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COMPARATIVE STUDY OF JUVENILE LAWS – COMMON LAW COUNTRY JUVENILE JUSTICE BOARD (INDIA) VS. YOUTH JUSTICE BOARD (UK)

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ABSTRACT

The research paper presents a comparative analysis of the Juvenile justice system in India and UK which focuses on the Juvenile justice board under the Juvenile justice (care and protection of children) act 2015 and the youth justice board (YJB). India and the UK are both countries rooted in common law traditions with aim to balance child welfare with accountability and transparency but their institutional frameworks differ significantly. This paper gives a theoretical understanding of the juvenile justice board in India which is regulated by the Juvenile Justice (Care and Protection of Children) Act, 2015 and the JJB operates as a quasi judicial body emphasizing not only upon the rehabilitation but the social integration and child friendly procedures. It also handles cases of children in conflict with law, sharing the protection of children rights which are provided under Indian Constitution. But the UK's YJB functions as a supervisory and it monitors the youth, just a system which co-ordinate with local agencies rather than adjudicating cases. Basically the study highlights the differences in the Legal procedure and the structure and implementation between both the countries as how India adopts a well oriented and reformative approach whereas the UK follows a more structured, risk based and administrative model the people overall conclude that integrating welfare principle with efficient governance could is strengthen Juvenile justice outcomes.

Keywords: Juvenile Justice, Juvenile Justice Board, Youth Justice Board, Child Rights

I. INTRODUCTION

The Juvenile Justice Board (JJB) in India which is regulated by the Juvenile Justice (Care and Protection of Children) Act, 2015, and it operates through the Juvenile Justice Board (JJBs) for dealing with cases of children in conflict with the law who are below the age of 18 years. The legislative intention is not to give punishment but to provide the welfare to the children but their operational difficulties are major hindrances to this end. The comprehensive study conducted by the India Justice Report (IJR), which shows that over 50,000 cases are pending and over 55% of 1,00,904 cases are pending before the Juvenile

Justice Boards and have not been disposed of related to child in conflict with law. Most notably, only one in four JJBs functioned with a full bench of members, despite statutory requirements, thereby diluting the quality and speed of adjudication. It is also observed that 30% of JJBs lacked attached legal aid clinics, depriving juveniles of essential legal support. Inspectorate structures for Child Care Institutions (CCIs) were weak; only 810 out of 1,992 mandated inspections were completed across covered homes. There is no national digital data grid equivalent to the mainstream judiciary, making it difficult to monitor pendency, resource distribution, or child rights

compliance across boards¹. The implementation weakness hinders the timeliness of hearing, which could delay rehabilitative actions that the law is meant to guarantee. The lack of ability to publish standardized and regularly updated performance data hinders the transparency and accountability of child-focused justice². By contrast, England and Wales have a centralized review body, namely the Youth Justice Board (YJB), created through the Crime and Disorder Act 1998. While the YJB does not review specific cases (which fall to the youth courts), it oversees the direction of the policy, budgetary allocations, data gathering, outcome assessment, and benchmarking for Youth Offending Teams (YOTs) at the local level. The annual statistics of the YJB, which derive data from the youth justice services, the police, the courts, and secure estate providers, show a more organized system for data. For instance, the Youth Justice Statistics 2024–2025 report³, which was published in the UK which presents collective data on children between the ages of 10 and 17 who received a caution or a court sentence.

II. DIVERSION AND OUT-OF-COURT DISPOSALS

One of the important aspects of the youth justice systems in England and Wales is an application of out-of-court disposals, which have traditionally been “reprimands” and “final warnings” but are now youth cautions, to divert children from the formal prosecution process and prevent unnecessary criminal records. These are police-led schemes that are generally applied for less serious offenses. Although the formal terms ‘reprimand’ and ‘final warning’ have been replaced by youth cautions since the Legal Aid, Sentencing and Punishment of Offenders Act 2012, the philosophy behind this remains the same: to avoid early criminalization by providing a structured response at the point of first contact. This reflects early diversion and preventive justice⁴. According to the Youth Justice Statistics 2023–24 report, there were approximately 35,600 proven offenses committed by children that resulted in either a caution or a sentence for the year ending March 2024, with most of them being non-custodial. Children aged 15–17 made up 76% of the total who received a caution or sentence, highlighting the focus of the youth system on older teenagers⁵. In addition to warnings, the police-called Youth Offending Teams also employ restorative justice and community resolutions, which are agreements between the victim and offender, and work to prevent any formal court proceedings and criminal records from being created when necessary⁶. Crucially, the age of criminal responsibility in the UK is 10, which means that children as young as 10 can receive cautions or sentences from the police. Although some argue that the age should be raised, the current diversionary spirit is to keep minor offenses off the record when appropriate⁷. The

Comparative Insights: Juvenile Justice Systems

Dimension	India: JJBS	England & Wales: YJB
Overall Oversight	Judicial benches scattered across districts, variable capacity and staffing levels; weak data infrastructure.	Central Board with statutory oversight, strategic planning, and standardized data collection/reporting.
Implementation Challenges	High case pendency, incomplete benches, insufficient legal aid.	Systematic statistical data informs evidence-based policy; remand vs community interventions tracked.
Child-Centric Advocacy	Delayed hearings risk prolonged legal limbo and reduced rehabilitative impact.	Emphasis on community interventions; data guides youth justice priorities.

In reality, the YJB’s data-informed, multi-agency approach could not be more different from the underfunded JJBS model in India, with serious implications for the timely and consistent administration of justice for children.

¹https://www.outlookindia.com/national/children-stuck-in-slow-juvenile-justice-system-over-half-of-cases-still-pending-ijr?utm_

²https://visionias.in/current-affairs/upsc-daily-news-summary/article/2025-11-21/the-hindu/polity-and-governance/more-than-50-pending-cases-before-justice-juvenile-board-jjbs-not-fully-staffed?utm_

³https://www.gov.uk/government/statistics/youth-justice-statistics-2024-to-2025?utm_

⁴<https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/youth-cautions/latest/>

⁵https://www.gov.uk/government/statistics/youth-justice-statistics-2024-to-2025/youth-justice-statistics-2024-to-2025?utm_

⁶https://osr.statisticsauthority.gov.uk/wp-content/uploads/2015/12/images-assessmentreport244statisticsonyouthjusticeforenglandandwale_tcm97-42611.pdf?utm_

⁷https://post.parliament.uk/children-and-young-people-and-the-criminal-justice-system/?utm_

Indian Juvenile Justice Act has diversionary and rehabilitative provisions such as probation, counseling, community service, family supervision, and reintegration, but these are mainly carried out after judicial admission and not as police-led out-of-court solutions, as in the case of the UK. The police can release the child to the care of guardians or refer to child welfare committees, but there is no systematic statutory process for “youth cautions” given out by police. Reliance on official legal procedure may indicate that children have criminal justice records from early interactions, especially when court proceedings, even with welfare orientation, are prolonged due to high pendency⁸. Further, the overburdened boards struggle to dispose of the cases swiftly, potentially increasing the duration of adjudication and formal justice exposure⁹.

Feature	England & Wales	India
Early Diversion	Police-led youth cautions/restorative resolutions before formal charges.	Judicial diversion through rehabilitation orders after formal admission to JJB.
Rehabilitation Orientation	Embedded in police discretion + YOT supervision.	Judicial control with welfare mandates, but procedural delays weaken impact.

III. AGE THRESHOLD FOR CRIMINAL RESPONSIBILITY AND SERIOUS OUTCOMES

In India, all persons below the age of 18 are considered juveniles for the purpose of juvenile justice. But according to the Juvenile Justice Act, the JJBs are allowed to assess whether a person aged 16–18 years, accused of grave offenses, should be tried as an adult, through a pre-adjudication assessment of mental and physical abilities and comprehension of consequences, as mandated by section 15 of the Juvenile Justice

Act¹⁰. Although originally designed to strike a balance between rehabilitation and accountability in serious cases, current trends indicate that the police are increasingly pursuing trial in the adult criminal court for older youths, and JJBs¹¹ are being pushed to process these assessments within existing waiting lists, which may lead to early criminalization in serious offense situations.

IV. ENGLAND AND WALES: CRIMINAL RESPONSIBILITY AGED AT 10 & DIVERSION

In England and Wales, the age of criminal responsibility is 10, which is one of the lowest in Europe. Children aged 10 can actually be cautioned or prosecuted in youth courts. However, the philosophy of the system is to avoid unnecessary convictions for minor offenses through cautions and community resolutions. Recent discussions have been to raise the age to 14, as in many European counterparts, based on new evidence of brain development and to further reduce the involvement of younger children in the system. Critics say that the current low age thresholds put children at risk of early system entry.

Aspect	India	England & Wales
Age of Responsibility	<ul style="list-style-type: none"> All under 18 as juveniles Serious/heinous offences (16-18 yrs): May be tried as adults after judicial assessment 	<ul style="list-style-type: none"> Criminal responsibility starts at age 10 Cautions & disposals used to divert lower-level cases
Early System Entry	<ul style="list-style-type: none"> Judicial admission required Delays & procedures → Risk of prolonged formal involvement 	<ul style="list-style-type: none"> Police cautions at first contact Limits court entry, but low age threshold → Reform debates

India: Rehabilitation provision under strain because legislatively, the Indian government focuses on the rehabilitation, reintegration, and aftercare of children in conflict with the law. Juvenile Justice Boards are authorized to

⁸<https://timesofindia.indiatimes.com/india/report-says-over-50000-children-in-conflict-with-law-await-justice-amid-high-pendency-in-juvenile-justice-boards/articleshow/125453099.cms?utm>

⁹<https://www.khanglobalstudies.com/current-affairs/daily-current-affairs/2025-06-30/juvenile-justice-and-children-in-conflict-with-the-law?utm>

¹⁰<https://timesofindia.indiatimes.com/city/delhi/cops-press-jjbs-harder-to-try-more-minors-as-adults/articleshow/126127263.cms?utm>

¹¹<https://timesofindia.indiatimes.com/city/delhi/cops-press-jjbs-harder-to-try-more-minors-as-adults/articleshow/126127263.cms?utm>

order counseling, community service, foster care, or specialized home placement. However, the infrastructure for the actual delivery is far behind. The IJR points out that “a large number of JJBs do not have legal service clinics,” 14 states and one UT do not have “places of safety” for older children who are charged or found to have committed serious crimes, and the infrastructure of Child Care Institutions (CCIs)¹² was inadequately inspected and monitored. The high pendency of cases¹³ further slows access to these rehabilitative supports, potentially reducing their effectiveness during crucial early intervention periods. By contrast, Youth Offending Teams (YOTs) in England and Wales provide multi-agency rehabilitation, combining probation, education, mental health services, monitoring, and family work. This approach operates alongside police youth cautions and court disposals, emphasizing community-based preventative strategies. Although custodial sentences have been falling over time and the average population in youth custody was a record low (430 children average during 2023–24)¹⁴ issues remain, such as increasing reoffending rates (32.5%) and an imbalance in remand decisions (62% of remanded children not receiving a custodial sentence later on).

Comparative Insights	
Rehabilitation Metric	
India	England & Wales
Community & Multi-Agency Support: Theoretically strong but poorly resourced and inconsistently implemented.	Community & Multi-Agency Support: YOTs provide structured integration of services for youth offenders.
Custody Trends Lack of national data makes custody trend evaluation difficult.	Custody Trends Average juvenile custody population at historic lows, historic indicating effective diversion when applied.

V. AGE AND CRIMINAL RESPONSIBILITY—FIXED THRESHOLD V. DISCERNMENT-BASED MODEL

India’s Minimum Age of Criminal Responsibility (MACR) and under the Bharatiya

Nyaya Sahita (BNS), 2023, remains 7 years. (with qualified immunity under Section 21 of BNS for ages 7–12 depending on maturity) under the JJ Act, 2015 provides: All persons below the age of 18 are juveniles. Exception: 16–18 years in heinous offenses subject to preliminary. Further supporting the beneficial interpretation, the court in *Jarnal Singh v. State of Haryana*¹⁵ The Supreme Court clarified that the age determination laid down under the Juvenile Justice Act must be followed even in cases under other criminal laws. The court held that matriculation certificates, school records, and birth certificates must be given primacy in determining age, with medical opinion used as a last resort. This ensured that children are not arbitrarily denied the protective umbrella of juvenile justice due to procedural inconsistencies. Therefore, India follows a chronological-age-based model, modified by a capacity assessment in heinous cases.

VI. COMPARATIVE ANALYSIS—THE BEST INTEREST OF CHILD GAP

THE COMPARATIVE ANALYSE OF THE BEST INTEREST OF CHILD GAP BETWEEN INDIA AND GLOBAL STANDARDS ARE :

The “best interest of the child” principle is a fundamental tenet of international juvenile justice. Rooted in human rights law, specifically the United Nations Convention on the Rights of the Child (UNCRC), this principle requires countries to ensure that the best interests of the child are the primary consideration in every action undertaken by the government or other entities affecting the child, including involvement with the justice system. Although the Juvenile Justice Act of 2015 of India has incorporated this principle, there is a substantial “implementation gap” when compared to international best practices.

¹²<https://bharatspeaks24x7.com/50000-juvenile-cases-stuck-as-systemic-gaps-stall-justice-india-justice-report-2/?utm>

¹³<https://timesofindia.indiatimes.com/india/report-says-over-50000-children-in-conflict-with-law-await-justice-amid-high-pendency-in-juvenile-justice-boards/articleshow/125453099.cms?utm>

¹⁴<https://yjlc.uk/resources/legal-updates/youth-justice-board-annual-statistics-2023-2024?utm>

¹⁵*Jarnal Singh v. State of Haryana* (2013) 7 SCC 263

A. INTERPRETATION OF “BEST INTEREST”— POLICY V. PRACTICE

1. Global Interpretation Under UNCRC Article 3 i.e. the best interest principle must guide all decisions affecting children and the Non-custodial measures, rehabilitation, and reintegration are prioritized over detention. And the Procedures must be child-sensitive, multidisciplinary, and right-based (UNCRC). According to UNICEF data from 2024¹⁶, an estimated 259,000 children worldwide are held in detention, often in custodial settings contrary to international norms that mandate detention as a measure of last resort.

2. India’s Reality : In India the principle of best interest has a statutory footing, but its implementation is wanting: As of October 31, 2013, more than 50,000 children in conflict with the law were awaiting justice before the Juvenile Justice Boards (JJBs), with 55% of cases pending across the nation¹⁷. As few as 45% of juvenile cases have been disposed of, highlighting a delay in the process that undermines the legislative intent that is child-centric.

B. CUSTODIAL V. NON-CUSTODIAL RESP

International documents such as the Beijing Rules and the UN Guidelines for Prevention of Juvenile Delinquency (Riyadh Guidelines) emphasize the use of detention as a measure of last resort.

1. India’s Data On Detention And Custody

In India, it has been found that close to 10,000 children were living in residential care settings, including observation homes and special homes, with many having been in custodial care for reasons such as systematic bottlenecks. Furthermore, close to 83% of the children were found to be living in observation homes while the cases were still pending. Also, there are 14 states that do not have a “place of safety,” which is a statutory facility for children

who are accused or found guilty of committing heinous crimes¹⁸.

2. Global Context

Comparatively, many high-income countries emphasize the Diversion programs (restorative justice, family conferencing), Community supervision models and the Tailored supports like counseling, vocational training, and education with minimal use of secure detention. Despite India’s statutory preference for non-custodial measures, a lack of alternatives and infrastructure forces prolonged detention, undermining the best interest principle, whereas global practice increasingly favors early diversion and non-institutional reintegration.

C. PROCEDURAL SAFEGUARDS AND DELAYS

1. Global Standards

- International norms include:
- Presumption of innocence
- Right to legal aid
- Child-friendly procedures and facilities

2. India’s Judicial Delays The 55% case backlog in JJBs demonstrates systemic delays that contradict the statutory mandate for speedy and child-centered justice¹⁹. One in four JJBs operate without a full bench, affecting decision-making quality and speed in hearing²⁰. Around 30% of JJBs lack legal aid clinics, weakening access to representation. Even though international standards emphasize the need for quick and sensitive processing, the Indian juvenile justice process is affected by administrative and structural processing delays, which hinder the fair and just processing of juveniles and the delivery of justice that meets the best interest principle.

¹⁶<https://data.unicef.org/topic/child-protection/justice-for-children/>

¹⁷<https://timesofindia.indiatimes.com/india/report-says-over-50000-children-in-conflict-with-law-await-justice-amid-high-pendency-in-juvenile-justice-boards/articleshow/125453099.cms?utm>

¹⁸https://www.business-standard.com/india-news/juvenile-justice-report-50000-children-await-cases-staff-shortages-125112001153_1.html

¹⁹<https://www.outlookindia.com/national/children-stuck-in-slow-juvenile-justice-system-over-half-of-cases-still-pending-ijr?>

²⁰https://www.business-standard.com/india-news/juvenile-justice-report-50000-children-await-cases-staff-shortages-125112001153_1.html

D. REHABILITATION—REINTEGRATION AND AFTERCARE

1. India's Performance Stats:

Limited inspection of child-care institutions—only about 810 were mandated out of 1992 inspections that were actually carried out among the surveyed states. Only 40 girls' homes existed across 292 reported districts, illustrating gender disparities in rehabilitative infrastructure²¹. Significant shortage of medical officers and counselors in child care institutions: nearly 80% reported having no medical staff, crucial for psychological support²².

2. Global Comparison

Countries with stronger juvenile justice outcomes often report:

- Integrative therapeutic programs with institutions
- Close linkage with education and vocational services
- Structured aftercare plans with measurable reintegration outcomes.

VII. CONCLUSION

Across key dimensions and custodial alternatives, procedural fairness, rehabilitative support, and systemic equity—India's juvenile justice system demonstrates the following: Narrow operationalization of the best interest rule, Persistent procedural backlogs and delays, Inadequate infrastructure and support services, Uneven access across states. These gaps highlight statutory alignment with international standards is insufficient without effective implementation; to bridge this divide India must invest in Enhanced diversion and community-based programs, Strengthened institutional capacity—infrastructure training staff, Robust data system and monitoring, Expand rehabilitative and aftercare services.

The comparative study of just Juvenile just a system in India and the UK both reveals the convergence and divergence in their approaches with dealing the children in conflict with low and the Juvenile justice board under the Juvenile Justice (Care and Protection of Children) Act, 2015 shows that it is a welfare oriented child centric Framework which focus on rehabilitation and reintegration but the youth justice board more focused on structured governance, policies coordinations and efficiency in managing the juveniles. UK adopts managerial and risk waste model whereas India privatizes the individualised justice which governs through the quasi judicial mechanism. Both systems increasingly recognise the value of respiratory justice and the child rights also make a balance between India's rehabilitated focus with the UK administrative efficiency which could enhance the effectiveness and responsiveness of the juvenile justice system in common law countries.

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