

# Gendered Realities: Reforming Juvenile Justice in India

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## ARTICLE INFO

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## Abstract

For the past few decades, the juvenile justice system in India has shifted from a rehabilitative to a retributive paradigm, leading researchers to become increasingly interested in the gendered implications of paradigm change that may exacerbate problems of young offenders, especially females. The current article explores the question of how social attitudes, institutional prejudices, and intersectional identities affect the ways in which female offenders are perceived and treated in India. The framework for the current study includes theoretical concepts of rehabilitation, retribution, and feminist theory. The use of secondary analysis and the description of policy changes and historical context studies are included in the research. Employing a data-driven analysis based on a combination of case studies, quantitative data, and inter-state comparison, the research reveals that female offenders face systemic institutional and individual problems, including re-victimization, trauma, and inadequate access to quality rehabilitation services. This article argues for gender-responsive and intersectional juvenile justice policies and redirects attention to rehabilitation available results for future policy and research initiatives.

## INTRODUCTION

Juvenile justice philosophy in India has always been more on rehabilitation and reformation. It has always been believed that these young people are still growing and their minds and behaviour should be moulded to fit societal norms and not to be punished. This notion has been instilled in the country as the result of the international treaties they signed, alongside various other humanitarian considerations. It is only recently that there has been a shift in mind and believed that the punishment should be seen and the offenders held responsible for their bad behaviour. This change commenced after 2000 when Juvenile Justice Act was passed to take care of children and the community following a balance of the two entities.<sup>1</sup>

Further amendments were made in 2015 following public outcry on contentious issues such as the Delhi gang-rape, where the age limit was significantly reduced from eighteen to sixteen years and the transfer of cases made into adult courts. As stated in the Juvenile Justice Act of 2015, a "child" shall mean a person who is under the age of eighteen. The Act further classifies

1 Kumari, V. (2015). Juvenile justice in India. *Juvenile justice in global perspective*, 145-197.)

the child into two categories: a child in conflict with the law and a child in need of care and protection. However, a “juvenile” is a person under the age of eighteen years who has committed or is alleged to have committed an offence.<sup>2</sup>

Female offenders’ experiences in the juvenile justice system are multifaceted and influenced by societal attitudes, judicial environment, and multiple identities such as class, caste and so on. Hence, the study seeks to examine the gender orientation and differences in the juvenile justice since the turn of the new millennium using a feminist perspective in addition to retributive and rehabilitative models. The article then connects policy matter stakeholders with evidence-based proposals with a call to action.

## Theoretical Framework

India’s juvenile justice reform struggle is characterised by a philosophical clash between two opposing concepts: rehabilitation and retribution. Indeed, these polarities have dominated the debates, policies, and public causes, shaping the path of the system. Thus, the only way to disentangle the gendered implications of the phenomenon is by exploring the rehabilitative and retributionist principles and merging them with feminist literature on juvenile justice. The rehabilitative paradigm emphasises that young offenders are not lost to delinquencies – they are still susceptible, and positive outcomes are a possibility.

*Doli Incapax*: ‘The *Doli Incapax*’ doctrine governs juvenile criminal responsibility and is one of the main principles of criminal law. With this theory in mind and applied to the Indian Laws, it can be concluded that no juvenile under the age of seven may be charged with any offence committed by him.<sup>3</sup> *Doli Incapax* the capacity to commit a crime. The foundation for this proposition is enshrined in the United Nations Convention on the Rights of the Child, which mandates that every country shall clearly define the minimum age of a child who shall be irrespective excluded from any kind of penal

culpability since it is beyond his comprehension and acumen of the nature and consequences of the deed. This proposition may be found in Article 40 (3)(a).<sup>4</sup>

In instances when juveniles are from eight to fourteen years old, the prosecution bears the burden of proof. The doctrine’s major aims could be better understood using the following points:

- A child who committed an offence should be shielded from being slammed by any medium to severe penalty. The child’s terror should be extinguished with reformatory aid.

A child who is not yet seven lacks the mental prowess to get to grips with the ramifications of his conduct, is possibly unaware of or regrettably motivated to do so, hence *actus reus* solely may not confer rudiments of men’s *rea*.

According to the rehabilitative model’s theorists, juvenile delinquency is multidetermined, and anti-social behaviours are resulting from a complex and dynamic interplay between the environment, society, and psychology. Thus, the model’s adherents believe that punitive measures are, in fact, counterproductive, exacerbating rather than mitigating recidivism. They propose a comprehensive variety of counselling, education, and therapeutic measures intended to alleviate the conditions and causes of young offending.<sup>5</sup>

The rehabilitative vision is one built on hope – with the notion that each child can be reformatted to exist in a prosocial society.<sup>6</sup> Substantial research evidence demonstrates that appropriately designed and implemented rehabilitative measures can significantly reduce the rate of recidivism and produce a noticeable positive good for young offenders. The retributionist hypothesis posits accountability, deterrence, and punishment. Unlike the rehabilitative model, justice is seen through the prism of just deserts, suggesting that the offenders,

4 Gibson, L. (2019). The abolition of *doli incapax* and the alternatives to raising the age of criminal responsibility. Available at SSRN 3481217.

5 Confino, D., Schori-Eyal, N., Gur, T., & Falomir-Pichastor, J. M. (2022). Retribution versus rehabilitation as motives for support of offender’s punishment: The moderating role of mindsets about malleability. *Comprehensive Results in Social Psychology*, 6(1-3), 39-58.

6 Collica-Cox, K., & Sullivan, L. (2017). Why retribution matters: Progression not regression. *Theory in Action*, 10(2), 41.

2 Bajpai, A. (2018). The juvenile justice (care and protection of children) act 2015: An analysis. *Indian Law Review*, 2(2), 191-203.

3 Lennings, N. J., & Lennings, C. J. (2014). Assessing serious harm under the doctrine of *doli incapax*: a case study. *Psychiatry, Psychology and Law*, 21(5), 791-800.



irrespective of age, should be held accountable for their actions and pay. Deterrence theory, one of the retributionist sub-concepts, implies that punitive measures are effective deterrents from recidivism and future offending.

From a retributivist standpoint, leniency for juvenile offenders demonstrates a lack of credibility in the justice system.<sup>7</sup> In such post-high-profile cases, members of the public may also seek retribution out of a sense of fairness, particularly if they feel that the victim's rights have been disregarded.

While the two primaries, rehabilitative versus retribution schools of thought have been battling throughout this time frame, feminist scholars have been more vocally denouncing the many of gender-neutral presumptions that connect so much of the discourse regarding juvenile justice. One of the most powerful of these assertions has been that female offenders' most relevant experiences are shaped by specific characteristics that serve to deepen their victimisation. It is abundantly clear from our review of the literature that young women in the juvenile delinquency system are more likely to have suffered from violence, exploitation, and other crimes before than their male peers are. It is not necessary to be a scholar to see how critical these kinds of early stresses can affect mental health and the utilization of dangerous coping methods that can all result in delinquent behaviour.

More importantly, a feminist viewpoint helps to realize that these are significant concerns that should be addressed via a gender-responsive strategy emphasising women's access to trauma-informed care and specialist services that enable them. To ascertain the gendered trajectory of India's juvenile justice system, one must combine the theoretical viewpoints of rehabilitation and retribution with feminist beliefs. The rehabilitative model provides promise in addressing delinquency's root causes and fostering positive change.<sup>8</sup> Nonetheless, without considering the difficult circumstances and obstacles confronted by female juvenile offenders, it is difficult to see how much good it can do.

7 Shanahan, C. (2021). Retribution: The True Cost. *Idaho L. Rev.*, 57, 509.

8 Hayes, D. (2019). Retribution and rehabilitation: Taking punishment seriously in a humane society. In *The Routledge Companion to Rehabilitative Work in Criminal Justice* (pp. 56-65). Routledge.

On the other hand, a retributive-only model will further marginalize and victimize young women, reinforcing the cycle of trauma and bypassing the real causes of their criminal involvement. Therefore, if any retributive component is assumed, it should be balanced with a gender responsive and intersectional component that considers the specificities of female offenders. This paper's theoretical framework is aligned with the one that highly values the need for rehabilitation while remaining aware of the need for and importance of accountability and deterrence. Yet, without a deeper understanding of gender and intersectionality, all those elements would be meaningless. Their synthesis will enable us to consider and criticize the gendered outcomes of India's juvenile justice system and suggest it becomes one that is rehabilitation-oriented for everyone, regardless of all social markers. This perspective will enable us to explore the complex interplay between public attitudes, institutional biases, and multiple identities that influence female offenders in a juvenile justice setting. In the end, it will allow us to encourage the system to become the one based on justice and the one that can finally unleash its transformative powers.

## Historical Context and Policy Shifts

The roots of juvenile justice in India can be traced back to the colonial era when the first legislative intervention during the Bedding states was implemented. This era saw the introduction of rudimentary sentencing trends towards juvenile delinquency by the British. The first formal legislative intervention was under legislation of the Apprentice Act of 1850.<sup>9</sup> This legislation concerned itself with the requirements of care and supervision in the schedules within which and the standard of care and the art and job in which, that apprenticeship was intended to be undertaken. However, even though this was a significant development in the legal domain, these schedules were based on the fact that all children were untrained or defective in character, which incited criticism that the early comprehensive frameworks of legislation were always inefficient and punitive.

After the independence, there were various  
9 Bernard, T. J., & Kurlychek, M. C. (2010). *The cycle of juvenile justice*. Oxford University Press.

legal reforms to transform juvenile justice to a more humane and child-centred approach. The process culminated in the enactment of the Juvenile Justice Act in 1986, which severed the punitive tendencies of be-formulating new legislation by India, from its colonial past. The Juvenile Justice Act, 1986 constituted a more youth-oriented criminal justice modal, which was aimed at the rehabilitation and the subsequent reintegration of the youth in society.<sup>10,11</sup> The legislation was progressive in that it viewed the youths as children in need of care and protection and not as hardened criminals. The primary goal of the Act was to come up with legislation that guaranteed that the inherent dignity and worth of each human were respected. It established Juvenile welfare boards and Juvenile courts to cater to the welfare and rehabilitation of the juvenile delinquents respectively. The Act proposed counselling, education, productive labor, or vocational training in rehabilitation work. However, even though it was progressive, it was criticized as a lag because it was non-specific, and the responses could not address the diverse needs of the juveniles. The Act was also developed to guide behaviours that take a gender-neutral position. This aspect led to the violation of the fundamental need analysis in the formulation of any legal framework.

India's juvenile justice system has been established over a relatively long historical trajectory, which reflects the evolution of societal attitudes and policy responses to the emergence of the distinct class of individuals – juvenile offenders. As a country with strong ties to ancient Indian philosophy that had a strong emphasis on rehabilitation and reintegration, historical practices featured the punitive and rehabilitative methods. In particular, the policy towards juvenile offenders has been implemented employing the philosophy consistent with the beliefs that young children held strong potential for moral regeneration.

Moreover, there is evidence suggesting that Hindu and Muslim law had established specific laws allowing for rehabilitation, reintegration, and

10 Bhattacharyya, S. K. (2000). *Juvenile Justice: An Indian Scenario*. Daya Books.

11 Kakar, S. (2015). Juvenile justice and juvenile delinquency in India. *The Handbook of Juvenile Delinquency and Juvenile Justice*, 49-64.

protection of identified juvenile delinquents. The punitive approach was not implemented until colonial rule when British judicial systems imposed an adult law upon children by treating them as adult criminals, ignoring their lack of responsibility due to their age, and presumed developmental stage.<sup>12</sup>

The lack of proper laws is evinced by the implication that the Indian legal framework towards the issue of juvenile delinquency remained mostly the same even after the country had taken the lead of its own affairs. The country still violated domestic law by aiming to punish a child, who should be seen as a victim, a perpetrator, and an unfit adult citizen at the same time. An apt example of the Indian historical juvenile justice system is the bamboo that smoked and was carried out at night. The practice thus featured the lack of suitability and special institutions.

The Juvenile Justice Act was established in the year 2000 in order to safeguard a child. This was modified twice, initially in 2006 and then in 2011, after recognizing the numerous lacunas and deficits in the functioning. In addition, following the tragic incident of “Delhi Gang Rape Case” and the rise in juvenile criminal cases in past years, the concerned party had been required to pass the bill.<sup>13</sup> One of the major flaws of the act was that the degree of legal protection for children was insufficient. It was impossible to prevent juvenile criminal acts in India, which is crippled thanks to an unviable juvenile criminal justice mechanism in existence. The new law immediately supplanted the substitution entitled Juvenile Justice Act in 2015.<sup>14</sup> This law gives more excellent safety to children in demand of care and for those who are involved in legal misconduct.

It involves as follows: “Special provisions for the record of serious offences; Orphaned, deserted, or renounced minors; minor, serious, and primitive offences; Juvenile contentious board and other

12 Sharma, S. (2021). Juvenile justice system, reforms and policing system in India: Origin, dialectics, comparisons, and way forward. *International Annals of Criminology*, 59(2), 179-199.

13 Sharma, S., & Sony, N. (2023). Emerging Trends in juvenile justice: A socio-Legal prospective. *Res Militaris*, 13(3), 185-199.

14 Kumar, P., & Singh, R. (2016). Juvenile Justice (Care and Protection of Children Act) 2015: A Critique. *Journal of Global Research & Analysis*, 5, 113.

juvenile and judicial jurisdiction; and the juvenile and Judicial jurisdiction management committee and the current rules, guidelines, and prudence thereof and there too.

Some of the salient features are as follows: These are the two sections in the Juvenile Justice Act 2015 which defines a child. The first statement is part 2 clause 12 in the form of the sentence; elongated or less than 18 years. The second assertion Weapon 2, article 13 in the statement: Child in conflict with the law- Expense: Child in need of care and protection.<sup>15,16</sup>

The results of the specification of the various aspects of offences and passed on various classifications that have been developed within the criteria to deduce the fact that the juvenile offences are divided as either heinous or serious or minor. In case a juvenile aging between 16 and 18 years commit an offence, then the adult trial may be made considering the mental competence evaluated by the guidelines prepared. The establishment of the juvenile courts that specify a separate court to be implemented, which should be in order to hear only the juvenile offenders, in the following specifications NDPS courts etc. The setting of focus should be on the following aspects out of a number of the definition that were specified in Section 2 Chapter XIV in the Juvenile Justice Act.

The 2015 act concerned the 'Child in Need of Care & Protection' between the following subdivisions of the point 14 also the amended in 2015:

- a) Those eligible of parents and guardians who should or have not able to care properly on the child.
- b) Those who should and have participated in the illegal labor activities.
- c) Those who should be and being forced to married with legal age features.
- d) The concluding in which the Act for recognizing of the adopted child , should mention the word adoption definitions. Therefore, the main feature of the Act is to implement the care and provide the protection to the children and also

15 Babar, A. V. (2018). The law for juvenile injustice: Critical analysis of the Juvenile Justice (Care and Protection) Act, 2015. *Journal of Legal Studies and Research*, 4(2), 2278-4322.

16 Jain, V., & Sharma, V. (2022). A Critical Study on the Juvenile Justice Act, 2015. *Issue 3 Indian JL & Legal Rsch.*, 4, 1.

Juvenile interests. The main objectives will be to rehabilitate the juvenile offender by conducting the Child- friendly manner for adjudicating all matters.

The implementation of this comprehensive piece of legislation implied several key provisions that generally were in line with already known practices in the international arena. Among them were the creation of special juvenile justice boards, the use of diversionary measures that allow trying to reduce the scope of the judicial system, and the implementation of the principle of rehabilitation and reintegration into society. Furthermore, this meant the establishment of a more nuanced approach to address the problems associated with the commission of heinous crimes by children between the age group of sixteen to eighteen. Such an attitude was delicate because it implied a balance between punishment and recognition of mental and emotional immaturity.

However, despite all its positively oriented provisions in terms of bringing the country's legal system into full compliance with international norms, the juvenile justice system in India faces many problems. Among them are a lack of proper infrastructure, lack of human and material resources, as well as socio-economic conditions that further exacerbate the vulnerability of underage offenders. The situation is not much better at the level of the legislative component, as the absence of clear standards in some states deprives some children of their right to equal access to justice and measures aimed at rehabilitation.

Therefore, a series of measures to reform the system through a wide range of changes that also involve capacity building have been taken. Specifically, the creation of the integrated child protection scheme implies the establishment of a network of service providers who should join forces to address children's needs, including the ones recruited into armed conflicts. Awareness campaigns have also played a significant role as they seek to eliminate stigma and stereotypes and promote the use of restorative justice principles in dealing with juvenile delinquents.<sup>17</sup> In the long

17 Agarwal, S., & Varshney, P. S. (2022). The Impact of the Juvenile Justice System Act (2015). *Issue 6 Int'l JL Mgmt. & Human.*, 5, 1781.



term, the future of the juvenile justice system in India will be in the constant struggle against new challenges if the system is supported appropriately and does not forget that children are also rightful participants in the criminal process who committed crimes. By emphasizing reintegration, reduction, and treatment, the country can create a better and stronger generation of citizens who will contribute more to social justice and human rights.

## Rehabilitation Paradigm in Juvenile Justice

The rehabilitation paradigm in the juvenile justice system seeks to address the root causes of juvenile offending and reintegrate juvenile offenders as responsible and law-abiding members of society. In the Indian context, the rehabilitation paradigm has evolved in response to the changing priorities and demands within society. Historically, rehabilitation in the Indian juvenile justice system perched on the argument that juvenile offenders were at a formative age and could overcome their offending behaviour. The Juvenile Justice Act 1986 embraced rehabilitative philosophies to focus on reformatory measures that included counselling, education, vocational training, and community-based rehabilitation.

However, the rehabilitative philosophies were deterred by many challenges that include lack of adequate funding, insufficiently trained personnel, and insufficient specialized service providers to rehabilitate juvenile offenders. There were ineffective gender-sensitive interventions which included lack of equitable and unique services to female juvenile offenders in the Indian society.

The Juvenile Justice Care and Protection of Children Act 2000 presented a more comprehensive rehabilitative approach by recognizing the diverse needs of juvenile offenders and offered specialized intervention programs. The Act provided for the juvenile court to develop an individual rehabilitation plan, with special considerations to age, sex, socio-economic background, and the nature of the offense. The principle that guides the rehabilitation paradigm is the best interest of the child.<sup>18</sup> Rehabilitation programs are holistic, child-friendly, and culturally competent.

<sup>18</sup> Bajpai, G. S. (2019). *Juvenile Justice: Impact and Implementation in India*. Bloomsbury Publishing.

Additionally, there are partnerships that coordinate stakeholders working in rehabilitation from the government, non-governmental organizations, community-based organizations, and civil societies that ensure multiple comprehensive services equally given to juvenile offenders. Despite the notable milestones covered in the recent past, some challenges still limit the success of the rehabilitation paradigm. The challenges are inadequate resources, shortage of capacity, low awareness among juvenile justice stakeholders, and lack of gender-sensitive rehabilitation programs.

Generally, the rehabilitation paradigm offers a more human and child-friendly approach to address the juvenile justice system's challenges. However, the present challenges require much effort to be surmounted for the paradigm to be more effective, gender-responsive and universal to address the needs of every juvenile offender.

## Exploring the Intersection of Gendered Experiences within Juvenile Justice

Gender is a major determinant of the unique experiences of juvenile offenders in justice. The interaction between gender and other social factors such as economic status, ethnicity, and age influences young individuals' process, treatment, and outcomes from the justice system.

One of the almost universal gender disparities in juvenile crimes is that of gender proportion – male juveniles are overrepresented in delinquent behaviour compared to female juveniles.<sup>19</sup> Similar patterns are also present in India, irrespective of different socio-economic and cultural influences.

According to the data sourced from the NCRB, the majority of arrested, incarcerated, or subject to reformatory work juveniles are males. For example, one of the offenders in the high-profile case of 2012 Delhi gang rape was a juvenile boy. Societal norms and expectations may play a part in these disparities, as boys may receive more pressure to demonstrate their masculinity, including assertiveness, toughness or even dominance. Therefore, boys may be more likely to engage in behaviours like robbery, violence,

<sup>19</sup> Pasko, L. (2008). The wayward girl revisited: Understanding the gendered nature of juvenile justice and delinquency. *Sociology Compass*, 2(3), 821-836.



or substance use, which are more likely to cause one's involvement with the juvenile justice system. Addressing these disparities may help develop gender-aware interventions that address the root causes of juvenile delinquency and ensure gender equity in the juvenile justice system.

## Gendered Implications for Female Juvenile Offenders:

Female juvenile offenders are particularly vulnerable to gendered issues in the juvenile justice process and outcomes, which affect their welfare and rehabilitation. The selected real cases present the typical gender-violated experiences in juvenile justice institutions. However, female juvenile offenders continue to suffer sexual, physical, and harassment at the hands of male staff in such institutions.<sup>20 21</sup> For example, in 2018, several reports from a juvenile observation home in Uttar Pradesh indicated that female inmates were victims of sexual harassment by male staff members. In India, many protective measures and laws, including the Protection of Children from Sexual offenses Act, protect girls and young women. However, tales of female inmates from juvenile homes show that they face systems failures in defending them from male profiling men.

Additionally, the fact that women and girls in juvenile institutions experience more abuse shows a lack of gender dynamics. There is no evidence that most jurisdictions in India have gender-sensitive policies that protect female inmates from male staff. This ignorance underscores the urgency of recommending gender-sensitive transformations in the juvenile justice system. In some cases, female prisoners are left in tears due to a lack of sanitary products during their periods.

Human Rights Watch has documented cases in juvenile quarters where female inmates pulled their garments to absorb blood exculpations due to a lack of female sanitary products.<sup>22</sup>

20 Smith, P. (2017). Girls in traditional and gender-responsive juvenile justice placements. *Women & Criminal Justice*, 27(5), 302-326.

21 Davis, C. P. (2017). *Girls and juvenile justice: Power, status, and the social construction of delinquency*. Springer.

22 Ravoir, L., Graziano, J., & Patino Lydia, V. (2012). Urgent work: Developing a gender-responsive approach for

## Gendered Implications for Male Juvenile Offenders:

Unlike female juvenile offenders, male juveniles do not suffer gender-specific violence, which does not mean that gender does not matter for them. Instead, gender among male juveniles is reflected in stigma, discrimination, and unequal treatment in juvenile justice institutions. For instance, a few years ago, the news reported that underage male detainees in Bihar were beaten and subjected to humiliating treatment by jail wardens.

The root cause was their low socio-economic status and the professional background of their families, which raised questions about male gender and what it means in the context of rehabilitation.<sup>23</sup> Moreover, in India, gender is not the only criterion that affects the quality of services and programs for young and underage offenders. For example, male juveniles from rural areas represent another intersection of being because they are not only males but also occupy lower castes or belong to similar marginalized populations. Thus, stigma and discrimination become aggravated. The possible implications are humiliation, guilt, and poor trust in authorities and support systems. Thus, the need for a gender-sensitive approach remains uncared for.

## Comparative Analysis

The case study thus, reveals that gender justice in the juvenile justice system is essential to ensure fairness, protection, and rehabilitation for all juvenile delinquents. In 2018, a rapid investigation by the National Commission for the Protection of Child Rights exposed a terrible condition at a government-run observation home for juvenile delinquents in the Indian state of Uttar Pradesh. The findings showed that the employees were continually exploiting and sexually abusing the female juvenile inmates. The case demonstrates that India's juvenile justice institutions are fundamentally flawed and discriminatory, leaving girls unable to confront sexual violence. Even though Indian legislations and

girls in the juvenile justice system. *Universitas Psychologica*, 11(4), 1167-1181.

23 Mallicoat, S. L. (2007). Gendered justice: Attributional differences between males and females in the juvenile courts. *Feminist Criminology*, 2(1), 4-30.

international conventions do not consider female juvenile delinquents as potential victims of fellow juvenile delinquents, young females have several gender-linked barriers to justice and rehabilitation. However, the case can lead to the policy lesson that India needs to integrate juvenile justice reform with the broader program of combating sexual violence and promoting gender justice.

The comparison with the best international practices thus, shows that the policy reform is the need of the hour to support gender justice in the juvenile justice system. For example, America's Prison Rape Elimination Act, 2003 (PREA) requires juvenile justice facilities to remove sexual harassment or abuse of juvenile delinquents. This act facilitates that all states have constitutional requirements based on the needs of victims and independent oversight.<sup>24</sup>

For most national juvenile justice systems, juvenile delinquency in relation to the complex contemporary challenges that beset virtually nameless percentages of young people is not merely a riddle. Norway can be identified as an exception to this global rule where percentage of juveniles were retarded to a satisfactory standard though they were processed to the adult criminal justice system at the age of fifteen.<sup>25</sup> There are minimal exclusions, although, for most part, the industrialised liberal democratic countries have adopted distinct juvenile justice systems within and apart from their adult criminal justice systems.

Moreover, other countries have shared the best practice and gender justice solution and therefore, the policy recommendation is that gender justice in the juvenile justice program is a real goal rather than a delusion.

## Key Challenges in Addressing Gender Disparities

Eliminating gender disparities in the juvenile justice system faces several obstacles linked to societal norms, systemic biases, and institutional deficiencies. These obstacles undermine the

24 Drinan, C. H. (2017). *The war on kids: How American juvenile justice lost its way*. Oxford University Press.

25 Winterdyk, J., Antonopoulos, G. A., & Corrado, R. (2016). Reflections on Norway's juvenile justice model: A comparative context. *Crime Prevention and Community Safety*, 18, 105-121.

capacity to promote equal treatment and outcomes of male and female juvenile offenders. Numerous gender-based creches and stereotypes shroud the enhancing perceptions and treatments of juvenile offenders in the justice system. Profoundly expressed stereotypes, including the portrayal of boys as naturally brutal and threatening and girls as passive or needing protection, result in key disparities based on gender.

These stereotypes affirm the biases of law enforcement, judges, child welfare officers, and other stakeholders, causing unequal rights to justice and rehabilitation. Female juvenile offenders, in particular, may be victims of gender-based abuse and exploitation but refuse to report to the police due to fear.

The fear of stigma and the disrespect of family and neighbours serve as a strong determinant of female victims' denial to report such cases. Therefore, gender-specific nature due to lack of reporting will remain unrecognized to permit the continuation of silence.<sup>26</sup>

Correctional centres for juveniles have severe underreporting concerns of gender-based violence.<sup>27</sup> Juvenile correctional facilities are the most affected due to power dynamics created in prison settings. Juvenile girls do not report to prison wardens, yet there is a significant level of exploitation. Additionally, most of the cases go unresolved or use informal mechanisms to administer justice.

Few juveniles get protection since most cases reach a resolution. Juvenile justice systems that operate without following the human rights conventions lack the reporting mechanisms protecting the rights of a victim and the justified legal repercussions.

The generalized nature of gender disparities across juvenile justice systems is the lack of gender-sensitive systems and structures. There are rehabilitation policies to correct juvenile acts, but it lacks a clear gender mainstream to handle repercussions sufficiently. Rehabilitation mechanisms in juvenile correctional facilities lack the specific gender-sensitive measures to cater to girl and boy child juvenile offenders.

26 Parrish, D. E. (2020). Achieving justice for girls in the juvenile justice system. *Social Work*, 65(2), 149-158.

27 Neiman, N. (2015). Gender bias in the juvenile justice system.





The rehabilitation mechanisms contain a generalized approach to 'reduce male child offending.' Such a mechanism does not address the inherent menace affecting the behaviour modification of a girl child to achieve rehabilitation. Resource limitations and divergent priorities within juvenile justice hinder the sufficient curbing of gender disparities. Most juvenile justice systems face the problem of limited funding and staff. The problem of gender disparity is one of the least priorities in the competitive systems.

## Way Forward

For addressing gender disparities in the juvenile justice system include, first and foremost, a comprehensive approach, including legal and policy reform, changing practice in institutions, and community measures. With the focus on gender justice and the approach based on evidence, stakeholders will work to change the principles and policy of the juvenile justice system to build a more just and equitable approach to young offenders' rights and well-being.<sup>28</sup>

First, it is necessary to ensure adequate legal protection for male and female offenders in juvenile detention systems. To bridge the gap between them, appropriate legislation regulating all aspects of juvenile justice should be developed, passed, and enforced.

Secondly, focus on laws, such as Juvenile Justice Act, enactment of gender-sensitive provisions and remedies and legal frameworks, including protection from gender-based violence, discrimination, and exploitation, will help to open the opportunity for all young offenders to get access to justice. Thirdly, it is essential to develop gender-responsive policies and practices in juvenile justice institutions.

In this context, it is necessary to develop and implement gender-sensitive screening tools, assessment techniques and reintegration programs, considering gender-specific risk factors, and ensuring a positive impact.<sup>29</sup>

28 Savage, R. J., Reese, J. M., Wallace, S., Wang, T., Jester, T., Lowe, R., ... & Durant, N. (2017). Overcoming challenges to care in the juvenile justice system: A case study and commentary. *Pediatrics in review*, 38(1), 35-43.

29 Anderson, V. R. (2022). Gender-Responsive Approaches in Juvenile Justice: How the System Prioritizes the

Fourthly, the community actions making an impact on the root causes of offending behaviour and supporting young men and women in life after the outset of being an offender are crucial. Investment in output community-based alternatives: youth prevention five lines programs, including national education, mentoring and initiation efforts that help reduce endangered young men and women in the juvenile justice system.

Finally, proper staff training and gender awareness, trauma, and cultural competence will help with the abilities of the authorities to respond to the gap and help young offenders more efficiently.

As a result, investing in further research on this issue is essential. Furthermore, investing in research with additional observations is necessary to determine novel patterns and best practicing arrangements. Finally, it is an investment in quantitative solutions in hurdles of sensitive issues and funding policy and symmetrical changes based on awareness.

## CONCLUSION

To conclude, the path to gender justice in the juvenile justice system is a fascinating and challenging endeavor that necessitates a holistic approach to remedying systemic abuses and defending the rights of all offenders without compromising their dignity. As evidenced by the legal frameworks, cases, comparative analysis, major obstacles, and potential steps, gender discrimination continues to exist in the juvenile justice system of all nations, which is a large impediment to equality and judicial outcomes. While progress has been made in response to gender-based violence and exploitation, but stereotypes and perceptions, true reporting, and stigmatization, bad laws and regulations, biased businesses, and intersectional discrimination continue to be simply a few other challenges. Resource constraints and broader collaboration would limit progress. All of the preceding are lawful in meaning, as are institutional reforms, expanded monitoring capacity, if not a public appeal for intensive effort and collaboration. Efforts that emphasize gender are viewed as a means of executing one's duties.

Content-and Context-Related Needs of Girls. *Criminal Justice Policy Review*, 33(9), 895-917.

Nonetheless, there are reasons for hope because stakeholders around the world increasingly support gender justice in juvenile justice and pledge to pursue more inclusive activity and operations. By ensuring proper legal regulations, promoting policies and efforts, enhancing the monitoring faculty, promoting community responses, fostering interaction, and ensuring sufficient study and review, these groups may help maintain human rights in adolescent justice and a multi-dimensional system of justice particular to the gender of the abuser. It is a moral commitment as well as a basic human right. It will need sustained determination and devotion to produce an overtaking pattern in order to cultivate diverse, impartial, trustworthy, empathetic, dignified, and fair treatment of the youngsters, regardless of sexuality.

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