THE PREVENTION OF JUVENILE DELINQUENCY AND REHABILITATION ASPECTS IN INDIAN SCENARIO

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Introduction
The act that is labeled an offense becomes a crime, which is an aspect in which the perpetrator is dubbed an offender, and subsequently, a criminal justice system comes into play, which results in the victim of a crime receiving justice and the offender receiving punishment. There are some exclusions for offenders under the laws of many nations. One common exception that can be noted is that minor offenders are granted specific exclusions. The reason behind this is that these minors are underage and lack the mental maturity to comprehend the consequences of the behavior they are committing. Thus, the study of this phenomena, which was named juvenile delinquency, was initiated. A completely new distinct system was implemented. This specialty examines the reasons why they commit such crimes, how to integrate them into society, and what can be done to transform them into law-abiding individuals.

Juvenile Delinquency the stepping stone ceremony in the world of crime, this phenomenon works like forest fire it can burn the working generations of a nation. The term "juvenile" comes from the Latin word "Javeniles," which means "young". It is believed that the term 'delinquency' originates from the Latin word 'delinquer,' which literally means "to omit." To characterise someone's failure to fulfil a job or obligation was a common expression among the ancient Romans. In the public interest, the term refers to a broad variety of socially undesirable behaviours among children and adolescents for which rebuke, punishment, or corrective action is required. Juvenile delinquency is a broad word that encompasses a wide range of behaviours such as obscenity, loitering, drinking, begging, and vagrancy, all of which are often committed by young people.1 Juvenile delinquency has been a problem for centuries; in India, it has been expanding at an alarming rate as the country's population has grown and the average age of the population has decreased. In order to preserve the future of this nation and to maintain social order, the subject must be well addressed and appreciated.

The aspect of juvenile delinquency will be studied in two major aspects, the first being the prevention of juvenile delinquency in the Indian context with regard to the current laws which are prevalent in the Indian legislations and the procedural aspects, as well as the children who commit such acts and how they can be reintegrated into the society for their betterment and the upliftment of the society being at the heart of the issue.

The philosophy of reformative, the goal of punishment should be to rehabilitate the offender via the use of the individualization technique. Based on the humanistic assumption that an offender does not lose his or her humanity just because he or she commits a crime, it is used to prosecute criminals. It is indeed possible that he committed a crime under unusual

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circumstances that will never occur again. It is thus necessary to make measures to rehabilitate him throughout the course of his punishment. In order to restore the offender's moral character, the objective of punishment should be to punish him or her severely, for him to be able to begin his life after jail, he must be taught and schooled in some kind of art or industry during his time in prison (RHENA L. IZZO, 1990).

**Literature review**

**Juvenile Delinquency Prevention and Control in Israel by Gad J. Bensinger (1984)**

Israel has also devised a unique way to deal with this issue they have a Criminal Investigation Division it has a Juvenile Delinquency Section at national police headquarters in Jerusalem. It provides guidelines and directions to field units of young officers who are also part of the investigative structure. They are often dressed in ordinary clothes, operate unmarked police vehicles, and are housed apart from regular police units. In addition, the Juvenile Delinquency Section gathers delinquency data, produces questionnaires, and undertakes research projects to enhance the police's capacity to deal with juvenile offenders.²

**Causes of Juvenile Delinquency by Olive M. Jones (1922)**

The author has illustrated, traditional reasons of juvenile delinquency that have remained constant for generations, are as follows:

- Physical characteristics such as a strange appearance, partial deafness, or speech impairment that lead to mocking nicknames, feelings of revulsion among children, loneliness, and the loss of playmates, causes such as mental deficiency, also known as mental defectiveness, refers to a wide range of mental and moral problems that occur in schools, on the streets when communities are not considerate enough, and at home when he witnesses domestic violence, discriminations.³

**Juvenile Justice in France by Catherine Blatier (1999)**

The research paper states cause of juvenile delinquency which are also evolving according to the society nowadays and like India there are other nations who are facing this issue, such as France who has taken a progressive approach towards this issue by using educations as a deterrence to juveniles rather than penalising.⁴

**The Juvenile Justice (Care and Protection of Children) Act, 2015**

The current legislation in this regard in India. In accordance with the Juvenile Justice Act, 2015 and the Rules made thereunder, some of the core concepts for the management of juvenile justice are the juveniles are dealt unlike the normal criminals, they are presented before Juvenile Justice Board and also among several other safety protocols.⁵

By providing care and assistance, the

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legislation aims to guarantee the best interests of juveniles and safeguard their right to dignity.

**Juvenile justice system, Juvenile Mental Health and the Role of MHPs: Challenges and Opportunities by Snehil G, Sagar R. (2020)**

Juveniles can progress towards a better life if they receive assistance from medical health professionals regarding their own issues. The institutions where they are catered are not specialised in medical and psychological aspects for juveniles, so if medical practitioners actively participate, change will occur.6

**National Crime Records Bureau (2020)**

The statistical information on juvenile delinquency was gained from National Crime Records Bureau (NCRB), which is headed by the Home Affairs Ministry, for the year 2017 to year 2019. The NCRB publishes the offences which are cognizable crimes.7 Madhya Pradesh, Maharashtra, Delhi, and Tamil Nadu have the highest rates of juvenile delinquency, according to the statistics. The data also indicates a positive trend that should be noted.8

"Determinants of juvenile crime: evidence from India" by Hazra, D (2021)

The author has stated reasons which are critical for knowing the factors of which led to such acts, especially in the Indian setting.

The growth saga, a sociocultural mayhem is wreaking havoc on antiquated conventional ways of life in a friendly rural setting. Science advancements, combined with increasing industrialization and urbanisation, have ushered in a period marked by catastrophic changes and escalating challenges. A constant flow of migrants and refugees from underdeveloped areas of countryside environment to filthy slums in urban regions has led in overload, socioeconomic adjustment problems, and social disorder, culminating in burgeoning cities and towns defined by a diverse community with vocational distinctiveness and cultural barriers.9 Children and adolescents who grow up in a setting characterized by extreme poverty, social inequality, maltreatment, scholastic and financial challenges, and age-appropriate expectations are on the verge of committing such acts. Furthermore, the rise in parent-child divorces, dysfunctional households with violence and changing educational settings, due to this child under the age of 18 in India are getting affected.10

**Research Methodology**

**Statement of problem**

The issue of juvenile delinquency has been extensively researched from a variety of perspectives, including the causes and determinants of delinquency, as well as the psychological, criminological, and victimological aspects. There are also international councils and forums dedicated to addressing this issue. Every country has its

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8 Id.,


10 Id.,
own distinct character, and as a result, the issue of juvenile delinquency in India must be addressed from an Indian viewpoint; nevertheless, working on prevention of juvenile delinquency is essential since the problem is increasing in our country at a rapid pace, if the issue is handled with preventative actions that are oriented towards India, positive outcomes may be achieved at better pace as India's demographics, family structures, ethics, languages, traditions and social order are peculiar. This paper aims to address the preventive measures which are India-centric for Juvenile in conflict with the law. The possibility of reintegrating children in conflict with law back into society via the process of rehabilitation, which may be utilised as a form of punishment for those who have broken the law.

Research objective
The preventive measures in Indian context are not explored in respect to today’s globalizing world. The causes and measures of this issue are to be ascertained in order for a better tomorrow of this nation. They are more prone to such fast growth which is easily achieved from the anti-social activities in our society. The view point of society towards the children who commit such acts needs to be reviewed and corrected for the children’s betterment after their punishment.

Research Design
This is a doctrinal research project in which the researcher attempts to examine the juvenile delinquency in Indian context, as embodied in present statutes as well as evolving styles and efforts in prevention and rehabilitation. As part of this investigation, the researcher will examine current legislation, court decisions, and the entire notion of phenomenon, which has been evolving into and the ways in which rehabilitation aspect been featuring.

Scope
The goal of this research is to better comprehend India’s present juvenile delinquent law, which contains a rehabilitation idea for reintegrating juveniles back into society. The notion of rehabilitation has been studied extensively in the literature in order to get a better knowledge of the theoretical aspects of this punishment and, eventually, to propose changes in our laws based on the rehabilitation concept for a better future.

Limitation
While conducting this study, the researcher is confronted with constraints. They are related to time restrictions, since the study must be finished within a certain amount of time. The constraint also manifests itself in official statistics that displays the recidivism rate of juveniles who have been subjected to various types of punishment. The lack of empirical aspect which could be implemented by visiting the centers which work for rehabilitation of children.

Causes of Juvenile Delinquencies
It is necessary to understand the factors that contribute to juvenile delinquency in order to develop effective prevention strategies. The causes of juvenile delinquency start from the home itself, an unprecedented rise in divorces and marital problems is also causing family discord. Discriminatory or stepmotherly treatment of children has a negative psychological impact. At home, children require love, safety, and guidance, therefore they must be treated with care. It is better to
prevent them from becoming criminals than to cure them once they have done so. Parents and other family elders must allow their children to develop their personalities.\textsuperscript{11} 

Girls' average puberty age has decreased by three or four years. Indian girls are mentally and psychologically incapable of understanding life's realities when they hit puberty at the age of 12 or 13. As a result, they are readily enticed into relationships for the purpose of pleasure, unaware of the severity of the repercussions. As a timely warning, parents should explain the possible consequences of prohibited sex-indulgences to their children girls. In order for both genders to be more mindful, boys must also be made aware of their behaviours and the consequences of those actions.

Impoverished and destitute youths who migrate to slums come into touch with anti-social elements who engage in prostitution, booze or narcotic drug smuggling, and bootlegging. As a result, they fall into the realm of delinquency without realizing that what they are doing is illegal. The expense of living in cities, even women are forced to work outside in order to support their families financially, leaving their children neglected at home with little parental supervision. Furthermore, the desire for contemporary pleasures of life tempts young people to use illegal methods to fulfill their desires. All of these variables add up to a massive rise in adolescent delinquency in metropolitan areas.\textsuperscript{12}

### Types of Juvenile delinquency

Delinquency expresses itself in a variety of ways, including various kinds of actions. Each form has its own social aspects, as well as the motives that are said to have produced it and the kinds of preventives or treatment that cater to the specifics.\textsuperscript{13} Only one person is engaged in performing a delinquent conduct, and the reason of the delinquent act is found inside the individual criminal. Psychiatrists provide the majority of the reasons for this delinquent behaviour this is known as individual delinquency.

Group supported delinquency is defined as delinquency that is committed in groups and for which the cause can be traced back to the ethos of the individual's place of residence, rather than to the individual's personality or the family. Committing delinquency via the formation of officially structured organisations, this idea refers to a system of beliefs and norms that regulate group members' behaviour, promote delinquency, assign status based on such actions, and define normal relationships for those who do not fit into the groups controlled by group norms. When Delinquency is not deeply established, and the motivations for it, as well as the methods for managing it, are frequently easy.\textsuperscript{14}

The existing systems and laws must be referred to in order to address the preventative actions which can be taken for better execution. A minor who has committed an offence is described to as a "juvenile in

\textsuperscript{11} Prof. N. V. PARANJAPE, CRIMINOLOGY AND PENOLOGY WITH VICTIMOLOGY 665 Central Law Publications (2017).

\textsuperscript{12} Id. at 11.

\textsuperscript{13} 12, BECKER, HOWARD S., SOCIAL PROBLEMS: A MODERN APPROACH 228 (John Wiley & Sons Inc. 1966).

\textsuperscript{14} Id.,
conflict with law," one of the act's distinctive characteristics. Perhaps the aim is to avoid the negative connotations that come with the word "delinquent" in the scenario of juvenile offenders. When a juvenile is accused, the Juvenile Justice Board conducts trial. The Juvenile Justice Board must evaluate the following matters in respect to the juvenile's age before progressing with the trial first of all whether the individual must be under eighteen years, the relevant date for assessing age is the date on which the individual was apprehended. No juvenile in defiance of the law should be subjected to any injury, abuse, neglect, maltreatment, physical punishment, or solitary imprisonment, according to the J.J. Act. Furthermore, in procedures involving juveniles, the use of accusatory terms such as arrest, remand, accused, trial, prosecution, conviction, and so on is absolutely forbidden. The juvenile's right to privacy and secrecy must be safeguarded at all costs, according to the Act.

Every child deserves to be reunited with his or her family. In non-serious offences punishable by up to seven years in prison, the police should submit a First Information Report against a juvenile in regards to any offence. Instead, it should write a note in the diary of the police chowki about suspected offence. Police may only arrest a juvenile offender if he is accused of committing a severe crime punishable by more than seven years in jail. As soon as the juvenile is arrested, he should be put in the custody of a Juvenile Welfare Officer stationed at the police station, who is required under Section 10(1) of the Act to produce within twenty-four hours before the board. Act forbids the placement of juvenile criminals in police custody or prison, and he cannot be handcuffed. A police officer in uniform is not permitted to touch a youngster who is in violation of the law.

**Rehabilitative Concept**

The notion of rehabilitation is one of the growing concepts, and stakeholders from many academic institutions are working to improve its implementation throughout the criminal justice system for the reintegration of criminals back into society. This notion is a collection of thoughts that defies precise explanation. Human behavior is assumed to be the product of antecedent causes found in the physical universe. A distinction exists between rehabilitation and retributive punishment. Punishment must be taken against a person's will, however under the rehabilitative idea, an environment is created that encourages offenders to work on their assignments in order to make their lives better in the future. They are also taught a variety of skills that will assist them in their everyday job as well as in preparing for a brighter future. The strategy is unusual in that it prevents crime not by compulsion or threat, but by helping the offender to overcome the factors that prompted him or her to commit the crime (Wahi, 2002). A number of regulations have

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also been created by the European Commission for Human Rights, which bring the theoretical notion into a rather realistic scenario in which it may be utilized for the benefit of offenders who want to adapt their new livelihood. Many sections of the European Convention on Human Rights (ECHR) are interpreted differently by the European nations themselves. Because this is a burgeoning subject, India should also concentrate on lowering the number of juveniles while simultaneously providing them with a novel method to rehabilitation (Meijer, 2017).

Rehabilitation under existing law

There has been a statute enacted which has been amended for a better implementation and catering to the juveniles. The act is known as The Juvenile Justice (Care and Protection of Children) Act, 2015 which exclusively deals with the juveniles and it has been enshrined with various provisions and committees who will look after this process.\(^{18}\) The enactment of this act is for the purpose of rehabilitation of children in conflict with law, which can be understood from the objectives of the act which is to reintegrate these children into society with the help of institutions and mechanisms enacted.\(^{19}\) The concept of rehabilitation can be observed from the principles enshrined under this act which state about positive measures with regards to the children and at the same time they should not be stigmatised for their acts because of this, the term juvenile delinquency was changed to children in conflict with law.\(^{20}\) The statute aims for rehabilitation of children’s because they have not yet completely understood their act and its repercussions these minds are fragile and act considers to give them a new chance towards new life by the principle of fresh start wherein all the records and acts of juvenile will be erased from the system itself (Paranjpe, 2017). The act has defined a set time limit under which proceedings must be taken care of this acts as a safe guard for children as they get speedy trial in our languishing criminal system wherein the atmosphere is also cordial for the child.\(^{21}\) The child if found guilty then the board has a series of punishments which can be implemented but all these punishments have an underlying concept of rehabilitation such as vocational school or living in special home these punishments are ultimately rehabilitating the child in conflict with law.\(^{22}\) The act also takes care of the punishments such as death penalty or life imprisonment which cannot be inflicted on the juvenile because the act believes that juveniles can be rehabilitated in the society.\(^{23}\) The act has defined and stated guidelines for an observation home where the child will stay during the proceeding and if found guilty of the act, he will be taken to special home which are formulated taking in consideration the basic requirement for survival and reintegration into the society on the basis of rehabilitative concept.\(^{24}\)

\(^{18}\) The Juvenile Justice (Care and Protection of Children) Act, 2015 (Ind).
\(^{19}\) The Juvenile Justice (Care and Protection of Children) Act, 2015 (Ind) s. 3 (Ind).
\(^{20}\) The Juvenile Justice (Care and Protection of Children) Act, 2015 (Ind) s. 2(13) (Ind).
\(^{21}\) The Juvenile Justice (Care and Protection of Children) Act, 2015 (Ind) s. 14 (Ind).
\(^{22}\) The Juvenile Justice (Care and Protection of Children) Act, 2015 (Ind) s. 18 (Ind).
\(^{23}\) The Juvenile Justice (Care and Protection of Children) Act, 2015 (Ind) s. 21 (Ind).
\(^{24}\) The Juvenile Justice (Care and Protection of Children) Act, 2015 (Ind) s. 18 (Ind).
India-specific preventive measures

The preventative measures that must be put in place begin in the womb. According to research, if a mother is guided by healthcare practitioners regarding her safety, well-being, and the well-being of her baby, and is provided with a positive environment and better medical infrastructure during the birth of her child, the mother will be better prepared to deal with her baby. The visits should continue even after the baby is born. This has a beneficial effect on the mother's attitude, which helps the kid in the long run. In India, we have Asha workers who are appointed in this regard but if they are trained professionally by psychologists, knowledge of therapies then this could work as a successful preventive model for early prevention of juvenile delinquency.

In India, the nuclear family structure is widely prevalent. This method has its own benefits, but in the past, children were guided by their grandparents via different forms of folklore, songs, and tales, through which morals and ethics were indirectly reflected on children's thinking. This knowledge should be imparted by communities to children via events, which will allow them to socialize with other children while also imparting intangible assets for the development of our country.

According to studies, at the ages of 13, 15, and 17, individuals self-reported a stronger connection with the respective teachers at ages of ten reported participating in substantially fewer acts of delinquency. It was also reported that participating in substantially less violent behaviors at the age of 17. Teachers are given basic knowledge about dealing with students and student psychology during their training, but if they are taught about the characteristics or features that may be a contributing factor for a juvenile, they can apprehend prior to occurrence by applying the additional knowledge they were given during training. Psychologists must be accessible in every district so that individual cases with a high likelihood of getting in conflict with law may be resolved quickly. Teachers must also understand that their interactions with pupils have a long-term influence on their lives.

The author of this paper has been a volunteer at Children care institutions across Mumbai metropolitan regions, having interacted, observed with these children's, flaws of the system are from the societal point of view, the binary opinion of society is main hinderance in the progress of these children, whenever donors came in with various props such as toys or books, with intent that these children were not privileged enough to own these things but the reality was these Children care institutions had rooms filled with such materials, it was observed that the children were in need of humane touch, a person who could listen, interact, tell stories, recite songs. These institutions were mostly understaffed, they used to be busy in planning in order to met the daily needs of children such as food, clothes, shelter hence they never got time to work on each individual child.

Conclusion

Juvenile delinquency is a long-term potential issue that needs to be addressed before it becomes a problem, hence the government should prefer to spend on prevention than treatment. For the Juvenile Justice System's stakeholders, orientation and refresher training is essential. Execution without spirit can be destructive in many circumstances. This is seen by the current houses in the Juvenile Justice System (JJS). The government should undertake regular juvenile justice orientations, seminars, and awareness initiatives to help officials better understand the material they are given. All parties participating in this process must have a clear goal in mind, and greater community involvement can be incorporated into the process.

The existing legal framework now incorporates the concept of rehabilitation. A lack of primary data on the reintegrated juveniles and the recidivism rate, along with the fact that the undercurrents of these laws lead toward social reintegration of juveniles back into society, might be essential in helping to strengthen the present statute. Even while laws mandate rehabilitation, the effectiveness of these measures depends on the way authorities work with the programs that are designed for the specific needs of each individual juvenile.

Suggestions

It is preferable to keep on updating the life skills training and courses for children in order to make it easier for them to integrate into society. Because juvenile delinquency has become a problem that will likely persist for a long time, the government should devote a greater portion of its resources to prevention rather than treatment.

In order to uphold the ethos of the Juvenile Justice System, which states that the objective is to rehabilitate juvenile offenders back into society and not to stigmatize them for their crimes, the many stakeholders in the system need both initial and ongoing training. Regular orientations, seminars, and awareness programs should be held by the government in the area of juvenile justice in order to aid authorities in comprehending the material that is provided.

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REFERENCES


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