

PRESENT LAWS RELATED TO JUVENILE JUSTICE AND REHABILITATION IN INDIA

DR. AMIT KUMAR,

Assistant Professor, S D College of Law, Muzaffarnagar ,
Mobile No. 9410898122, Email- amitchauhan920@gmail.com

DR. PRITI LOUR,

Assistant Professor, S D College of Law, Muzaffarnagar
Mobile No. 9410891945, Email- pritchauhan920@gmail.com

1.1 INTRODUCTION

The Indian juvenile justice system is founded on the principles of reformation and rehabilitation, aiming to steer young offenders away from the criminal justice system and integrate them back into society as responsible citizens. The law emphasizes care, protection, treatment, and education as essential elements in the rehabilitation process. However, the effectiveness of these measures has often been called into question due to various challenges, including inadequate infrastructure, lack of trained personnel, and societal stigma. These factors, combined with the complexities of addressing the root causes of juvenile delinquency, such as poverty, lack of education, and family breakdown, make it imperative to critically analyze the current system and its rehabilitation measures.

Rehabilitation measures for juveniles in India encompass a wide range of interventions, from counseling and vocational training to community service and educational programs. These initiatives are designed to address the underlying issues that contribute to juvenile delinquency and to provide young offenders with the skills and support necessary for their reintegration into society. However, the implementation of these measures varies significantly across different states and regions, leading to disparities in the outcomes for juveniles. Additionally, the transition from institutional care to community life presents its own set of challenges, with many juveniles struggling to adjust due to the lack of continued support and guidance¹.

Juveniles who have committed crimes or who have been neglected are part of the juvenile justice system. To omit is the root meaning of the Latin word "delinquer," from which the English term "delinquency" has been borrowed. Adolescents who engage in criminal activity while still under the legal age of majority (often 18 years old) are said to be committing juvenile delinquency. When a minor does or does not do anything that is illegal and socially unacceptable, we call that youngster a delinquent. Even if a kid is born innocent, they may develop criminal tendencies as a result of exposure to harmful environments, lack of access to basic requirements, or being with the wrong crowd. Laws and government initiatives will not be enough to end juvenile delinquency, a serious social issue².

¹ Raturi, Smriti & Rastogi, Sachin. (2022). Sociological theories of juvenile delinquency: A criminological perspective. International journal of health sciences. 10.53730/ijhs.v6nS3.7691.

² Ullah, Shakir. (2015). Juvenile delinquency: The Influence of family, peer and economic factors on juvenile delinquents. 9. 37-48.

The concept of juvenile justice in India has evolved significantly over the years, driven by the need to balance societal interests with the rights and rehabilitation of young offenders³. Juvenile justice, as a distinct legal framework, recognizes that children and adolescents involved in criminal activities are not fully culpable due to their age and developmental stage. This principle underscores the importance of providing them with opportunities for rehabilitation rather than subjecting them to the harsh penalties typically reserved for adult offenders. In India, the Juvenile Justice (Care and Protection of Children) Act, 2015, serves as the cornerstone of the legal system aimed at addressing the issues of juvenile delinquency and ensuring the protection of children in conflict with the law.

1.2 PRESENT LAWS RELATED TO JUVENILE JUSTICE AND REHABILITATION IN INDIA

India's approach to juvenile justice and rehabilitation is anchored in a comprehensive legal framework designed to protect the rights of children and ensure their proper reintegration into society. Central to this framework is the Juvenile Justice (Care and Protection of Children) Act, 2015⁴, which supersedes the earlier 2000 Act. This legislation embodies a child-friendly approach to adjudication and disposition of matters involving juveniles. It establishes Juvenile Justice Boards (JJBs) to handle cases concerning children in conflict with the law, ensuring proceedings are conducted with sensitivity to the child's age and circumstances. The Act categorizes offenses and prescribes appropriate measures, emphasizing rehabilitation over punitive action. For heinous offenses committed by juveniles aged between 16 and 18, the Act allows for the possibility of trial as adults, albeit with a focus on reformative measures.

Complementing the Juvenile Justice Act is the Protection of Children from Sexual Offences (POCSO) Act, 2012, which specifically addresses sexual crimes against children. Recognizing the profound impact of such offenses, the Act provides for special courts to expedite trials and mandates child-friendly procedures during the legal process. It also underscores the importance of counselling and medical aid as part of the rehabilitation of child victims, ensuring their physical and psychological well-being.

The Indian Penal Code (IPC), 1860, although a general criminal code, contains provisions relevant to juveniles. Sections 82 and 83 of the IPC provide immunity to children below seven years and conditional immunity to those between seven and twelve, based on their capacity to understand the nature of their actions. This acknowledges the varying degrees of maturity and culpability among children. Furthermore, the Probation of Offenders Act, 1958 plays a pivotal role in the rehabilitation landscape. It allows courts to release offenders, including juveniles, on probation, emphasizing corrective measures over incarceration. Probation officers are tasked with supervising and guiding these juveniles, facilitating their smooth transition back into society. Education, a cornerstone of rehabilitation, is safeguarded by the Right of Children to Free and Compulsory Education Act, 2009. This Act ensures that every child, irrespective of their legal circumstances, has access to education. By mandating free and compulsory education for children aged six to fourteen, it lays the foundation for their holistic development and prevents potential delinquency stemming from ignorance and idleness. At the policy level, the National Policy for Children, 2013, reaffirms the country's commitment to the rights and development of children. It emphasizes the need for a safe, protective, and enabling environment, especially

³ Goyal, Aastha. (2022). Juvenile Justice system in India. 3. 1-13.

⁴ Juvenile Justice (Care and Protection of Children) Amendment Act, 2006

for vulnerable groups like juveniles in conflict with the law. The policy advocates for preventive measures, timely interventions, and effective rehabilitation strategies to address juvenile delinquency⁵.

1.3 REVIEW OF LITERATURE

Padhi, Sanjukta & Ranabir, Jashobanta. (2024)⁶. The modern world moves at a breakneck pace, so it's crucial that we learn more about juveniles and track down troubled youths. More juveniles were transferred to the criminal justice system in the 1990s, and the criminal equity framework allowed for the prosecution of juveniles at younger ages with heavier terms than adults. A number of recently related events have sparked serious concerns over the possible connection between them and how they may shape the personalities of today's youth who get into trouble with the law. This study aims to summarize existing literature on the topic of juvenile justice system mental health requirements and prevalence in order to better understand the psychological, rehabilitational, and sociocultural variables involved.

Sharma, Khushbu & Gupta, Kanchal. (2024)⁷. Juvenile justice now places greater emphasis on restorative practices rather than punishment. We used content analysis to go through the 54 studies that emerged from our search of academic databases for relevant material. This report set out to do just that—evaluate research on rehabilitation techniques employed by juvenile justice systems through correctional measures. Rehabilitating a juvenile offender involves taking their mental health into account, yet little is known about this topic. We take a look back at the fundamentals, including what leads to juvenile delinquency, the theories and legal bases, the major rehabilitation approaches, and the mental health aspect of this problem. There includes a discussion of the research's shortcomings and potential future directions.

Rani, Seema & Khan, Mohd. (2023)⁸. The purpose of this study is to investigate the effects of juvenile delinquency on the development of India's juvenile justice system. Every society's social fabric is impacted by juvenile delinquency. The way India handles juvenile criminals has changed significantly throughout the years. From its inception as ad hoc procedures to the creation of codified statutes, this article traces the evolution of India's juvenile justice system. This research looks at what causes juvenile delinquency and how well current legal and rehabilitation programs work to lower juvenile crime. In order to tackle the issues surrounding adolescent delinquency in India, the report concludes with suggestions for better policies and interventions.

Singh, Vanshika. (2022)⁹. Children in India are valued not just as a resource for their families but also as a national asset. So, the government and parents alike need to keep a close eye on the country's youth. Building a nation and progressing as a nation require it. No one is born a criminal. A person gains knowledge as a result of his actions and life experiences. Thus, it is necessary to deter them from perpetrating criminal acts. Juveniles

⁵ Bajpai, G.S (2006), „Making it work: Juvenile Justice in India“, Paper presented at the National seminar on Care & Protection of Disadvantaged Children in Urban India at RCUS, 17-eighteen Nov. 2006, Lucknow available at <https://www.forensic.to/webhome/dragsbajpai/lcwseminar.pdf>.

⁶ Padhi, Sanjukta & Ranabir, Jashobanta. (2024). Juvenile Justice System In India And Mental Health Needs Of Children In Conflict With Law. Educational Administration Theory and Practices. 30. 10.53555/kuey.v30i4.2071.

⁷ Sharma, Khushbu & Gupta, Kanchal. (2024). Juvenile Delinquency Emphasizing Rehabilitation and Correctional Strategies: A Comprehensive Review. European Economics Letters. 14. 395-404. 10.52783/eel.v14i2.1338.

⁸ Rani, Seema & Khan, Mohd. (2023). Juvenile Delinquency in India: An Analysis. International Journal of Research Publication and Reviews. 04. 221-227.

⁹ Singh, Vanshika. (2022). Role of Juvenile Justice System in India. Journal of Legal Subjects. 2. 1-4. 10.55529/jls.25.1.4.

who have committed offenses cannot be sentenced to prison time. Juvenile justice in India is not without its advantages and disadvantages. Juvenile delinquency has numerous causes, but one of the most fundamental is "Violence in their Social Circles." The court ruled in 2009 in the case Hari Ram v. State of Rajasthan & Anr. that anyone who was under 18 years old when the crime was committed, regardless of whether the Juvenile Justice (JJ) Act of 2000 had been enforced, are considered juveniles. A better grasp of the idea and necessity of India's Juvenile Justice System was provided by this paper. In order to prevent youth neglect or delinquency, the researcher employed an analytical technique to comprehend the many sections of the Juvenile Justice Act, 2000.

Sharma, Suhail. (2021)¹⁰. This article examines the Indian juvenile justice system in comparison to the police force. First, it looks at all the data on adolescent crimes in India for the past 20 years. The author's "Disha" project in juvenile re-entry programs included 400 at-risk youths who had run-ins with the law. In addition, it sorts the occurrences according to demographic factors including age, family status, and level of education. In this section, the article assesses the legal and institutional responses by focusing on the "heinousness factor" of the crimes. The article takes a look at how India's juvenile justice system has developed over the years and what factors may have contributed to that expansion. Insofar as the juvenile justice system's legal framework holds the police systems accountable, it examines those systems as well. It examines the institutional and procedural ways in which the juvenile justice and police systems interact with one another. It investigates the juvenile justice systems' worldwide legal foundation in great depth. In order to provide guidance for an open, strong, and caring juvenile justice system in India, it examines similar systems in the West, East, and South.

Alur, Pavitra & B, Panduranga. (2019)¹¹. The world's greatest child population resides in India. Every child in India has the right to basic freedoms and protections under the Indian Constitution, which also gives the government the authority to make further allowances for kids. The Indian law that governs "Juveniles in Conflict with the law" is the Juvenile Justice (Care and Protection of Children) Act. The primary goal of this legislation was to establish an alternative justice system for the rehabilitation of children. The responsibility for carrying it out is with the Juvenile Justice Boards and the Department of Women and Child Development. When it comes to children, India will stand up for their rights and do what it takes to help them recover and be safe, taking into account their emotional, mental, and social needs along the way. Understanding the rehabilitation of children involved with the law, the role of laws and acts in crime control, and the forms of rehabilitation as they pertain to children involved with the law in India are the goals of the study. All of the information used to draw conclusions in this research comes from secondary sources in India.

Bhat, Mudasir. (2017)¹². This century's research on juvenile delinquency has been fascinating. Juvenile delinquency is a relatively recent term, yet antisocial behavior among youngsters has been around for much longer. The issue of adolescent delinquency affects countries all around the globe. A disturbing trend toward increasing violent and rebellious behavior among youths has been seen, although extensive rehabilitation programs and specialized approaches to address the issue of juvenile delinquency on a global and national

¹⁰ Sharma, Suhail. (2021). Juvenile Justice System, Reforms and Policing System in India: Origin, Dialectics, Comparisons, and Way Forward. *International Annals of Criminology*. 59. 179-199. 10.1017/cri.2021.17.

¹¹ Alur, Pavitra & B, Panduranga. (2019). Study on Rehabilitation of children in conflict with law in India.

¹² Bhat, Mudasir. (2017). The Juvenile Justice in India: Prevention and Control.

scale. This study primarily examines the laws at the national and international level with a focus on the prevention and control of juvenile delinquency.

Jain, Anju. (2016)¹³. There is barely a day that goes by without news of an instance of child rights abuse, which is particularly concerning given the steadily rising frequency of such crimes. The POCSO Act has only been used 36,022 times in the last year. The current laws and regulations that control children's interests are the focus of this research project, which aims to analyze their extent and significance.

1.4 CHANGING SCENERIO OF JUVENILE JUSTICE SYSTEM AND REHABILITATION

Researching India's juvenile justice system and rehabilitation initiatives is important because it has the ability to influence the lives of a particularly susceptible and impressionable demographic: youth who have had run-ins with the law. For several reasons, it is critical to comprehend how efficient the present legal and rehabilitation systems are. To begin with, by outlining the areas that need improvement or reform, this study can educate practitioners and politicians about the pros and cons of current methods. For example, the study can help improve plans for rehabilitation by highlighting areas where infrastructure, skills, and resources are lacking. This will guarantee that juveniles receive the care, education, and direction they need to reintegrate into society¹⁴.

Second, research of this kind highlights the larger societal aspects of rehabilitation programs for young offenders. Failure to provide sufficient rehabilitation for juvenile offenders increases the likelihood that they will reoffend, which has far-reaching consequences for the offender's family, community, and the legal system as a whole. Prevention strategies that can lessen the occurrence of juvenile delinquency, such as expanding educational opportunities, strengthening family networks, and combating poverty and social inequality, can be better understood by examining the socio-economic elements that lead to juvenile crime. Concerning human rights and safeguarding children, the study is also noteworthy. Children, despite their transgressions, are still in the formative stage of life and have the capacity for change, therefore society must think about how to strike a fair balance between the two. In line with international norms and the concepts of restorative justice, this analysis's conclusions can contribute to a juvenile justice system that is more compassionate and effective. In the end, this can help establish a society that is more just and equal.

Lastly, the study's importance stems from the fact that it has the ability to change how society views and treats juvenile offenders. It can help build a culture that values second chances and rehabilitation by offering evidence-based insights that can lead to a more educated and compassionate public discourse, which in turn helps lessen the stigma associated with juvenile delinquency. In conclusion, it is critical to conduct an analytical study of rehabilitation and juvenile justice programs in India so that policies and practices can be put in place to help both the current and future needs of juvenile offenders and bring about a more equitable and safe society.

1.5 OBJECTIVES OF THE STUDY

Following are the main objectives of the study: -

¹³ Jain, Anju. (2016). Juvenile Justice System and Child Related Legislation in India. 50.

¹⁴ Bura, Rohit, The Evaluation of all types of Juvenile Institutions in India, available at preserverarticles.com/2012050131568/the-evaluation-of-all-types-of-juvenile-institutions-in-india

1. To analyze the current legal framework governing juvenile justice in India.
2. To evaluate the effectiveness of rehabilitation measures implemented for juvenile offenders.

Juvenile ACT

1. The Indian Penal Code (IPC),1860:
Applies to juveniles , but with certain modifications (e.g.,) death penalty or life imprisonment).
2. The child labour (Prohibition and Regulation Act,1986:
3. The code of criminal procedure(CrPC),1973:
4. The protection of Children from sexual offences(POCSO) Act,2012:
5. The Right to Education
6. The Juvenile justice (Care Protection of children) Act, 2015:

1.6 CONCLUSION

This paper on rehabilitation and juvenile justice initiatives in India is likely to provide light on the system's strengths, weaknesses, opportunities, and threats. Policy, practice, and public opinion can all be profoundly affected by the study's key findings and actionable suggestions. Finding important loopholes in the Juvenile Justice (Care and Protection of Children) Act, 2015's implementation is one of the main results. Researchers hope that by looking at how juvenile detention centers run, the accessibility and quality of rehabilitation programs, and the training that staff members receive, they can pinpoint exactly where changes are most required. There may be a need for improved facilities, social workers and court officers should be better trained, and families of juvenile offenders should have access to stronger support networks.

The development of suggestions for enhancing rehabilitation programs based on research is another anticipated result. The study's overarching goal is to provide light on the best practices for rehabilitation programs that help young offenders avoid recidivism and successfully rejoin society. Research on the effects of community-based programs, psychological counseling, and educational and vocational programs on the long-term results for adolescent offenders is part of this process. This research has the potential to inform the creation of more tailored and personalized rehabilitation programs for youth, taking into account their unique histories, the seriousness of their transgressions, and their emotional and mental health. The study is anticipated to have an effect on public perceptions of juvenile offenders as well as on policy and practice. This study has the ability to impact public opinion on juvenile justice by sharing its findings in public forums, scholarly journals, and news outlets. Instead of seeing it as a kind of punitive justice, the public will see it as an opportunity for rehabilitation and good life development. To gain public support for justice measures that are both humane and successful, and to lessen the stigma that surrounds juvenile crime, this mentality change is essential. In the conclusion, this study aims to provide practical suggestions that can help shape the future of rehabilitation and juvenile justice in India. It aspires to create a safer, more equitable, and more compassionate setting for the reintegration of juvenile offenders while also ensuring that the system adheres to global child rights standards.

Given the complex forces at work in India's legal and social institutions, there is an immediate and varied need for research into the country's juvenile justice system and its rehabilitation programs. The primary need to assess the efficacy of the present legal framework in resolving the underlying causes of juvenile delinquency and the sufficiency of rehabilitation programs in preventing recidivism is underscored by the growing number of cases of juvenile delinquency, which includes participation in serious crimes. It is critical to evaluate the efficacy of the Juvenile Justice (Care and Protection of Children) Act, 2015, and its results, since it signifies a major change towards a restorative and rehabilitative approach.

The psychological and social aspects of poverty, uneducated youth, broken families, and violent experiences are being more acknowledged as causes of juvenile delinquency in India. The interplay between these root causes and the legal system necessitates an in-depth analytical investigation. With this knowledge, we can create more effective programs to reduce the number of youths involved with the criminal justice system by addressing both the symptoms and the causes of juvenile delinquency. The fact that different parts of India handle juvenile justice differently is another important factor that calls for this study. There is a lack of uniformity in the treatment of juvenile offenders due to the fact that the infrastructure, resources, and knowledge available to deal with such cases vary greatly. An in-depth investigation can reveal these regional differences, giving proof to support national standards and funding parity. To guarantee that all youth, notwithstanding their geographical location, are afforded equitable treatment and have access to effective rehabilitation programs, this is of the utmost importance.

The study is also crucial for gauging how juvenile justice policies affect society as a whole. There is a constant back-and-forth between the public's view of juvenile offenders and the need for stricter punishment and the idea that they should be given more time to change their ways. Disputes concerning the age of criminal responsibility and the balance between rehabilitation and retribution sometimes arise in cases involving horrific atrocities perpetrated by adolescents, highlighting this paradox. This study can assist design policies that are effective and compatible with the ideals of justice and child protection by offering a data-driven analysis. It can also contribute to a better informed public discourse.

Last but not least, this research is essential for bringing India's juvenile justice system up to speed with global norms and recommendations. India has promised to protect children's rights within its legal system since it is a signatory to multiple international conventions, notably the UNCRC. To find out if India's juvenile justice system complies with its international commitments and, if not, what changes are needed, an in-depth analytical research might be conducted.

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