



PREVENTION, REDUCTION AND TREATMENT OF JUVENILE DELINQUENTS THROUGH REHABILITATION

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ABSTRACT

Juvenile delinquents are those who commit offence in the age that is smaller than eighteen years. The criminal activity juveniles are doing in their adolescence period should not be continued in their adulthood as the Children are future of our Beloved Country. Therefore Prevention, Reduction and Treatment of these Juvenile Delinquents should be imperative. There are two ways for it, Rehabilitation or Punishment. But according to our Indian Constitution Juvenile Delinquents should be provided with Rehabilitation programs rather than Punishment. In this research paper we will critically analyze what are these Rehabilitation Programs for Juveniles, are these Programs sufficient for the Rehabilitation of the Juvenile Delinquents and finally will focus upon 'Judiciary and Juvenile'.

KEYWORDS

Delinquency, Judiciary, Juvenile, Prevention, Protection, Punishment, Rehabilitation

INTRODUCTION

Juvenile Delinquent:-

Juvenile Delinquent means a juvenile who is alleged to have committed an offence and

has not completed eighteen years of age as on date of commission of such offence.¹

Juvenile Justice Act:-

The chief aim of this Act is to formulate efficient provisions in law for 'Juveniles in Conflict with Law' and 'Child in need of Care and Protection', on condition that proper concern, security and conduct by their Development needs, and by impeding a gracious approach in the adjudication and settlement of matters in the paramount concern of the children and for their eventual rehabilitation through different institutions below this Act²

Rehabilitation Programs:-

The rehabilitation and reintegration in public of a child shall be initiated while the child lives in a children's home or special home and could be carried out then again by **Adoption, Foster care, Sponsorship, and After-Care Organizations**³

Institutions for 'Juvenile in Conflict with Law' and 'Child in need of Care and Protection'

Juvenile in Conflict with Law	Child in need of Care and protection
Observation Home/ Special Home:- Juvenile who is not living with parents or guardian and is	Children's Home:- Each children home should be a complete Child Care Center with the primary

1. ¹Malik, K.P(2014). Juvenile Justice [Care and Protection of Children] Act, 2000. *Rehabilitation of Criminals and Juveniles in Society and Law* (pp.134). Ahemdabad: Nirav Prakashan.

² Preamble of JJ act 2000

³ Section 40 of the JJ Act,2000



<p>bought to observation home shall be first admitted in a reception centre of the observation homes for primary investigation, categorization of Juveniles by their age , i.e. seven to twelve years, appropriate concern is given to their physical and psychological status and the extent of the crime committed, for auxiliary training into observation home.⁴ The Principal Aim of Special Home is to serve as reconditioning center for recasting the juvenile’s attitude, recognizing his behavior, and ultimately rehabilitating him in the society.</p>	<p>objective to promote an integrated approach to child care by involving the community and local Non-Governmental Organizations through the management Committee and the State Government should make an yearly report of performance of the children homes.⁵</p>	<p>in that of juveniles of special home, the board might possibly arrange the juvenile to stay in the place of safety and in a way that is most appropriate.⁶</p>	<p>such experienced Voluntary/Non Governmental organization to make available the support to set up and govern as many shelter homes for juveniles or children as required.⁷</p>
<p>Place of Safety:- If the offence commended by the Juvenile is so severe that in the approval of the Board, it is neither in the betterment of Juvenile himself nor</p>	<p>Shelter Home:- The Shelter Homes are as drop-in-centers for children in critical want of care and have been bought to such homes. The State Government may assign a duty to</p>	<p>The Rehabilitation and social integration after these Institutions can be carried out further by</p> <p>Adoption:- Adoption means other than parents who gave birth to the child, for the specific reason the child will live and taken care of by the other parents that are assigned by legal and social process. In this process the child will be living and taken care of by other parents that are legally assigned by government and not by the parents who gave birth to that child. To make more efficient the procedure of adoption, the Center Adoption Resource Agency (CARA) was established in India in 1986. The chief function of CARA is to supervise and control the entire adoption procedure.⁸</p> <p>Foster Care:- the foster care is a provisional arrangement where if the Parents</p>	

Table 1.1: Showing the Institutions for rehabilitation of juveniles and children

⁴ Section 8(4) of JJ Act (2000)
⁵ Rules 57 Gujarat JJ Rules

⁶ Rules, 15(11) & (12) Gujarat JJ Rules, 2011.
⁷ Section 37 of JJ Act
⁸ Ananthalakshmi, Sampoorna, G. L., Mushtaq, Ayesha., Jayanthi, Sheela., Charulatha., (2001). *Child Adoption and Thereafter – A Psycho Analytical Study*. Chennai, India: ICCW



of the children are insufficient to up bring their child and are not able to take care of them then the adults of another family/Foster family will take care of them for specific amount of time. Foster care is not for the Juvenile delinquents but for the Children who's Parents for any reason cannot take care of them. Foster care can be casual or approved by the courts or NGO's. The ultimate aim for a child in the foster care is usually for child's best concern that may be reunion with their original family or may it be adoption. Foster care is temporary practice where children will remain their for specific amount of time as pre-decided by court or any NGO.⁹

Sponsorship:- it is one of the most efficient program to make available monetary help to families to meet the medical, dietary and educational requirements of their kid and develop the quality of life. The child is not separated from the parents and continues to dwell with and take pleasure of a family environment which is obligatory for wellbeing and growth of children. To make efficient the family to become self satisfactory and self-sufficient is much effectual approach in sponsorship. There are various programs like the individual to individual sponsorship, Group Sponsorship or community Sponsorship.¹⁰

After-Care Organizations:- Aftercare means the plan organized for the rehabilitation of juveniles released from

correctional homes. It includes abandoned or irrepressible children who are kept in correctional homes under the orders of the court. The significance of aftercare is the full reintegration and rehabilitation of the juvenile in society after his release from an institution and preventing him not to re-indulge into a life of crime, delinquency or dependence.¹¹

Judiciary and Juvenile

Section 21 of the Juvenile justice (care and protection of children) Act 2000 [JJ act], There is a proscription on publishing or disclosing the name, identity or any other action that will disclose the identity of the Juvenile that is in conflict with law or has committed crime by newspaper ,magazine etc.

The fine of Rs- 25,000/- is applied to whosoever who does not follow the above section 21 of JJ act. This will help the juvenile to develop in better way as they can get jobs or apply for higher education that can lead to ultimate rehabilitation of that juvenile. According to this section the Patna high court in **Sanat Kumar Sinha, Bal Sakha v. State of Bihar** declared that the government shall guarantee the Rights of Juvenile and should not get dishonored by anyone.¹²

The Bombay High Court in **Prerana v. State of Maharashtra** gave the judgment that the girls who are rescued from the brothel or who are working as prostitutes in any of the brothel should not be considered as 'juvenile in conflict with law' instead the

⁹ Foster Care. *National Adoption Center*. Retrieved from www.adopt.org

¹⁰ Mehta N(2008). Sponsorship. *Child Protection and Juvenile Justice System for children in need of care and protection*. (pp.28). plan international: inconpaper

¹¹ R.DeB.,Aftercare Organization. *Journal of Indian law institute*. (vol 13:4). (pp. 517-518)

¹² Sanat Kumar Sinha (Chief Co-ordinator), Bal Sakha v. Atate of Bihar, 2009 (4) PLJR 718



Brothel keepers are the offenders as they forced the girls below 18 years to get indulged in such Activities and such girls should be treated as 'child in need of care and protection' instead of 'juvenile in conflict with law'.¹³

Conclusion

Parents are the role model for their children. They should protect and care for their children and do any possible things for the overall development of their child. But in case due to unfavorable circumstances or any other reason if any parent or Guardian is unable to take care of their child then they hand over the custody of child to competent authority, instead of neglecting them.

When a juvenile is released from any correctional home or institute then the people in the society should not see that juvenile as criminal and should do whatsoever is best for the development of that child and should appreciate the child for his good deeds. This would encourage the child and it will keep aside the juvenile from again indulging into the criminal activities. All a child need is care and love from their family and the society

The Juvenile justice system tries to make the juvenile released from correctional him a better citizen and a lawful gentleman by eliminating the odds from the society that are disturbing the juvenile. The society should not prevent the juvenile to obtain higher education or job opportunities as this will affect the juvenile in negative way and by doing so there are highly likely chances that the juvenile will commit offense again. The Government plays a pivotal role in rehabilitation and reintegration of the

juvenile. The state government applies the action plan for each juvenile in correctional home/institute.

Every state government is provided with monitory funds by the Central Government for the care and proper development of children in these institutes but the problem is that many state governments are unable to use these funds for the above stated reasons. The State Governments are doing well but they lack expert knowledge somewhere for the best possible use of the funds.

The NGOs, non Governmental Organizations have taken the responsibilities to some extent and they are working as correctional homes to support the Government for the betterment of the juveniles. NGOs are assisting the Board and Committee in obtaining social investigation report of juvenile or child. They are special adoption agency.

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¹³ Prerana v. State of Maharashtra, (2003) 2 BOM LR 562 : 2003(2) Mh LJ 105



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