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REDEFINING FUTURES: CRIMINOLOGICAL AND LEGAL APPROACHES TO JUVENILE DELINQUENT REHABILITATION

Bidisha Kole¹

I. ABSTRACT

Juvenile delinquency presents a complex challenge with widespread implications for societies worldwide. In India, as in many other countries, complex interplay of social, economic, & cultural factors contributes to occurrence & persistence of juvenile delinquency. Drawing upon a comprehensive review of literature, highlights the significance of understanding the behavioral characteristics and underlying causes of delinquency, emphasizing the need for early identification and intervention to prevent recidivism. The paper critically evaluates the efficacy of existing legal frameworks and institutional mechanisms in rehabilitating juvenile offenders, identifying gaps and proposing strategies for improvement. Moreover, the paper underscores the importance of preventive strategies and community-based interventions in addressing key issues of juvenile delinquency. Key findings reveal that comprehensive community-based programs, including vocational training and family counselling, significantly reduce recidivism rates. Additionally, investment in mental health services is crucial for addressing underlying psychological issues among juvenile offenders. This study contributes to a deeper insight of juvenile delinquency & rehabilitation practices in India, offering some insights for policymakers, practitioners, & researchers seeking to promote effective juvenile justice reform and improve outcomes for vulnerable youth.

II. KEYWORDS

Juvenile Delinquency, Juvenile Justice, Social reintegration, Youth Rehabilitation, Recidivism.

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III. INTRODUCTION

"If we are to teach real peace in this world...we shall have to begin with the children."

- Mahatma Gandhi².

In recent years, landscape of juvenile delinquency in India has evolved, with juveniles becoming involved in serious offenses such as rape, murder, and robbery. Despite the grim reality, there is a growing consensus on the importance of early intervention & prevention efforts to mitigate future delinquency. Juvenile delinquency is involvement of minors in illegal activities, poses a complex challenge to societies globally, including India. As a nation aspiring for progress and development, India recognizes the critical role of its youth in shaping its future.

However, addressing juvenile delinquency requires more than punitive measures. It necessitates a holistic approach that considers family dynamics, community support systems, and educational opportunities. Risk factors such as family conflict, lack of supervision, and socioeconomic disparities exacerbate juvenile delinquency, highlighting the need for targeted interventions.

India's legal framework for juvenile justice, embodied in Juvenile Justice (Care & Protection of Children) Act, 2015 and its rules, provides a robust mechanism for rehabilitation and support. Yet, challenges persist, particularly in maintaining effective implementation of these laws & addressing root causes of delinquency. However, the Nirbhaya case have prompted shifts in the legal landscape, raising questions about the treatment of juveniles in serious offenses.

Ultimately, a nuanced understanding of juvenile delinquency and effective rehabilitation strategies are essential for promoting the well-being of young offenders and fostering a safer and more just society in India. This paper will explore the concept and history of juvenile delinquency and laws in India, types of offenses, and reasons for the increase in delinquency. It will examine methods for prevention, treatment,

² Bylund. L. (2023). [Online] 9 Wonderful Quotes from MK Gandhi. Available at: [https://www.gandhiforchildren.org/wonderful-quotes-gandhi/#:~:text=1\)%20%E2%80%9Cif%20we%20are%20to,body%2C%20mind%20and%20spirit.%E2%80%9D.](https://www.gandhiforchildren.org/wonderful-quotes-gandhi/#:~:text=1)%20%E2%80%9Cif%20we%20are%20to,body%2C%20mind%20and%20spirit.%E2%80%9D.) (Accessed: 03rd July 2024)

and reintegration, and evaluate the legal structure and its loopholes. Additionally, it will discuss landmark cases, compare international juvenile justice systems, analyze challenges in rehabilitation programs, and provide recommendations for improving juvenile justice system in India.

IV. OBJECTIVES OF THE STUDY

- Evaluate the effectiveness of existing laws and legal frameworks, such as Juvenile Justice Act, in addressing juvenile offenses and ensuring rehabilitation.
- Assess the preventive measures implemented in India to curb juvenile crimes, emphasizing education, vocational training, and community-based interventions.
- Highlight the importance of strength-based approaches and positive youth development strategies in juvenile delinquent rehabilitation, promoting long-term societal reintegration and prevention of recidivism.
- Identify challenges and gaps in the current rehabilitation system for juvenile offenders in India and propose recommendations for improvement.
- Synthesize insights from criminological research and legal analysis to inform policy recommendations aimed at enhancing the rehabilitation outcomes for juvenile offenders in India.

V. UNDERSTANDING CONCEPT OF JUVENILE DELINQUENCY

The term “juvenile” means a young person who is neither an adult nor a child, deriving from the Latin word “*Juvenis*” meaning young. In many countries, the “Principle of *Doli Incapax*” asserts that children cannot possess criminal intent. Juvenile Justice Act of 2015 defines a child³ as someone below 18 years old, and a juvenile typically refers to a child who committed an offense.⁴ It is considered a form of abnormal or antisocial conduct, deviating from the expected norms of society.

³ The Juvenile Justice (Care and Protection of Children) Act, 2015, Section 2(12).

I. ⁴ Mahajan, M. (2024). Juvenile System and Rehabilitation. Available at: <https://legalthelpnri.com/juvenile-system-and-rehabilitation/>. (Accessed 4th July 2024).

Essentially, when a juvenile exhibits behaviour that poses a danger to society or themselves, they are labelled as a “juvenile delinquent”. It’s a complex social issue with significant repercussions on individuals and society as a whole.

VI. HISTORY OF JUVENILE LAWS IN INDIA

- **18th Century:** Special treatment for juvenile delinquents began to be recognized during this period. Before this time, juveniles were typically treated similarly to adults within the justice system.
- **United Nations Convention on Rights of Child (1989):** Convention on the Rights of Child, adopted by UN General Assembly in 1989, was established with the goal of protecting the welfare of young offenders on a global scale. India became a party to this convention by ratifying it on December 11, 1992.
- **Juvenile Justice Act, 2000:** In accordance with its commitments under Convention on Rights of Child, India enacted Juvenile Justice Act of 2000. This legislation was designed to establish a legal structure for welfare, protection & rehabilitation of juveniles who come into contradiction with law.
- **Nirbhaya Delhi Gang Rape Case (2012):** Brutal gang rape & murder of a young woman in Delhi in December 2012 caused widespread shock & made attention to the issue of juvenile offenders. One of the individuals implicated in the crime was 17 and a half years old when such incident occurred. As a result of being a minor, he was sentenced to 3 years in a juvenile reformatory facility, triggering public outcry and sparking debates concerning the handling of juvenile offenders involved in grave offenses.
- **Juvenile Justice (Care & Protection of Children) Act, 2015:** In reaction to Nirbhaya case and public demand for stricter laws, the Indian legislature passed Juvenile Justice (Care & Protection of Children) Act, 2015. This new law aimed to address shortcomings in previous legislation & strengthen measures for care and protection of juveniles. It introduced provisions for

rehabilitation & social reintegration of juvenile offenders, as well as stricter measures for serious offenses committed by juveniles.

Evolution of juvenile justice laws in India shows shift from treating juveniles as adults to acknowledging their unique needs and rights. Key milestones like UN Convention on Rights of the Child & Juvenile Justice Acts of 2000 and 2015 highlight India's efforts to align with international standards and address juvenile delinquency more effectively.

VII. TYPES OF JUVENILE OFFENCES

Juvenile Justice Act categorizes offenses committed by children into 3 primary groups, delineated by the seriousness of the offense:

- **Petty Offences**⁵: These offenses involve actions punishable by imprisonment for up to 3 years under IPC & other applicable laws. Petty offenses may include minor thefts or acts of vandalism.
- **Serious Offences**⁶: Serious offenses encompass actions punishable by imprisonment ranging from 3 to 7 years under IPC or other relevant statutes. This category may involve crimes such as assault or burglary.
- **Heinous Offences**⁷: Heinous offenses committed by children comprise actions punishable by imprisonment for 7 years or more under Indian Penal Code or other relevant laws. Offenses falling within this category may include severe crimes such as murder or sexual assault.⁸

VIII. REASONS BEHIND THE INCREASE OF JUVENILE DELINQUENCY

⁵ The Juvenile Justice (Care and Protection of Children) Act, 2015, Section 2(45).

⁶ The Juvenile Justice (Care and Protection of Children) Act, 2015, Section 2(54).

⁷ The Juvenile Justice (Care and Protection of Children) Act, 2015, Section 2(33).

II. ⁸ Law Bhoomi. (2024). Children in Conflict with Law: A Comprehensive Analysis. [Online] Available at: <https://lawbhoomi.com/children-in-conflict-with-law-a-comprehensive-analysis/>. (Accessed 4th July 2024).

Juvenile delinquency is not inherent but shaped by social circumstances and individual factors. Various socio-cultural and personal elements influence a juvenile's behaviour and likelihood of engaging in criminal activities.

- **Poverty:** Poverty is a primary contributor to the rising rate of juvenile delinquency in India. Children from impoverished families are more susceptible to abuse, neglect, and exploitation, which can lead to delinquent behavior. Poverty breeds dissatisfaction and drives individuals to obtain material comforts through illegal means such as theft and gambling, contributing to juvenile delinquency.⁹
- **Family Problems:** Family issues such as neglect, domestic violence, and lack of parental guidance can contribute to juvenile delinquency. Children from broken families or those with a history of criminal behavior in the family are at higher risk of engaging in delinquent acts.¹⁰
- **Peer Influence:** Peer Influence plays a significant role in influencing juvenile behavior. Children under peer pressure may engage in risky behavior or delinquent acts to fit in with their peers.¹¹
- **Lack of Education:** Limited access to education is a significant factor contributing to juvenile delinquency. Children who do not receive proper education may lack the skills and knowledge to pursue alternative opportunities, leading them to engage in delinquent behavior.¹²
- **Substance Abuse:** Substance abuse, involving alcohol and drug addiction, is a major contributor to juvenile delinquency. Children addicted to drugs

⁹ Lahon, N. 'Causative Factors Of Juvenile Delinquency- A Study' *Mssv Journal Of Humanities And Social Sciences*, Vol.4 No.1, Available at <https://www.mssv.ac.in/media-library/uploads/6E8g4yWyyynHPctSoVpYywhjzQ9dOJT9kc71oxNcA.pdf>, (Accessed on 27th of July 2024).

¹⁰ Abhishek, R., & Balamurugan, J. (2024). Impact of social factors responsible for Juvenile delinquency - A literature review. *Journal of education and health promotion*, 13, 102. https://doi.org/10.4103/jehp.jehp.786_23.

¹¹ Surong, R & Lyngdoh, A. (2020), 'A study on the causes of juvenile delinquency and its prevention by the community' *The International Journal of Indian Psychology*, Volume 8, Issue 4, pp. 1266-1278, Available at <https://ijip.in/wp-content/uploads/2021/01/18.01.138.20200804.pdf>, (Accessed on 27th July 2024)

¹² Lahon, N

or alcohol may engage in delinquent acts to obtain substances or money to support their addiction.¹³

- **Lack of Awareness and Access to Support Services:** Many juvenile delinquents in India may not be aware of the legal consequences of their actions. Additionally, they may lack access to support services that could address the underlying causes of their behavior and provide intervention and rehabilitation.¹⁴
- **Psychological Disorders:** Children with psychological disorders such as depression, anxiety, or personality disorders are at a greater susceptibility to participating in delinquent behaviour.¹⁵
- **Influence of Movies & Internet:** Movies portraying themes of sex and violence, with invincible heroes and glamorous villains, can influence adolescents and contribute to delinquent behaviour.¹⁶
- **Sex Indulgence:** Early exposure to sexual encounters, coupled with cognitive and psychological immaturity, may lead children to engage in sex-related activities, including involvement in brothels and child exploitation.¹⁷

The multifaceted causes of juvenile delinquency require comprehensive interventions addressing social, economic, educational, and psychological factors to effectively prevent and mitigate delinquent behaviour.

¹³ Salunkhe, S.T. (2024) 'Juvenile Delinquency and Factor Affecting' *International Journal of Scientific Research in Science and Technology*, Volume 11, Issue 2, pp. 760-763, Available at <https://doi.org/10.32628/IJSRST24112131> (Accessed on 27th July 2024)

¹⁴ Pandey, K. (2019). Indian Jurisprudence on Juvenile Delinquency. [online] Available at: <https://www.legalserviceindia.com/legal/article-10554-indian-jurisprudence-on-juvenile-delinquency.html#:~:text=Through%20specialized%20courts%2C%20rehabilitation%20programs,into%20society%20as%20responsible%20citizens>. (Accessed on 5th July 2024).

¹⁵ Singh, A. & Garg, P. (2023). Critical Analysis of Juvenile Delinquency and Their Criminal Behaviour in India. *Journal of Legal Studies and Research* [Online] Available at: <https://thelawbrigade.com/wp-content/uploads/2023/04/Anushree-Pragyan-JLSR.pdf>. (Accessed 5th July 2024)

¹⁶ Surong, R & Lyngdoh, A. (2020)

¹⁷ Dutta, S. (2023) Prevention and Control of Juvenile Delinquency in India: A Need to Re-Look at The Loopholes in The Laws Dealing with Juvenile Delinquency. *International Journal of Advanced Legal Research*. [Online] Available at: <https://ijalr.in/volume-3/issue-1/prevention-and-control-of-juvenile-delinquency-in-india-a-need-to-re-look-at-the-loopholes-in-the-laws-dealing-with-juvenile-delinquency-by-shubham-dutta/>. (Accessed 6th July 2024).

- **Impact of Covid -19 Lockdown in the increase of Juvenile delinquency:**

Impact of COVID-19 on juvenile delinquency has been multifaceted. School closures and lockdown measures aimed at curbing the spread of the virus have led to increased emotional distress among youth, particularly those already at risk due to factors like family abuse and neglect. Closure of social services & out-of-home care facilities further exacerbated their situation, prompting some to engage in delinquent behaviour, such as hiding in abandoned houses.

Social restrictions disrupted the typical contexts in which juvenile crime often occurs, such as peer group activities, leading to a decrease in certain offenses like robbery, burglary, assault, and shoplifting. However, there was an observed increase in cybercrime during the lockdown periods, possibly due to expanded online activity among youth. The closure of leisure venues like nightclubs and pubs also contributed to a decline in drug-related crimes, while increased police enforcement of COVID-19 restrictions may have further deterred traditional criminal activities. Overall, the pandemic highlighted importance of social interactions & routine activities in shaping juvenile delinquency, and further research is needed to explore its long-term effects and potential shifts in criminal behaviour among youth.¹⁸

IX. PREVENTING, ADDRESSING, TREATING, REHABILITATING, AND REINTEGRATING JUVENILE DELINQUENTS

1. Prevention:

- **Early Intervention:** Identifying signs of delinquent behaviour, such as petty theft or academic neglect, allows for early intervention by teachers and family members through counselling and support.

¹⁸ Revital. S.S. & Haviv. N. (2022) Juvenile delinquency and COVID-19: the effect of social distancing restrictions on juvenile crime rates. [Online] Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9075142/#Sec12title> . (Accessed 7th July 2024)

- **Addressing Root Causes:** Preventive measures entail tackling underlying factors that add to delinquency, including reinforcing familial relationships, enhancing school adjustment, & offering educational & recreational opportunities.
- **Community Based Programs:** Training in social skills, cognitive and behavioural self-regulation techniques, and community-based initiatives are pivotal in steering youth away from delinquent conduct and fostering constructive social engagement.

2. Treatment:

- **Correctional Institutions:** Institutions focus on modifying delinquent behaviour and providing care & protection to children in need, as mandated by the Juvenile Justice Act.
- **Juvenile Boards:** Juvenile Boards consist of judicial magistrates and social workers tasked with assessing the needs of juveniles and making appropriate orders for their rehabilitation and welfare.

3. Rehabilitation & Reintegration:

- **Social Reintegration:** Various methods, including adoption, foster care, sponsorship, & aftercare organizations, aim to reintegrate juveniles into society.
- **Aftercare Support:** Aftercare organizations provide support to juveniles transitioning out of correctional facilities, ensuring they lead productive lives through supervision, assistance, and access to resources for continued rehabilitation.¹⁹

This study shows that individualized approaches, considering each juvenile's unique circumstances, are more effective in reducing recidivism & promoting positive outcomes. Personalized interventions address specific issues, leading to more sustainable rehabilitation efforts.

X. LEGAL STRUCTURE OF JUVENILE JUSTICE IN INDIA

¹⁹ Vaishnavi. M.N, (2019) Rehabilitation of juveniles. Ipleaders Blog (Blog) Available at <https://blog.ipleaders.in/rehabilitation-of-juveniles/> (Accessed 8th July 2024)

1. Juvenile Justice (Care & Protection of Children) Act, 2015:

This extensive legislation forms the foundation for addressing juvenile delinquency in India. It institutes a specialized framework for juvenile justice, focusing on providing care, protection, treatment, development, & rehabilitation for children involved in legal conflicts. The Act requires formation of Juvenile Justice Boards at district level to manage trial & rehabilitation processes for juvenile offenders. It identifies a juvenile in conflict with law as an individual under 18 years old who has committed an offense, emphasizing a child-friendly approach to their care & rehabilitation. Sec 39 of Juvenile Justice (Care & Protection of Children) Act, 2015²⁰, delineates the guidelines for rehabilitation & social re-integration of children requiring care & protection or involved in conflicts with the law.

2. Juvenile Justice Boards:

These specialized courts are dutiful for adjudicating cases involving juvenile offenders. Each board consists of a magistrate & two social workers who work together to ensure a child friendly environment during proceedings. The boards focus on rehabilitation and reintegration Compared to punitive measures.

3. Observation Homes:

These facilities provide temporary custody for juvenile offenders awaiting trial or rehabilitation. They are required to provide basic amenities and care for the wellbeing of the juveniles during their stay.

4. Special Homes:

Special homes are established for the long-term rehabilitation of juvenile offenders. They offer various rehabilitation programs, including counselling, education, vocational training, and skill development to prepare juveniles for reintegration into society.

5. Rehabilitation Programs:

²⁰ The Juvenile Justice (Care and Protection of Children) Act, 2015 No. 2 Of 2016

The Act emphasizes the importance of rehabilitation programs to address underlying causes of juvenile delinquency. These programs focus on providing psychological, educational, and vocational support to help juveniles lead productive lives after rehabilitation.

Section 18 of JJ Act, 2015²¹ outlines various rehabilitation measures based on nature of offences, including:

- a. Advising or admonishing the child and their parents.
- b. Group counseling and community service.
- c. Payment of fines by the child or parents.
- d. Release on probation of good conduct under parental or institutional supervision.
- e. Placement in a special home for reformatory services, etc.

6. Child Welfare Committees:

Child Welfare Committees are tasked with care & protection of children in need. They have the authority to declare a child in need of care & protection & to order their rehabilitation and support services as necessary.

7. Childline:

Childline is a 24-hour helpline providing counselling, rescue, and rehabilitation services for children in distress. It serves as a crucial support system for juveniles in need of immediate assistance.

8. National Commission for Protection of Child Rights (NCPCR):

This statutory body is dutiful towards safeguarding and promoting rights of children in India. It investigates & monitors cases of child rights violations, including instances of juvenile delinquency, to ensure adequate protection and support for juveniles.²²

²¹ The Juvenile Justice (Care and Protection of Children) Act, 2015, Section 18.

²² Singh, A. & Garg, P. (2023).

XI. LOOPHOLES WITHIN THE STATUTORY FRAMEWORK OF JUVENILE JUSTICE IN INDIA

a. Juvenile Justice (Care & Protection of Children) Act, 2000:

- **Incomplete Implementation:** Despite its intentions, the Act has not been uniformly taken on by all states, leading to inconsistencies in its application and undermining its overall effectiveness.
- **Lack of Collaboration:** There is a lack of cooperation among various organizations involved in juvenile justice system, leading to inefficiencies and gaps in service delivery.
- **Effectiveness of Observation Homes:** Observation homes, designed for reform rather than punishment, often fail to effectively rehabilitate juvenile offenders, resulting in criticism of their efficacy.
- **Questionable Restoration Approach:** The emphasis on restoration as the ideal solution may not be appropriate for all cases, particularly those involving severe offenses or vulnerable children.
- **Lack of Adoption and Foster Care Safeguards:** The Act lacks provisions for regulating adoption & foster care processes, leaving them to discretion of states, potentially compromising children's rights and welfare.

b. Juvenile Justice (Care & Protection of Children) Act, 2015:

- **Discretionary Authority of Juvenile Justice Board:** The Act lacks clear criteria for transferring cases to adult courts, leaving decision to discretion of Juvenile Justice Board, potentially leading to inconsistent outcomes.
- **Undermining Concept of a Fresh Start:** Categorizing juveniles as adults under certain circumstances undermines their right to a fresh start and equal opportunities for rehabilitation.
- **Ambiguity in Fresh Start Principle:** The Act's provisions regarding privacy rights and record expungement contain broad clauses that could lead to arbitrary decisions and infringement of juveniles' privacy rights.

- **Neglect of Juvenile Delinquency Causes:** The Act fails to deal with underlying causes of juvenile delinquency, particularly in sensitive age group of sixteen to eighteen, which requires special attention and care.²³

XII. LANDMARK CASES

- *Sanat Kumar Sinha v. State of Bihar*²⁴

The Bihar High Court mandated timely trials for juveniles, ordering those trials be completed within one year & recommending termination of prosecution in some cases. The court also advocated for placing juveniles in schools at government expense to address the deplorable conditions in which they were languishing in jails.

- *Krishna Bhagwan v. State of Bihar*²⁵

This case recognized the underdeveloped minds of children under sixteen and females under eighteen, proposing special treatment programs to reform these juveniles and assist them in leading normal lives in society.

- *Gaurav Jain v. UOI*²⁶

SC addressed the need to establish separate schools & hostels for the children of sex workers, emphasizing responsibility of the state and NGOs to rescue these children from prostitution and provide them with rehabilitation opportunities, including education, self-employment, & financial assistance.

- *Sheela Barse v. UOI*²⁷

SC underscored need for a comprehensive law, often termed as the Children Act, incorporating obligatory measures for social, economic, & psychological rehabilitation of children who are either offenders or found abandoned, destitute, or lost. Court stressed significance of effective enforcement of such legislation, emphasizing that rehabilitation is the cornerstone of juvenile justice.

²³ Revital. S.S. & Haviv. N. (2022)

²⁴ Sanat Kumar Sinha vs State of Bihar and Ors., (1989) PLJR 1024

²⁵ Krishna Bhagwan vs State of Bihar, AIR1989 PAT 217

²⁶ Gaurav Jain vs Union of India & Ors, (1997) 8 SCC 114

²⁷ Sheela Barse & Ors vs Union of India & Ors (AIR 1986 SC 1773)

- *Daljit Singh v. State of Punjab*²⁸

The Punjab and Haryana High Court ruled that juveniles accused of nonbailable offenses must be released on bail U/S 18 of the Juvenile Justice Act, 1986, regardless of other prevailing laws. This decision demonstrates the judiciary's focus on reforming juveniles and providing rehabilitation, ultimately restoring them to their original position before committing the crime.²⁹

- *J.J. vs State of Haryana*³⁰

SC ruled that juvenile offenders cannot be sentenced to death or life imprisonment, emphasizing goal of rehabilitation rather than punishment.

- *Murli S. Deora vs UOI*³¹

The Supreme Court directed the government to set up a distinct juvenile justice system to care for children in conflict with the law.

- *Anuj Kumar v. State of U.P.*³²

The petitioner applied for post of constable & passed all needed tests but was denied appointment due to a criminal prosecution he faced earlier. The petitioner contended that he was a juvenile during the prosecution and should not be barred from the appointment. The Allahabad High Court said that despite not raising plea of juvenility during prosecution, the petitioner was indeed a juvenile at the time. The court directed the respondent authority to appoint the petitioner to the required post, emphasizing that his appointment should be in conformity with law and for the same post for which he qualified.³³

XIII. INTERNATIONAL ASPECTS OF JUVENILE JUSTICE

²⁸ Daljit Singh v. State of Punjab 1992 Cr LJ 105

²⁹ Khamari, A. (2023) Rehabilitation and Social Reintegration of Children in Need of Care and Protection: A Comprehensive Analysis [Online] Available at <https://www.jetir.org/papers/IETIR2309409.pdf>. (Accessed 10th July 2024)

³⁰ J.J. vs State of Haryana, 2010

³¹ Murli S. Deora vs Union of India, AIR 2002 SC 40

³² Anuj Kumar v. State of U.P. (2021)

³³ Kaur, A. (2023) Juvenile delinquency [Blog] Ipleaders Blog. Available at: <https://blog.ipleaders.in/juvenile-delinquency-related-legislations-india/>. (Accesses 12th July 2024)

A. United States:

The inception of the juvenile justice system in US dates back to 1899 in Cook County, Illinois, where its primary focus was on rehabilitation instead of punishment. The original ethos of the juvenile justice system attributed youth crimes to immaturity and impulsiveness. Instead of labelling them as criminals, the system aimed to rehabilitate young offenders, acknowledging the potential for adolescents to develop into law-abiding citizens. The Illinois Juvenile Court Act of 1899 set up specialized rules & procedures for handling individuals under the age of sixteen, laying the legal groundwork for juvenile justice operations in the US.

The case of *in re Gault* established that juveniles have alike rights like adults, such as right to an attorney, notice of charges, & the right to remain silent. This case was pivotal in ensuring fair procedural treatment for juveniles in the US. *Roper v. Simmons*³⁴, in this case addressed the imposition of the death penalty for juveniles, ruling it as cruel & unusual punishment under the Eighth Amendment. The decision emphasized juveniles' diminished culpability, susceptibility to negative influences, and greater potential for rehabilitation compared to adults.³⁵

B. United Kingdom:

Scotland's juvenile justice system focuses on rehabilitating accused juveniles, reflecting a similar rehabilitative approach seen in the US system. In England and Wales, police have discretion in handling juvenile dispositions, allowing for flexibility in addressing juvenile offenses. Sec 16 of the Children & Young Persons Act prohibits arrest of children under the age of 10. Additionally, Section 46(1) requires juveniles charged and detained to be brought before the Magistrate's Court.

- *JM v Runeckles and C v. DPP*³⁶

³⁴ *Roper v. Simmons*, 543 U.S. 551 (2005)

³⁵ Maram, D. (2021), Functioning of Juvenile Justice Systems in India, US and UK: Explained. [Online] Available at: <https://www.lawctopus.com/academike/juvenile-justice-systems/>. Accessed 12th July 2024)

³⁶ *JM v Runeckles*, (1984) 79 Cr App R 255.

Deals with the age and degree of culpability of accused juveniles, establishing legal principles regarding juvenile offenders' capacity to understand their actions and their consequences.

XIV. CHALLENGES AND LIMITATIONS IN JUVENILE OFFENDER REHABILITATION PROGRAMS IN INDIA

- **Lack of Adequate Resources:** Limited financial resources hinder the scope and quality of rehabilitation programs, leading to overcrowding, understaffing, and inadequate access to necessary resources.
- **Limited Infrastructure & Facilities:** Many rehabilitation centres lack appropriate facilities such as separate living quarters, recreational areas, and vocational training workshops, limiting the effectiveness of interventions.
- **Insufficient Staff Training and Capacity:** Staff members often lack training in evidence-based practices, hindering their ability to engage with juvenile offenders effectively and respond to their complex needs.
- **Limited Access to Mental Health Services:** There is a shortage of mental health professionals & limited access to specialized services, impeding treatment of mental health issues among juvenile offenders.
- **Societal Stigma and Reintegration Challenges:** Former offenders face societal stigma and discrimination, making it difficult to access education, employment, and housing opportunities, hindering their successful reintegration into society.
- **Lack of Long-term Follow-up and Support:** Without long-term support, juvenile offenders may struggle to maintain positive changes and face challenges in accessing employment, education, and community resources, increasing the risk of recidivism.³⁷

³⁷ Chauhan. N & Yadav. D. (2023) "Juvenile Justice Reforms: Evaluating the effectiveness of Rehabilitation Programs. [online] Available at: <http://www.penacclaims.com/wp-content/uploads/2023/06/Nishant-Chauhan.pdf>. (Accessed 14th July 2024)

Despite challenges, promising approaches in India include the Child Protection and Welfare Scheme under ICPS, which offers comprehensive care, counselling, vocational training, and aftercare support. NGOs and community-based programs have also effectively tailored rehabilitative measures to individual needs, showing potential for successful juvenile rehabilitation.

XV. RECOMMENDATIONS

- **Amend the Juvenile Justice (Care and Protection) Act, 2015:**
 - a. **Introduce Specific Provisions for Mental Health:** Include mandatory mental health evaluations and treatments as part of the rehabilitation process.
 - b. **Strengthen Aftercare Programs:** Amend the Act to ensure robust aftercare support, including vocational training and job placement services.
 - c. **Enhanced Legal Protections:** Add provisions for better legal representation and protection for juveniles during legal proceedings.
- **Enhance Enforcement Mechanisms: Strengthen enforcement to ensure effective rehabilitation implementation.**
- **Establish a National Commission for Children's Welfare:** Focus on juvenile justice reforms.
- **Launch Nationwide Awareness Campaigns:** Educate the public on causes and consequences of juvenile delinquency.
- **Introduce School Based Interventions:** Promote positive behavior and conflict resolution in schools.
- **Develop Early Intervention Programs:** Target at-risk children to prevent delinquency.
- **Implement Community Based Initiatives:** Provide mentorship and counseling.

- **Enhance Child Protection Systems:** Prevent abuse, neglect, and exploitation.
- **Expand Children’s Homes and Shelter Facilities:** Provide support for vulnerable children.
- **Improve Rehabilitation Services:** Increase quality and accessibility.
- **Foster Collaboration:** Encourage partnerships between government, NGOs, and community organizations.
- **Establish Specialized Juvenile Justice Boards:** Set up in all districts for consistent juvenile justice.
- **Provide Specialized Training:** Train judges, lawyers, and law enforcement officials on juvenile justice issues.
- **Regularly Review Policies:** Update based on feedback and research findings.
- **Collect Data on Reintegration Outcomes:** Use data to inform policy decisions and improve programs.
- **Make Education Compulsory:** Ensure juveniles in residential facilities receive education.
- **Organize Sports and Cultural Activities:** Promote social integration in observation homes.
- **Set Up Child Advice Centers:** Focus on at-risk children in slum areas.
- **Restrict Exposure to Inappropriate Content:** Limit children's exposure to inappropriate sexual content in media.
- **Evaluate Juvenile Offenders’ Maturity:** Assess maturity on a case-by-case basis for appropriate sentencing.

XVI. CONCLUSION

In essence, criminological and legal insights into juvenile delinquent rehabilitation in India call for a comprehensive and compassionate response to the challenges posed

by juvenile delinquency. By fostering collaboration, innovation, and a rights-based approach, India can strive towards a future where its youth are empowered, rehabilitated, and integral contributors to society's progress and well-being. Key recommendations emerge from the discourse, emphasizing the importance of primary prevention, parental involvement, and behavioral health services in addressing the underlying causes of juvenile delinquency. Additionally, the imperative of enhancing rehabilitation programs and after-care services to reduce recidivism and facilitate successful reintegration into society is underscored.

The case of Nirbhaya serves as a poignant example of the challenges inherent in Indian juvenile justice system, where age of the offender often takes precedence over the severity of the crime and the intent behind it. This discrepancy raises questions about the fundamental principles of criminal law and justice.

While the welfare of juvenile offenders must be considered, it is imperative to acknowledge the gravity of certain crimes and the potential redeemability of some offenders. Balancing leniency with accountability is essential, ensuring that juvenile offenders are not treated as adults but also holding them accountable for their actions, particularly in cases of egregious offenses like rape and murder.

Furthermore, a rights-based approach to juvenile justice is advocated, wherein children are viewed as rights-holders entitled to dignity, protection, and opportunities for holistic development. This necessitates a paradigm shift towards restorative justice principles, focusing on healing and reintegration rather than punitive measures.

If the challenges are addressed, India could achieve a juvenile justice system that transforms young offenders into responsible citizens, reduces recidivism, enhances public safety, and fosters a more just and equitable society. Investing in its youth ensures a brighter, more secure future for all.