result of a variety of traumatic experiences and circumstances in an individual's life. Various

governments have taken a rehabilitative and reformatory approach to deal with such cases in the hopes of reuniting these detained minors. However, given the nature of the horrible acts committed, some of these juvenile offenders cannot be changed, according to a recent understanding that has come to light. The prerequisite mental state and thought process may have been permanently engraved, and such criminals are irredeemable and recidivistic, beyond help.

As a result, some countries, such as the United States, have decided to shift their attitude to juvenile criminality from one that is liberal and compassionate to one that is more strict and harsh.¹⁷ Despite examples that plainly demonstrate the harsh and unvirtuous deeds committed by juveniles, India, like the UK, appears to be steadfast in its stance on this issue. Even when statistics and evidence suggest that such heinous acts by juveniles are on the rise, they refuse to change their techniques and attitude to juvenile criminal proceedings.¹⁸ One of the causes for this growth could be the children's belief that they are well protected by the law, which gives them the confidence to break the law.

The heartbreaking case of Nirbhaya exemplifies this, as a child was declared not guilty in the eyes of the law despite substantial evidence demonstrating his mens rea, actus reus, and

¹⁶ Martin R Gardner, *Right of Juvenile Offenders to be Punished: Some Implications of Treating kids as Persons*

¹⁷ A. Clayton & Kethineni, Sessa, *Comparative Delinquency India and the United States*, Garland Publishing.

¹⁸ NCRB reports that from 2003 to 2013 various crimes committed by juveniles (age group 16-18 years) have increased by 59.7%, <http://ncrb.gov.in/CD-CII2013/CII13-Tables/Table%2010.7.pdf>.

culpability. Juveniles who are capable of committing such crimes after thorough consideration and planning cannot be pardoned only on the basis of their age. They aren't blameless or blameless. While reformatory treatment and rehabilitation may be able to assist individuals in correcting their errors, it is not a guarantee; once an act is committed, it is forever etched in time and in their memories. That is an indelible part of them, and they can return to a life of crime at any time. Another concern in the Indian juvenile justice system is that the severity of the offence and the mental purpose of the offender plays no role in the case of a juvenile criminal offender; instead, the case is resolved based on an insignificant quantity, the age.¹⁹ This appears to be a violation of the most basic and fundamental principles of criminal law and justice.

The United States has taken this into consideration and has updated its laws and practises in this area, particularly in light of the severity of the crime. They accept the idea of reform and have created facilities for it, but they haven't fully abandoned the employment of harsh legislation when the situation calls for it. In conclusion, while India and the United Kingdom are empathetic and have the right intentions, they are not looking at the core source of the problem. They have yet to realise that a liberal attitude will not aid their case. True, the child's welfare must be considered, but only inasmuch as the

youngster is a child in mind, heart, and behaviour. Juveniles should not be subjected to punitive penalties for all offences, nor should they be treated equally to adult criminals. However, in exceedingly rare circumstances where the situation necessitates a harsh punishment, it must be given as a final resort to uphold justice.

¹⁹ Umesh Chandra v. State of Rajasthan 1982(2) SCC 202, a three judge bench of the Supreme Court held the Act is applicable on the child who at the date of occurrence is of particular age. The age on the date of trial is not to be determined. In the case of Pratap

Singh v. State of Jharkhand (AIR 2005 SC 2731), the court said that the relevant date to determine the age of juvenile would be the date on which the crime is committed and not the date on which the juvenile is produced.