

# “Juvenile Justice and Rehabilitation System in India”

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## Abstract

Children are a valuable resource for our nation, and it is incumbent upon all members of society to guarantee their well-being by providing a secure living environment. However, during the past decade, there has been a significant increase in the incidence of juvenile crime within a developing nation such as India. Currently, the prevalence of juvenile crime in our culture can be likened to a pervasive ailment. The criminal justice system in India exhibits differential treatment towards certain offences and offers some exemptions and tolerance to specific groups of individuals. The Indian Penal Code enumerates certain exclusions, with the court demonstrating leniency in imposing penalties for juvenile offenders, as evidenced by the establishment of a distinct legislation specifically addressing juvenile justice. The term "juvenile" has been subject to varying definitions across successive legislative acts. However, according to the most recent legislation, namely The Juvenile Justice (care and Protection) Act, those who have not yet reached the age of 18 are considered juveniles. The existence of a distinct juvenile justice system can be attributed to the recognition within our culture that juveniles possess distinct characteristics from adults, which warrant differential treatment. These characteristics encompass both the level of culpability attributed to juveniles and their possibility for rehabilitation. While there exists apprehension for public safety and the need to ensure that young offenders are held responsible for their conduct, the juvenile justice system places a stronger emphasis on the process of rehabilitation rather than punishment. The term "rehabilitation" refers to the process of restoring an individual to a functional and productive life through the implementation of therapeutic interventions and educational measures. For instance, in the case of a minor who engages in delinquent behaviour, it may be mandated for them to partake in counselling or a rehabilitative intervention aimed at fostering improved decision-making abilities in subsequent instances. However, considering the current circumstances, does the process of "Rehabilitation" truly result in the transformation of the child? Despite the existence of legislation pertaining to care for minors, there has been an increase in the prevalence of juvenile offenders nationwide. Juveniles are placed in rehabilitation facilities with the aim of improving their prospects for the future. Rehabilitation centres are established with the aim of providing specialised care and protection to children, with the expectation that they will undergo a transformative process and reintegrate into society as reformed individuals.

**Keywords –Juvenile Justice, Juvenile Rehabilitation, Delinquent Care Child Welfare**

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## **Introduction**

The notion of juvenile justice emerged from the recognition that issues pertaining to juvenile delinquency and kids in atypical circumstances cannot be effectively addressed by the conventional criminal justice system. The phrase 'Juvenile Justice' encompasses both social and judicial dimensions of justice. India aims to ensure the provision of social and juridical justice to marginalised and delinquent children by employing legal mechanisms such as courts and codes. The special status of children is acknowledged by the Constitution of India with the inclusion of Articles 15(3), 24, 39(e), 39(f), and 45. The 1975 National Policy of India explicitly proclaimed the significance of children as a key national resource. In order to establish an effective juvenile justice system, it is imperative that each component within the system possesses a comprehensive comprehension of its objectives and engages in coordinated efforts to achieve them.

The juvenile justice system in India, similar to that of several other nations, is specifically structured to cater to the distinct requirements and situations of juvenile offenders who fall below the age of 18. The fundamental emphasis of the Indian juvenile justice system revolves around the principles of rehabilitation and reintegration, prioritising these aspects over punitive measures. This paper provides a comprehensive analysis of the juvenile justice system in India, with a particular focus on the concept of rehabilitation.

## **National Human Rights Commission and Juvenile Justice System**

The National Human Rights Commission (NHRC) is an autonomous entity established to oversee the promotion and safeguarding of human rights in India. The National Human Rights Commission has been concerned with the situation of adolescents who come into conflict with the law and children in need of care and protection since its inception. The National Human Rights Commission is responsible for reviewing complaints related to young individuals. This includes overseeing the Projects and Programmes Division, as well as formulating and implementing national-level policies. It also involves considering and recommending the effective utilisation of these universal tools that are essential for the advancement of the overall functioning of the juvenile justice system in India.

In 2005, the Registrar General of the High Court Patna informed the National Human Rights Commission about the inadequate implementation of the Juvenile Justice Act 2000 in Bihar. The National Human Rights Commission has issued directives calling for prompt review of the issue of juvenile justice in every state and union territory. In addition to this, a collaborative initiative was undertaken by the National Human Rights Commission and a non-governmental organisation to conduct an assessment on the implementation of the Juvenile Justice Act 2000 in 16 states. Furthermore, while doing study, it has been revealed that the implementation of the Act was deficient in all aspects and required reinforcement.

In 2007, the National Human Rights Commission convened a National Conference on the Juvenile Justice System in India, held in New Delhi. During the conference, a significant number of proposals and recommendations were put up with the aim of improving the operational efficiency of the framework in India. Emphasis was placed on the implementation of the Act 2006 in both its literal and figurative sense, as well as on directing the states and Union Territories to provide the necessary infrastructure under the juvenile justice system

and ensure that there is no backlog of cases and that each case is concluded within the specified timeframe. It also emphasised the importance of providing appropriate attention, protection, growth, and progress for children. The constitutional provisions refer to the specific articles and sections inside a constitution that outline the fundamental principles, rights, and structures of a government Post Independence, the constitutional provisions have promoted the advances in the field of juvenile justice system in India. The Indian Constitution comprises Part III and Part IV, which pertain to "Fundamental Rights" and "Directive Principles of State Policy" respectively. These sections have specific laws concerning the care and protection of children. According to Article 15 (3), the State is permitted to enact specific measures to address the needs and concerns of children and women. The International Journal of Pure and Applied Mathematics is pleased to announce the release of Special Issue 1269. According to Article 21-A, it is the responsibility of the state to ensure that education is accessible to all children between the ages of six and fourteen, and that attendance is mandatory. Article 23 of the legislation effectively prohibits the illicit trade of human beings and the practise of forced work. Article 24 of the legislation explicitly prohibits the engagement of individuals under the age of fourteen in occupations that include hazardous conditions, such as factories and mines. According to Article 39(e), the State is mandated to protect children of delicate age from engaging in occupations that are inappropriate for their age or physical capabilities. According to Article 39(f), it is the responsibility of the State to provide opportunities and resources that promote the overall well-being of children, while also safeguarding them from exploitation and neglect, both in terms of their moral and material welfare. According to Article 45, the government is responsible for offering early childhood care and education services to children who are under the age of six. Article 47 of the legislation stipulates that it is incumbent upon the state to enhance the nutritional status and standard of living, as well as to ameliorate the overall health conditions among the population.

### **A LEGAL FRAMEWORK JUVENILE JUSTICE ACT:**

The Juvenile Justice (Care and Protection of Children) Act, 2015, serves as the principal legislation that governs the juvenile justice system in India. The purpose of enacting this law was to align the legal structure of the country with international standards, specifically the United Nations Convention on the Rights of the Child (CRC). The Act places significant emphasis on the well-being and reintegration of children, regardless of whether they are involved in delinquent activities or require assistance and safeguarding.

#### **The fundamental principles:**

**Rehabilitation and reintegration:** The topic of discussion pertains to the processes of rehabilitation and reintegration. The primary focus of the Indian juvenile justice system is to prioritise the rehabilitation and reintegration of children who have engaged in activities that are in violation of the law. This approach acknowledges the potential for children to undergo reform and be afforded an opportunity for redemption, ultimately enabling them to lead lives characterised by productivity and positive contributions to society.

**Aged determination:** The legislation establishes the age of criminal liability at 16 years. There exists a distinct disparity in the treatment of juvenile criminals, specifically those aged 16 to 18, as compared to adult offenders.

The primary emphasis lies on the implementation of reformative measures and the facilitation of reintegration, rather than the imposition of punitive actions.

**Child Welfare Committees (CWCs):** Child Welfare Committees (CWCs) are constituted at the district level with the purpose of assessing and determining the most suitable interventions for the rehabilitation of children who require care and protection, as well as those who have become involved in legal conflicts. Their primary objective is to safeguard the child's best interests.

**Special Juvenile Police Units (SJPU):** Special Juvenile Police Units (SJPU) are designated entities entrusted with the task of managing matters pertaining to minors. Childcare professionals are equipped with the necessary skills to interact with children in a manner that is both sympathetic and non-threatening.

**Child Care Institutions (CCIs):** Child Care Institutions (CCIs) are founded with the primary objective of offering care, protection, and rehabilitation services to children who are in need of such support. These institutes provide a range of programmes and support services aimed at facilitating the reintegration of children into society. The legislation requires the segregation of juvenile individuals from adult offenders within correctional institutions, with the primary objective of safeguarding their well-being and mitigating the risk of negative influence from adult criminals.

**Rehabilitation Programs:** The Indian juvenile justice system lays significant emphasis on the process of rehabilitation, encompassing many components such as educational and vocational programmes, counselling services, life skills training, and psychosocial support. These programmes have been specifically intended to facilitate the development of life skills among youngsters, tackle the underlying factors contributing to their delinquent behaviour, and facilitate their successful reintegration into society as accountable and industrious members.

The Juvenile Justice (Care and Protection of Children) Act, 2015, is the primary legislation governing the juvenile justice system in India. This law was enacted to bring the country's legal framework in line with international standards, particularly the United Nations Convention on the Rights of the Child (CRC). The Act emphasizes the welfare and rehabilitation of children, whether they are in conflict with the law or in need of care and protection.

### **Obstacles:**

Notwithstanding the emphasis on rehabilitation, the juvenile justice system in India has a multitude of obstacles, which encompass:

**Overcrowding and Poor Conditions,** Some childcare institutions are overloaded and lack proper facilities and resources, which might prevent effective rehabilitation. The protraction of judicial proceedings can have detrimental consequences for rehabilitation endeavours, since it may result in prolonged durations of incarceration for minors. The process of reintegrating into society can provide significant challenges for those who have been involved in juvenile offences, mostly due to the presence of societal stigma. The presence of discriminatory practises and limited access to chances can impede the process of rehabilitation for individuals. The presence of

resource constraints, specifically limited financial and human resources, within the juvenile justice system has the potential to exert an influence on both the quality and accessibility of rehabilitation programmes.

Continued endeavours are being made to tackle these problems and augment the rehabilitative dimension of the juvenile justice system in India, aligning it with global benchmarks and ensuring the paramountcy of the child's welfare is maintained throughout the entirety of the process.

### **Conclusion**

In summary, the Juvenile Justice Act in India and the efforts towards rehabilitating juvenile offenders demonstrate a dedication to upholding human rights and prioritising the well-being of minors involved in criminal activities. The legislation encompasses a forward-thinking methodology that places emphasis on the rehabilitation and reintegration of adolescent wrongdoers into the community, highlighting the notion that young individuals have the capacity for transformation and deserve an opportunity for redemption.

The fundamental tenets of the Juvenile Justice Act encompass various key elements, such as the implementation of legal procedures that are suitable for the age of the individuals involved, the creation of Child Welfare Committees, the formation of specialised police units dedicated to juvenile matters, and the segregation of juvenile offenders from adult counterparts. These principles serve to emphasise the significance of handling children in conflict with the law with sensitivity, empathy, and regard.

Rehabilitation programmes implemented within the juvenile justice system in India assume a critical function in providing young offenders with important life skills, educational opportunities, and psychological assistance. Through the identification and examination of the underlying factors influencing individuals' conduct, together with the provision of avenues for personal development, these initiatives present a viable trajectory for the reintegration of participants into the fabric of society as accountable and industrious members.

Nevertheless, the Indian juvenile justice system has persistent obstacles, such as the problem of excessive occupancy and inadequate conditions in certain child care facilities, prolonged legal proceedings, societal stigmatisation, and limitations in available resources. It is imperative to confront these problems in order to guarantee the efficient enactment of the legislation and the triumphant reintegration of juvenile offenders.

In order to establish a juvenile justice system that is fair and empathetic, it is crucial for policymakers, practitioners, and society at large to collaborate in order to foster an atmosphere where children involved in criminal activities can access the necessary assistance and mentorship required for their successful integration as productive individuals within their communities. The Juvenile Justice Act, which prioritises rehabilitation, signifies a positive progression, and additional endeavours to augment its execution would have a pivotal impact on moulding the trajectory of juvenile justice in India. The ultimate assessment of the efficacy of this approach will encompass not only the reformation of juvenile delinquents but also the establishment of a societal framework that prioritises the rights and welfare of its entire youth population.

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