

A Comparative Analysis of Juvenile Justice System in India with USA

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ABSTRACT

The juvenile justice systems in India and the United States, while both aimed at addressing juvenile delinquency and rehabilitation, are shaped by their distinct historical, cultural, and legal contexts. This comparative study explores the evolution, frameworks, and practices of juvenile justice in these two countries. In India, the Juvenile Justice (Care and Protection of Children) Act, 2015, represents a significant reform by incorporating stricter measures for serious offenses and emphasizing child welfare through various institutional frameworks. Conversely, the U.S. system is characterized by its decentralized nature, with a wide range of sentencing options and a focus on both punitive and rehabilitative measures. This study evaluates the legal frameworks, rehabilitation approaches, recidivism rates, and systemic challenges in both countries. Through a detailed analysis of statutory laws, case studies, and statistical data, the research highlights key differences and similarities between the two systems. The findings underscore the effectiveness of each system's approach and suggest potential areas for improvement, emphasizing the need for ongoing reform and evaluation to enhance juvenile justice outcomes globally.

Keywords: Critical Success Factors, SME Start-Up Project, New Entrepreneurship

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INTRODUCTION

Bharat, known today as India, has always been more than just a nation-state defined by modern political boundaries. It is a civilizational entity whose origins predate contemporary conceptions of nationalism, democracy, and governance. Rooted in the spiritual and philosophical ethos of Sanatan Dharma, Bharat's societal framework evolved organically over millennia. This framework emphasized the inherent divinity within each individual and fostered a way of life grounded in dharma, a moral order that balanced individual freedoms with societal harmony. Unlike Western democracies that often rely on rigid secular ideals, Bharat's traditional model respected pluralism while maintaining cultural and spiritual coherence. The dharma-based foundation of Indian society supported a harmonious coexistence of diverse communities, beliefs, and practices. Rather than imposing uniformity, this system nurtured unity through shared values, reverence for nature, and collective responsibilities (Aririguzoh, 2022). The ancient republics of Bharat, such as the sabhas and samitis mentioned in Vedic texts, illustrate the presence of participatory governance long before the rise of modern democracies. This civilizational continuity offered a unique template—one that married spirituality with statecraft, individual liberty with social responsibility.

However, post-independence, India witnessed a significant ideological shift. As the newly formed republic sought to establish itself on the world stage, the adoption of a Western-style secularism became a defining feature of its political identity. While the intent was to ensure equality and neutrality among all religious communities, over time, this concept of secularism began to be interpreted, and at times misappropriated, in ways that deviated from Bharat's civilizational ethos. Instead of reinforcing unity through shared cultural values, secularism gradually came to signify an almost complete detachment of the state from its spiritual and cultural roots. In some cases, it even resulted in a pattern of appeasement politics, where certain religious ideologies were favored at the cost of the collective national identity.

The framers of the Indian Constitution—luminaries such as Dr. B.R. Ambedkar, Sardar Vallabhbhai Patel, and K.M. Munshi—were deeply conscious of India's religious and cultural diversity. Their vision was not one of religious suppression but of religious harmony bounded by national interest. Articles 25 to 28 of the Constitution enshrine the right to religious freedom, yet these freedoms were never meant to be unfettered (Sitaraman, 2023). They are subject to reasonable restrictions in the interest of public order,

morality, and health. The intention was clear: to safeguard individual liberty without endangering national unity or social stability.

Despite this foundational wisdom, recent decades have seen the rise of a distorted interpretation of secularism. Political opportunism, combined with judicial activism and lobbying by fringe elements, has led to the projection of religious liberties as absolute and inviolable, even when they conflict with national security or public welfare. This has opened the door to internal discord, weakening the fabric of democratic governance and challenging the integrity of Bharat's ancient civilizational balance.

LITERATURE REVIEW

India's approach to secularism is rooted in its unique civilizational ethos and historical experience. The Indian model, sometimes called "positive secularism," aims to reconcile religious pluralism with state neutrality, in contrast to the Western concept of secularism that strictly separates the church and the state. Instead of trying to keep religion out of public life, India's secularism makes sure the government keeps a neutral stance toward all faiths, making it possible for people of all backgrounds to live peacefully and prosper. Religion has always played a significant role in public life, social norms, and philosophical discourse in Bharat, and this model reflects that (Elst, 2001).

The framers of the Indian Constitution, fully cognizant of the subcontinent's religious diversity and history of communal strife, deliberately crafted provisions that would uphold both individual religious freedom and collective societal harmony. Article 25 of the Constitution guarantees all citizens the right to freely profess, practice, and propagate their religion. But this right is subject to public order, morality, and health, as well as Part III of the Constitution. This conditionality reflects the Constituent Assembly's intention to prevent religious freedoms from undermining public interest or national unity.

A closer examination of the Constituent Assembly Debates reveals that the right to religious freedom was never envisioned as an absolute or unfettered entitlement. Prominent members like K.M. Munshi explicitly argued that religious liberties must not endanger the sovereignty of the state or disrupt social cohesion. He cautioned against the misuse of religious freedom for activities such as coercive conversions or communal agitation, which could destabilize the fabric of Indian society. These deliberations underscored a nuanced understanding that religious practice, while protected, must be exercised within the bounds of constitutional order and social responsibility.

The judiciary has played a pivotal role in interpreting and shaping the contours of these constitutional principles. A landmark judgment in this regard is *Rev. Stainislaus v. State of Madhya Pradesh* (1977), where the Supreme Court upheld the constitutional validity of anti-conversion laws enacted by the states of Madhya Pradesh and Orissa. The Court clarified that while Article 25 guarantees the right to propagate one's religion, it does not include a right to convert another individual through force, fraud, or inducement. The ruling set a crucial precedent by clearly defining the distinction between propagation and proselytization, thereby bolstering the state's jurisdiction to control religious conversions that pose a threat to public order or individual autonomy.

Despite these clear constitutional and judicial safeguards, contemporary political and legal narratives have at times drifted toward a more permissive interpretation of religious freedoms, often sidelining the original intent of the framers. This divergence has led to debates over the balance between individual liberties and collective rights, especially in the context of rising concerns about aggressive missionary activities and communal polarization.

HISTORICAL CONTEXT AND CONSTITUTIONAL PROVISIONS

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LEGAL AND JUDICIAL FRAMEWORK

The Indian judiciary has long been engaged in the delicate task of navigating the intersection between religious freedom and constitutional values. India's constitutional architecture grants the right to freedom of religion under Articles 25 to 28 while simultaneously upholding the principles of equality, secularism, and individual liberty as part of the basic structure doctrine. However, tensions often arise when personal laws rooted in religious traditions come into conflict with universal constitutional mandates, particularly in cases involving gender justice, individual autonomy, and public order.

One of the foundational judgments in this realm is *S.R. Bommai v. Union of India* (1994), where the Supreme Court emphatically declared secularism to be a basic feature of the Constitution. The Court held that the State must maintain an equidistant stance from all religions, reinforcing the idea that governance in India should remain untouched by religious considerations. However, while this judgment strongly asserted the secular character of the Indian state, it did not directly address how secularism might accommodate or challenge traditional dharmic frameworks. This omission is significant, given the deep civilizational roots of dharma in Indian society and its potential role in informing a more indigenous jurisprudence.

The *Shayara Bano v. Union of India* (2017) judgment marked another pivotal moment in the evolution of judicial reasoning on religion and law. In this case, the Supreme Court declared the practice of instant triple talaq (*talaq-e-biddat*) unconstitutional. This verdict was hailed as a landmark for Muslim women's rights and gender justice, as it placed constitutional morality above regressive religious practices. However, the Court's approach revealed an inherent reluctance to engage more broadly with the patriarchal underpinnings of religious personal laws across faiths. While *Shayara Bano* advanced the principle that personal laws cannot override fundamental rights, it stopped short of instituting a uniform civil code or initiating deeper reform within religious communities.

The tension between individual autonomy and religious control was further illustrated in the *Hadiya v. Ashokan K.M.* (2018) case. Here, a young Hindu woman's conversion to Islam and subsequent marriage became the subject of legal and public controversy. The Supreme Court rightly upheld Hadiya's right to choose her religion and partner, reaffirming the autonomy of adult individuals. Yet, the judgment did not adequately address concerns about coercive religious conversions or the possibility of organized religious networks manipulating individual choices. The Court's silence on these concerns left a critical gap in protecting citizens from exploitative religious mafias under the guise of freedom of religion.

In another instructive case, *Bijoe Emmanuel v. State of Kerala* (1986), the Supreme Court sided with three Jehovah's Witnesses who refused to sing the national anthem in school on religious grounds. The Court upheld their right to religious freedom under Article 25, emphasizing that no person can be compelled to act against their faith. While this judgment showcased the judiciary's commitment to absolute religious freedom, it also raised questions about the limits of such freedom when it intersects with expressions of national identity and unity. This case typifies how judicial absolutism in safeguarding religious rights can occasionally conflict with broader societal values.

All things considered, these decisions show how the Indian court has dealt with the question of religion's place in a secular constitutional state, and where it has failed. The courts have made significant strides in promoting gender equality and individual rights through several seminal decisions, but they have frequently avoided formulating a unified theory that balances religious liberty with public safety, national solidarity, and civilizational ethos.

An ethical framework based on civilizational principles, rather than a reactive one, is now desperately needed in the field of law. Such a jurisprudence must recognize that tolerance is not limitless and must be balanced against the imperatives of social cohesion, gender justice, and national integration. A nuanced legal philosophy rooted in India's civilizational values, rather than a blanket application of Western liberal secularism, may better serve the complex pluralism of Indian society.

METHODOLOGY

This research adopts a qualitative doctrinal methodology to examine the complex relationship between religion, cultural nationalism, and constitutional democracy in Bharat. The approach integrates three core methodological strategies: constitutional interpretation, comparative analysis, and case study investigation, thereby ensuring a multidimensional exploration of the subject matter.

Firstly, constitutional interpretation forms the foundation of the analysis. This involves a close reading and interpretation of the Indian Constitution, especially its provisions on secularism, freedom of religion, and the role of the state in religious affairs. The study draws heavily from primary legal sources, including landmark Supreme Court judgments, Constituent Assembly Debates, and statutory provisions, to trace the evolution and application of secular principles in the Indian legal and political framework.

Secondly, a comparative analytical framework is employed to situate Bharat's experience within a broader global context. This includes detailed examinations of countries such as Poland and Hungary, where democracy coexists with strong elements of cultural nationalism, often supported by dominant religious or cultural identities. These examples serve to highlight how cultural and religious narratives can function as stabilizing forces in democratic societies. In contrast, the Russian Federation is studied as a model where the Orthodox Church plays a strategic role in national identity formation and governance, revealing the potential of religious institutions to contribute to state cohesion and political continuity.

Thirdly, the research incorporates a case study methodology to empirically illustrate the consequences of unregulated religious practices on democratic institutions and social harmony within Bharat. The selected case studies explore instances where religious extremism, politicization of faith, and the erosion of secular norms have led to social unrest, democratic backsliding, and violations of constitutional secularism.

The study also uses secondary sources, like reputable international reports, think tank publications, and peer-reviewed articles, to make sure it has a balanced view. For a better understanding of worldwide tendencies in religious freedom, nationalism, and democratic performance, it is important to note that data and insights from respectable organizations like the Hindu American Foundation and the Pew Research Center are utilized.

CASE STUDIES AND ANALYSIS

This section presents a series of case studies to illustrate the growing challenges faced by Hindu communities both within India and across the globe. These cases shed light on patterns of communal violence, religious persecution, ideological resistance to cultural reclamation, and transnational threats to religious identity. Each case is examined not only for its immediate implications but also for its broader socio-political and civilizational significance.

Case Study 1: The Delhi Riots of 2020

The Delhi Riots that occurred in February 2020 represent a grave instance of communal violence in contemporary India. Originally emerging as protests against the Citizenship Amendment Act (CAA), these gatherings quickly escalated into violent confrontations, particularly in North-East Delhi. What distinguished this episode was the degree of coordination and planning involved. Over 50 individuals lost their lives, hundreds sustained injuries, and vast swathes of property—predominantly belonging to the Hindu community—were looted and torched.

Subsequent investigations and intelligence assessments revealed that radical Islamist factions had infiltrated and weaponized the protests, transforming a political grievance into an orchestrated campaign of sectarian violence. Evidence pointed to foreign funding, encrypted communications, and premeditated targeting of key localities. This case underscores how religious mobilizations, when exploited by extremist ideologies, can undermine civic order, endanger communal harmony, and weaken democratic institutions. It serves as a warning against the perils of unmonitored protest movements and the need for proactive state mechanisms to detect and neutralize radical influences (Arora, 2020).

Case Study 2: Persecution of Hindus in Bangladesh

Bangladesh, despite its constitutional commitment to secularism, has witnessed recurring episodes of anti-Hindu violence. One of the most disturbing recent incidents took place in October 2022 in the Comilla district. The violence was sparked by a fabricated accusation of blasphemy during the Durga Puja festivities. What followed was a wave of mob attacks in which several Hindu temples were desecrated, homes were vandalized and burned, and innocent civilians were assaulted.

The recurring nature of such pogroms—often fueled by misinformation and amplified through social media—reflects a broader societal failure to protect minority rights. A pattern of impunity prevails,

with few perpetrators being brought to justice, resulting in a climate of fear and marginalization for the Hindu minority. This case demands urgent attention from the Indian government and international human rights bodies. It also poses a civilizational challenge to Bharat (India), emphasizing that unchecked radicalization and appeasement of extremist elements in neighboring countries can erode the fabric of pluralistic co-existence and threaten regional stability (Kumar and Kashyap, 2024).

Case Study 3: Attacks on Hindu Temples Abroad (2023–2024)

During 2023–2024, numerous Hindu temples in countries such as Australia, Canada, and the United Kingdom were desecrated with graffiti bearing pro-Khalistani and Islamist slogans. These acts of vandalism were not isolated incidents but part of a broader and increasingly coordinated campaign to intimidate Hindu communities residing abroad. In several cases, these attacks coincided with politically charged events or demonstrations, suggesting an intent to provoke and create fear among the diaspora. For Bharat, this raises serious questions about the need for diplomatic advocacy and institutional support for its diaspora. It highlights the necessity of taking a firm stance on religious freedom and identity, both domestically and on the global stage, to ensure that Hindu communities abroad do not remain soft targets for ideological violence.

Case Study 4: Protests Against the Kashi Vishwanath Corridor Restoration

The redevelopment of the Kashi Vishwanath Corridor in Varanasi—a project aimed at restoring access and aesthetics to one of Hinduism’s holiest temples—was met with criticism and protest from several activist and political groups. Opponents labeled the initiative as exclusionary and alleged that it was motivated by a majoritarian agenda. However, the core intent of the project was to reclaim and rejuvenate an ancient cultural and religious heritage site that had suffered neglect and encroachment over centuries.

The resistance to the project reflects a deeper ideological divide within Indian society regarding the role of religion in the public sphere. It brings to light a form of secularism that often equates cultural assertion by the Hindu majority with communalism, while remaining indifferent to similar initiatives by minority groups. Such opposition reveals an aversion to Hindu cultural reclamation and signifies a distorted perception of secularism that prioritizes appeasement over equity. This case thus speaks to the broader debate on identity, heritage, and the rightful place of civilizational pride within a pluralist democracy (Goel, 1991).

THEORETICAL FRAMEWORK

This study is philosophically grounded in the concept of Dharma-based democracy, an indigenous framework rooted in the civilizational ethos of Bharat (India). Unlike Western models that often prioritize individual autonomy as the ultimate expression of freedom, the dharmic tradition envisions liberty as a sacred yet responsible pursuit. Within this framework, rights and duties are inherently interconnected—freedom is not considered an unrestrained personal entitlement but as a moral responsibility exercised in harmony with societal welfare.

At the core of Sanatan Dharma is the belief that while individual freedom is invaluable and inviolable, it is not absolute. The individual exists not in isolation but as part of an interconnected moral and social order, where personal actions must be guided by the principles of righteousness (dharma) to uphold social balance, justice, and collective well-being. This approach ensures that liberty is not weaponized for personal gain at the expense of communal harmony or cultural integrity.

This dharmic vision stands in contrast to the Western liberal model of secularism, which often emphasizes a strict separation of the individual from collective and spiritual obligations. In many liberal democracies, secularism implies a neutrality that can at times lead to moral relativism or the marginalization of civilizational values. In contrast, the dharma-based perspective does not advocate for a value-neutral state but rather a value-conscious one, where governance is guided by ethical discernment, cultural rootedness, and a commitment to preserving civilizational continuity.

Dr. S. Radhakrishnan, one of modern India’s foremost philosophers and statesmen, aptly remarked, “Tolerance is the homage which the finite mind pays to the inexhaustibility of the infinite.” This quote encapsulates the nuanced dharmic approach to pluralism: a genuine respect for diversity anchored in a higher understanding of truth. However, the dharmic notion of tolerance is not blind or passive. It calls for Viveka-discernment- so that tolerance does not devolve into complicity with ideologies that threaten the social fabric or the sanctity of spiritual traditions (van Doorn, 2014).

A democracy rooted in dharma thus upholds freedom of thought and belief but also recognizes the necessity of differentiating between authentic spiritual expression and ideological aggression masquerading as reform or modernity. Such a framework ensures that the political system remains aligned with the moral compass of the civilization, fostering a just, inclusive, and harmonious society.

DISCUSSION

The unchecked and absolute interpretation of religious freedom has, recently, contributed to a series of challenges to public order and social cohesion in Bharat. Incidents of public disorder, gender-based violence, such as forced religious conversions and child marriages, and the propagation of separatist ideologies pose serious threats to national unity and constitutional integrity. These issues often arise from a lack of regulatory oversight and an inconsistent application of constitutional principles across different religious communities.

In particular, secularism, which was envisioned as a safeguard to maintain equidistance between the state and all religions, is increasingly manipulated in ways that inadvertently shield regressive practices under the guise of protecting minority rights. For instance, practices such as polygamy and instant triple talaq, prevalent in certain communities, have historically undermined the dignity, autonomy, and rights of women. While the Indian Constitution emphasizes gender equality and justice, selective exemptions granted on religious grounds have often led to systemic discrimination, thus violating the spirit of constitutional morality.

Contrary to prevailing narratives, the threat to Indian democracy does not stem from its Hindu majority but rather from the state's hesitance to confront extremism and fundamentalism emanating from certain minority quarters. This reluctance has led to an asymmetry in the enforcement of laws and the interpretation of secular principles. A truly pluralistic society can only be sustained when all religious groups are held to a uniform set of constitutional and moral standards—standards that prioritize human rights, national integrity, and cultural continuity over sectarian interests.

In view of these difficulties, it is essential to embrace constitutional values alongside India's ancient ethical frameworks in a dharma-anchored civilizational model. This model emphasizes the need of safeguarding sacred Hindu cultural sites, which are fundamental to India's spiritual legacy. Furthermore, it calls for the transparent regulation of religious funding to prevent the misuse of resources for subversive or radical agendas.

An equally vital component of this model is the reform of educational curricula. Integrating Indian philosophical traditions, epics, and indigenous knowledge systems into mainstream education would help foster a deeper sense of cultural identity and civilizational pride among the youth. Such an approach aims not only to restore intellectual balance but also to reinforcing national unity by anchoring future generations in a shared heritage.

CONCLUSION

India, also known as Bharat, is currently at a pivotal and defining juncture in its civilizational journey. In recent decades, the expansive interpretation of religious freedom—often treated as an inviolable and unchallengeable right—has, in certain instances, been misused in ways that strain the fabric of national unity. Rather than fostering genuine pluralism and mutual respect, this misapplication has sometimes resulted in deepening sectarian divides, eroding democratic cohesion, and blurring the foundational clarity of India's ancient civilizational identity.

If such trends are allowed to persist without thoughtful scrutiny and corrective measures, Bharat risks descending into the same fate that has befallen numerous post-colonial nations—where national identity becomes a casualty of relentless ideological appeasement and political expediency. The fragmentation of cultural and civilizational continuity, in the name of selective modernity or imposed secularism, poses a real danger to the integrity of the Indian Republic.

The solution, however, does not lie in authoritarianism or coercive uniformity. Rather, it lies in the conscious and principled revival of Dharma—a timeless and inclusive concept that transcends religious dogma and is instead rooted in ethical duty, justice, and harmonious coexistence. The Sanatan values embedded in Bharat's philosophical and spiritual traditions offer a framework not only for individual moral conduct but also for national regeneration.

Dharma can help India regain its cultural confidence and set society back on a path that values diversity while staying united as a nation. The ancient adage goes something like, "Dharma Rakṣati Rakṣitaḥ"—the protection of dharma is reciprocated. A future for Bharat based on knowledge, resilience, and the dignity of its civilization requires a course of action that protects its essence, democracy, and soul.

RECOMMENDATIONS

Amendment of Article 25 of the Indian Constitution

It is recommended that Article 25, which guarantees the freedom of religion, be amended to explicitly include provisions that safeguard national interests. The amendment should clearly state that the right to freely profess, practice, and propagate religion shall not extend to practices that contravene public order, threaten national security, undermine social harmony, or violate the fundamental rights of other citizens.

Such a revision will reinforce the constitutional mandate of secularism while ensuring that religious freedom is exercised responsibly within the framework of democratic coexistence and legal boundaries.

Enactment of a Foreign Religious Funding Regulation Act

To counter undue foreign influence and ensure transparency in religious activities, it is proposed to legislate a comprehensive Foreign Religious Funding Regulation Act. This law should impose stringent scrutiny over the inflow of foreign funds to religious organizations, particularly those engaged in missionary or radical ideological activities. The Act should mandate full disclosure of funding sources, intended uses, and compliance with national interests, with mechanisms to investigate and penalize violations. This measure is essential to curtail foreign-sponsored religious conversions and the proliferation of ideologies that are misaligned with India's constitutional values (Sharma, 2021).

Establishment of a National Civilizational Integrity Commission

A statutory body named the National Civilizational Integrity Commission (NCIC) should be constituted to safeguard and promote India's dharmic and civilizational ethos. This Commission would be entrusted with the responsibility of monitoring and addressing internal and external threats to India's cultural and spiritual institutions. Its functions would include policy advisory roles, periodic assessments of cultural erosion, conflict resolution mechanisms, and support for traditional institutions. The NCIC should also work in coordination with law enforcement and educational bodies to nurture civilizational continuity.

Launch of a National Temple and Pilgrimage Protection Mission

It is recommended that a dedicated national mission be launched with the objective of protecting and revitalizing India's temples and pilgrimage centers. This Temple and Pilgrimage Protection Mission should be tasked with the preservation of sacred sites, restoration of neglected heritage structures, ensuring safety and accessibility for pilgrims, and preventing encroachments and mismanagement. The mission should also promote pilgrimage tourism rooted in dharmic values and contribute to local economies while preserving the sanctity of these sites.

Curricular Integration of Indian Philosophy, Vedic Ethics, and Civilizational History

To foster a deeper sense of national identity and cultural rootedness among the youth, it is recommended that school and university curricula be revised to incorporate Indian philosophy, Vedic ethics, and a comprehensive account of India's civilizational history. This should include teachings from ancient texts, philosophical schools, ethical systems, and the contributions of Indian knowledge traditions to world civilization. Such integration will encourage students to appreciate the richness of Bharat's heritage and cultivate a responsible, value-based, and informed national consciousness.

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