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REHABILITATION OR PUNISHMENT? A CRITICAL SOCIO-LEGAL EXAMINATION OF INDIA'S JUVENILE JUSTICE FRAMEWORK

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ABSTRACT

Children are crucial to the shaping up of any society at a later stage. Nonetheless, poverty, family issues, low level of education, peer pressure, etc., tend to be the causes of juvenile engagement with crimes. Consequently, this has made juvenile delinquency a significant issue among policy formulators and legal theorists.

The concept of juvenile justice system in India is founded on the fact that children are associated with maturity and decision-making levels unlike adults. Thus, the law focuses more on rehabilitation and reform as opposed to severe punishment. The Juvenile Justice (Care and Protection of Children) Act, 2015 is the law governing the cases of children who go against the law.

This paper will analyse the performance of rehabilitation systems in the juvenile justice system in India and discuss whether the existing law system is properly assisting in the integration of the young offenders back to the society.

Keywords - *Juvenile Justice, Juvenile Delinquency, Rehabilitation, Child Protection, Juvenile Justice Act 2015, Juvenile Offenders, Criminal Responsibility, Child Welfare, Rehabilitation Policies, Juvenile Courts.*

I. INTRODUCTION

Juvenile justice is still a highly controversial topic in the field of criminal jurisprudence. Although, in criminal law tradition, the emphasis is on punishment, deterrence and the rehabilitation concept, in the case of juveniles this is unlikely to be the case. It is still in the developmental age of children and they tend to act on what they do because of their immaturity and social factors.¹ Consequently, current juvenile justice systems emphasize reform and rehabilitation rather than the issue of punishment.²

This restorative measure is founded upon the belief that the criminal acts of juvenile offenders are usually due to unfavourable environmental influences like poverty, illiteracy, or peer pressure, and not criminal disposition.¹ In line with this, interventions such as counselling, education and skill building have been highlighted to put the young offenders back in the society and minimize reoffending.

This is observed in the Juvenile Justice (Care and Protection of Children) Act, 2015,³ in India which offers a child-centred form of law that incorporates an element of care, protection, and reintegration.³ It is also backed by the provisions of the constitution and international obligations as the UN Convention on the Rights of the Child.⁴

Nevertheless, there are still issues concerning the balance between rehabilitation and accountability. This was further heightened by the 2012 Nirbhaya case,⁵ where there has been a provision which permits some juveniles between the ages of 16-18 to be prosecuted as adults on heinous crimes.⁵ This has provided an on-going tension between reformatory ideology and the need to have tighter justice.

Thus, a major question nowadays is whether the Indian juvenile justice system is successful in both rehabilitating and holding accountable the juveniles and can both serve the interests of the society and at the same time address the causes of the delinquent issue amongst junior citizens.

II. LITERATURE REVIEW

Source	Author	Title	Outcome/Findings	Limitations
Book	John Muncie	Youth and Crime: A Critical Introduction	The author explains that juvenile delinquency is strongly connected with social and economic factors such as poverty, family instability, poor education, and peer influence. ⁶	The study focuses largely on Western societies, which may limit its direct applicability to the Indian socio-legal context.
Book	N. V. Paranjape	Criminology and Penology	The work discusses the reformative theory of punishment and emphasises that juvenile offenders should be rehabilitated rather than punished strictly. ⁷	The book mainly explains theoretical concepts and Provides limited empirical data on the effectiveness of rehabilitation programs.
Journal Article	Barry C. Feld	The Evolution of the Juvenile Court	The article explains the Historical development of juvenile courts and highlights the shift from welfare-oriented justice to a more accountability-based model. ⁸	The study focuses primarily on the American juvenile justice system, which differs in structure from the Indian system.
Government Report	National Crime Records Bureau (NCRB)	Crime in India Report	The report provides statistical analysis of juvenile crime trends in India and indicates that offences such as theft, burglary, and cyber-related crimes among juveniles are increasing. ⁹	The report mainly provides statistical data and does not offer detailed explanations regarding the social causes behind juvenile crime.
International Convention	United Nations	Convention on the Rights of the Child (1989)	The convention establishes international standards for child protection and emphasizes rehabilitation and reintegration of juvenile offenders. ¹⁰	The convention provides guiding principles but does not prescribe detailed procedures for national implementation.

Legislation / Other Source	Government of India	Juvenile Justice (Care and Protection of Children) Act, 2015	The Act establishes the legal framework for handling children in conflict with the law and promotes rehabilitation, care, and social reintegration. ¹¹	Implementation challenges remain due to lack of institutional infrastructure and uneven enforcement across regions.
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III. RESEARCH GAP

Although there is already a great deal of research literature on the issue of juvenile delinquency, its connections with law, and legal frameworks, there are still important gaps. The available literature mostly focuses on the development of the law and the change in theories, especially the movement of the Juvenile Justice (Care and Protection of Children) Act, 2015, towards making it more accountable.¹² But little has been done to examine the working of rehabilitation mechanisms.

There is the lack of empirical assessment of child care institutions, observation homes and special homes as well. Although the law is maximized on reform, reintegration, there is still a lack of evidence on their true effectiveness in decreasing recidivism.¹³

Besides that, most studies concentrate on established types of juvenile offenders, including stealing or committing violent crimes, whereas it has not yet explored new spheres of cybercrimes and online fraud offenses committed by juveniles.¹⁴

The other understudied problem is the clause that can enable the juveniles between the ages of 16-18 to be tried as adults with the offence of heinous crimes. Even though a lot of discussion has been done on this particular issue, little has been analyzed as to how preliminary assessments are done and the reliability of psychological assessments we use as a measure of maturity.¹⁵

This research paper fills these gaps by critically evaluating the policy of legal framework as well as actual application of the rehabilitation policy in the real-world, including the emerging trends in juvenile crime and how the system balances between rehabilitation and accountability.

IV. RESEARCH OBJECTIVES

The current paper will evaluate the working and efficiency of juvenile justice system in India with the specific focus on rehabilitation and reformative measures of children in conflict with law. The study aims at attaining the following goals:

1. To analyze the current legal framework of the juvenile justice in India, specifically the stipulations of the Juvenile Justice (Care and Protection of Children) Act, 2015, in order to see how the law addresses the offences committed by a minor.
2. To examine the social, economic, and psychological causes of juvenile delinquency, such problems as poverty, lack of education, family instability and peer influence.
3. To help in measuring the performance of rehabilitation mechanisms in the juvenile justice system, observation homes, special homes, child care facilities, and community-based reform programs.
4. To determine the effects of the recent litigation, particularly, the fact that the juveniles aged sixteen to eighteen now can be tried as adults when it comes to the cases concerning heinous offences.
5. To determine the difficulties encountered during practical application of the law of juvenile justice, especially the institutional infrastructure, process of administration and monitoring systems.
6. To make recommendations and policy proposals that could enhance rehabilitation policies and enhance the general operations of the juvenile justice system in India.

V. RESEARCH METHODOLOGY

The research approach used in this study is that of a doctrinal research design with emphasis on the examination and interpretation of the available principles of law, statutes, court decisions, and scholarly works on juvenile justice. This approach is suitable because the study is a critical assessment of the legal context through which juvenile offenders are apprehended and the efficacy of rehabilitation instruments in it.

The study is mostly based on secondary sources; books, journal articles, government publications, and online legal databases. The most imperative laws, including the Juvenile Justice (Care and Protections of Children) act, 2015 have been reviewed to gain insight about the legal protection of children against the law.

The paper is also a review of some key judicial rulings construing laws of juvenile justice, particularly those dealing with juvenility, trial processes and rehabilitative measures, in order to determine the effort of the judiciary in influencing the legal practice.

Moreover, statistical data and reports of the National Crime Records Bureau (NCRB) are considered in order to find out the trends and patterns of juvenile delinquency.

Through the combination of the law and empirical data, the research seeks to determine the effectiveness of the existing system of justice during juvenile justice in enhancing rehabilitation and reintegration as well as determining practical constraints in the implementation process.

VI. ANALYSIS AND DISCUSSION

A. Understanding Juvenility

The juvenile justice system is based on the notion of juvenility. The main concept of this idea is that children are quite different than adults in terms of mental maturity, development of emotions, and their ability to comprehend the outcomes of their actions completely.¹⁶ Due to such distinctions, the current legal regimes understand that children need an exclusive legal system that is about reform, not punishment.¹⁷

The difference between juvenile and adult offenders has been guided by the fact that young people are still developing in regard to social and psychological aspects. Environmental factors that tend to change their behaviour with ease are family background, peer influence, educational opportunities, and socio-economic conditions.¹⁸ Thus, the goal of the juvenile justice laws is not simply to prove the guilt or innocence, but to take adequate care, protection, and rehabilitation of children who collide with the law.

The policy of reformism is manifested in the legal system which regulates juveniles in India. The Juvenile Justice (Care and Protection of Children) Act, 2015 provides a distinct system to undertake the cases against the children who are suspected of having committed offences.¹⁹ The Juveniles instead of being tried by criminal courts are taken to specialised institutions like the Juvenile Justice Board which procedures are child-friendly and rehabilitative in nature.²⁰

B. Definition of Juvenile and Juvenile Delinquency

Juvenile is a word derived in Latin and translated as young. According to the legal context, it mainly describes anybody who is under the age of majority and thus remains immature enough

to be charged with full criminal responsibility.²¹

According to the Juvenile Justice (Care and Protection of Children) Act, 2015, a child refers to an individual who has attained below eighteen years of age.²² The Act also draws a distinction between two key facets children and the law and children needing care and protection. Conflict with the law is a term used to refer to a child who is accused or detected to have committed an offence before he or she reaches the age of eighteen years.

There are different laws in the Indian legal system that stipulate what is meant by a child in a difference manner. An example is that the Indian Penal Code has traditionally acknowledged a limited criminal responsibility of children under a specific age where the Protection of Children Sexual Offences (POCSO) states that a child is any person that is under the age of eighteen.²³ In the same manner, the Bharatiya Nyaya Sanhita, 2023 also considers a child to be a person under the age of eighteen.²⁴

In actual sense, the term child and juvenile are synonymous, and the words are used interchangeably in normal language; however, they have a small difference of meaning when used in legal context. The term juvenile offender is also applied to a minor under the age of sixteen and between sixty-four years and eighteen years, who is alleged to have committed an offence and the legal process of a case such as theirs may necessitate some special consideration by a court.

Juvenile delinquency is the term that is used to take a rough overview of unlawful or anti-social behaviour by those individuals lying within the legally defined age group considered to be juvenile. The idea has not faced a universally agreed definition as sociologists and criminologists have observed with the concept encompassing the acts that constitute crime and other forms of a behaviour that contravenes the social norms.²⁵ It was officially defined in the late nineteenth century, with the first juvenile court being founded in Chicago, Illinois in 1899, which led to the emergence of the distinct justice system focused on the young offenders.²⁶

To examine the functioning of the juvenile justice system, as well as to examine the manner in which it tries to reconcile the balance between rehabilitation interests, accountability, and re-entry into the society, it is imperative to begin by understanding the legal meaning of juvenility and juvenile delinquency.

C. Claim of Juvenility

The notion of a claim of juvenility is significant in deciding on how to treat an accused individual as per the juvenile justice system or the normal criminal justice system. Juvenility determination is mostly done by Juvenile Justice Board (JJB) that checks whether or not the

accused was under the age of eighteen when the offence was committed.²⁷

The courts have always underlined the fact that the procedure of creating juvenility must not be technical. In the consideration of evidence to do with the age of the accused suspect, where the same evidence can be construed in different ways within reason, then the benefit of doubt is usually awarded with an inclination towards treating the accused child as a juvenile.²⁸ This strategy demonstrates the reformist ideology of the juvenile justice law that attempts to expose children to rehabilitation instead of harsh criminal punishment.

To establish the age of the accused, a court can use a number of types of documentary evidences which include birth certificates, school records or any other official records. These are the documents that can be taken to be good evidence of age. Nevertheless, there can be a circumstance when the authenticity of such documents is doubted, and there is no valid documentary evidence.

When this occurs, medical examinations can be done as the estimated age of the accused. The most common one is the bone ossification test, which aids in deducing the estimating age of a particular person depending on the development of the bones.²⁹ Now it should be remembered that medical tests are generally viewed as a secondary procedure and they are undertaken when there is no documentary evidence to go by or when there is suspicion of such evidence being tampered with.

There are also cases where the problem of false claims of juvenility has been raised: in such cases, an accused person tries to abuse the provisions of the law in order to obtain the advantages of juveniles. Courts are thus careful when analyzing evidence to do with determining age particularly in serious offences.³⁰

D. Delinquency Theories

Juvenile delinquency is a social phenomenon that is complicated and has different social, economic, psychological as well as environmental factors. A single theory cannot be able to explain been in the juvenile full involvement in criminal behaviour. Consequently, criminologists have formulated a number of theories to enable them understand the causes of delinquency. Some of the theories that have received lots of discussion include Anomie Theory, Subculture Theory and Differential Opportunity Theory:

1. Anomie Theory

The theory of Anomie was initially developed by a sociologist by the name Robert K. Merton in the 1940s. The word anomie is derived out of the Greek word ananos

meaning lawless or lacking in norms. In crime and delinquency, according to Merton there are times that a discrepancy is created between acceptable goals and socially accepted ways to reach such goals.³¹

In contemporary civilization, people tend to be tempted towards success, affluence and status in life. Not all people, however, can enjoy equal access to the legitimate opportunities to pursue these objectives. In case people are exposed to this kind of structural inequalities, they might have no other way but to employ illegitimate approaches in a bid to achieve success.

When it comes to juvenile delinquency, the theory of Merton, which argues that a young person lacking access to education, job opportunities, or a comfortable means of social migration, can choose to do so by resolving to keeping time, robbery, or even fraud to attain their objective is therefore plausible.³² Merton proposed five responses that can explain this situation; they are conformity, innovation, ritualism, retreatism and rebellion.

Despite some good contribution to the study of the economic crimes, the theory has been criticised as being more concerned with material success and giving little consideration to violent crimes like assault or homicide.

2. Subculture Theory

The Subculture Theory, which was introduced by Albert K. Cohen in 1955, dwells on the importance of group dynamics to juvenile delinquent behaviour moulding. Cohen argues that failure by juveniles to reach success using normal forms of social institutions like school or family result in frustration and rejection by the juvenile. They in turn respond by joining other groups or subcultures, which do not ascribe to mainstream social values.³³

In these subcultures, the behaviours, which are not acceptable in society can be regarded as a valid one or even desirable. To illustrate, such activities like vandalism, stealing and disobedience to authority might be used in the group as a sign of status and acknowledgement.

According to Cohen, delinquent subcultures tend to function under some specific features including hedonism (the pursuit of immediate gratification), malicious behaviour which is meant to anger people and defiance against the normal social rules. Imperatively, the members of such groups do not always view their activities as criminal; on the contrary, they view them as being in line with the values of their

subculture.

The subculture theory thus emphasizes the influences of peers and social environment to outcome in shaping the behaviour of the juvenile.

Theory: The Differential Opportunity Theory accounts for how nothing varies relatively to those of prior generations human.

Theory: The Differentiated opportunity theory explains why nothing changes in comparison to that of the earlier generations.

3. Differential Opportunity Theory

It was developed by Richard Cloward and Lloyd Ohlin in 1960 based on the concepts of strain and subculture theories. This theory states that the chances of juvenile delinquency also depend on the accessibility to both legitimate opportunities and illegitimate opportunities.³⁴

Cloward and Ohlin postulated that making such failures to lay hands on legitimate ways of attaining success may cause young people within criminal networks or the delinquency subcultures to find other avenues. Such opportunities could differ with regards to the types of the social surroundings within which the juvenile resides.

In other words, a youth can excel in schoolwork but fail to secure a job in the market because of economic factors or disadvantages of the society. In this case, the anger that that person experiences due to the failure to realize criminal opportunity might drive the individual to committing crime.

Nevertheless, the opponents of the theory indicate that not every crime necessitates organised chances or access to criminal networks. There are some cases of violence or impulsive behaviours which might be spontaneous without the presence of any form of a criminal set up. Although such has been criticized, the theory still plays significant roles in our understanding of the role of social structures and opportunities in promoting delinquency in juveniles.

VII. THE HISTORY OF JUVENILE JURISDICTION

The idea of special treatment of the juvenile offenders under the law gradually evolved. In the past, children who committed crimes were usually handled with the same way as the adult offenders and they were even punished in similar ways.³⁵ But as criminological studies progressed and the concept of child psychology became more and more known, the legal

system saw globally the need to establish a different form of justice that is not aimed at punishment but at reforming the children.³⁶

In the eighteenth and nineteenth centuries there arose a movement in the world, which encouraged the establishment of special institutions and procedures to manage the juvenile offenders. Other nations that started creating independent juvenile courts and rehabilitative based programs to reform young offenders included the United Kingdom and the United States.³⁷ The movement had a great impact on the juvenile justice law making in India.

After gaining independence, India slowly enacted laws to protect the children and guarantee their wellbeing in the justice system. With the course of time, there were multiple law reforms that took place in an attempt to enhance the juvenile justice system and follow international child rights principles.³⁸

A. The Children Act, 1960

Since the Indian Constitution was adopted as an independent document, a number of provisions in the Fundamental Rights and Directive Principles of State Policy were put forward that focused on the protection and welfare of children.³⁹ To carry out these constitutional principles the Government of India passed the Children Act, 1960.⁴⁰

The Act sought to conduct care, protection, education, as well as rehabilitation to children who were either neglected or subjected to unlawful activities. The ban of imprisoning children was one of the relevant provisions of this legislation. Instead of punitive proceedings, the law was characterised on welfare-based interventions that were capable of encouraging the appropriate growth and rehabilitation of children.⁴¹

The Act also brought in a three level institutional structure that would meet the needs of various classes of children:

- i. Notice Homes where children were held in the meantime during the courts.
- ii. Homes to children where the children received care and protection of the neglected or abandoned children.
- iii. Special Schools that were aimed to the children engaged in delinquency behaviour and aimed to correct and rehabilitate them.

Even though the Children Act of 1960 was the first significant move in the child welfare act it could only be applicable mainly to the Union Territories and hence a more comprehensive national framework was needed.⁴²

B. The Juvenile Justice Act, 1986

To have national juvenile justice system, the Government of India passed the Juvenile Justice Act, 1986, to substitute the previous law called Children Act, 1960.⁴³ The statute was signed in line with the United Nations Standard Minimum Rules on the Administration of Juvenile Justice, 1985 (Beijing Rules).⁴⁴

The Act tried to establish a comprehensive legal provision on how the children who commit crimes who are underage are taken care of, their protection, treatment, development, and rehabilitation. It also came up with institutionalized procedures of dealing with cases that concerned the juvenile and also made sure that trials that dealt with minors were done differently than the adult criminal cases.

The other significant goal of the Act was to provide juveniles with just and fair treatment before the justice system and to also provide the opportunity to handle serious crimes perpetrated by the young offenders. But it turned out with time that it still needed more reforms so that the Indian law could be correlated with the international standards concerning the rights of children.⁴⁵

C. Juvenile Justice (Care and Protection of Children)- Act, 2000.

Due to the necessity of the further reformation, Juvenile Justice (Care and Protection of Children) Act, 2000 was enacted to substitute Juvenile Justice Act of 1986.⁴⁶ This was a law that was set to reconcile Indian law with the United Nations Convention on the Rights of the Child (UNCRC), 1989.⁴⁷

The Act was more child centric, and embracing in its approach the needs of child juvenile delinquency. It declared a juvenile or child as an individual that has not reached the age of eighteen. Also, it created two crucial categories of juvenile justice framework:

- i. Children with the law indicating the term children who are reported to have committed crimes.
- ii. The needs of children in need Care and Protection that needs children who are vulnerable because of neglect, abandonment, exploitation, or abuse.

The Act made the themes of rehabilitation and social reintegration the most important aims of policies in juvenile justice. It also came up with different institutions which included Juvenile Justice Boards, Child Welfare Committees, observation homes and special homes to deal with children cases.⁴⁸

D. The 2006 Amendment

In upholding the inherent law, of Juvenile Justice (Care and Protection of Children), the juvenile justice amendment act, 2006 came in with some significant modifications to solidify the existing law enforcement.⁴⁹ Among the major provisions brought about by this amendment was the elucidation that the Act would be applicable to all the matters that involved juveniles even when proceedings have already been initiated under other laws.

The amendment also dealt with some of the procedural questions concerning the adoption, purported juvenility hence reinforcing the legal system of children in conflict with the law. These reforms were to be in place to safeguard the rights of juveniles during the courts of law.⁵⁰

E. The 2010 Amendment

Additional amendments were put forward in the year 2010 to counter practical issues encountered during the implementation of the Act.⁵¹ Among the major transformations were the stipulations concerning the children affected with certain health related illness like leprosy, Tuberculosis, sexually transmitted diseases or troops of mentality illness.

The amendment eliminated previous stipulations that saw the automatic isolation of children with some illnesses. Rather, the legislation accorded that mentally ill or drug-addicted children could be relocated to special health care facilities like psychiatric hospitals or nursing homes in case of need.

These children might also be sent to the Integrated Rehabilitation Centres after undergoing treatment and being discharged out of such institutions such that their recovery and rehabilitation might proceed under proper supervision.⁵²

F. The Juvenile Justice (Care and Protection of Children) act, 2015.

The most significant change in the juvenile justice system in India was the adoption of the Juvenile Justice (Care and Protection of Children) Act, 2015 that supplanted the 2000 Act.⁵³

The intended effects of the new legislation were to establish a more efficient and receptive system that would be able to tackle contemporary barriers that were linked to juvenile crime.

The Act remained faithful to the main principle according to which children are to be treated differently than adults and offered a chance to reform and be rehabilitated. It also increased the protection of children who were vulnerable because of child labour, abandonment, or were prone to early marriage.

Nevertheless, the most controversy steps out of the 2015 Act regarding the children between the ages of sixteen and eighteen that commit heinous offences. In this provision, Juvenile

Justice Board is given the mandate to carry out a preliminary test to ascertain whether the accused juvenile was mature enough both mentally and physically to understand the impact of the offence.⁵⁴

In case the Board decides that the juvenile was able to commit the offence knowingly, the case can be adopted to a Children Court, where the person can be convicted as an adult. This concession was inspired to a great extent by the outcry of the society as a result of the 2012 Delhi gang rape (Nirbhaya) case that prompted a lot of discussion on the responsibility of the juvenile offenders who commit heinous acts.⁵⁵

The 2015 law is thus an endeavour to find a middle ground between rehabilitation and accountability, and at the same time, focus on the larger goal of reforming youth offenders and returning them to the society.

VIII. POSITIVES AND NEGATIVES OF THE JUVENILE JUSTICE ACT, 2015.

Juvenile Justice (Care and Protection of Children) Act, 2015 is a major milestone in the juvenile justice system in India. The law passed was with a purpose of enhancing child protection systems as well as responding to the general anxieties of the population on severe crimes by the juveniles.⁵⁶ Despite the fact that the Act has brought many seminal reforms that have enhanced the operations of the juvenile justice system, it has also brought a lot of controversy as a result of some of its own controversial provisions.

A. Positives Juvenile Justice Act, 2015

The Act makes a distinct difference between the children who violate law and those who require care and protection, allowing the authorities to take case-specific approaches.⁵⁷ Such a classification guarantees that the offenders are taken care of by way of rehabilitative programs, whereas the frail children should be supported using welfare.

The major strength of the Act is that all child care institutions are required under the Act to be registered.⁵⁸ This fosters transparency, accountability and regulatory controls by undertaking periodic checks which would assist in the protection of the rights and welfare of children.

The reformatory and preventive steps have also been highlighted in the Act especially when handling the 16-18 year olds. It will help decrease the chances of reoffending and socialize through counselling, education, and vocational training.⁵⁹

Also, in the clause that enables the juvenile that form the 16-18 age group to be tried as adults

in heinous cases-subject to preliminary assessment, an element of accountability can be presented.⁶⁰ This, they say, will deal with serious crimes but it will still offer procedural protections by being reviewed by the Juvenile Justice Board.

All in all, the Act seeks to create a compromise between rehabilitation and expectation of justice in society particularly when it concerns serious offences.

B. Negatives of Juvenile Justice Act of 2015.

Even though the Act was progressive, it has received a lot of criticism.⁶¹ The law that allows juveniles aged between 16 and 18 to be charged as adults is the most controversial. According to critics, people of this age are still developing a lot psychologically and emotionally and showing them the adult criminal system would not help them in the rehabilitation but will negatively affect it.⁶²

Early evaluation that Juvenile Justice Board has done has been challenged as well. There is the risk of subjective and inconsistent decision-making because there are no standardized and scientifically sound standards of assessing mental and emotional maturity.⁶³

It has been argued also that statistical grounds have no justification to make stricter provisions. The source used like the National Crime Records Bureau may be inaccurate in showing the conviction rates, since at times, there are instances yet to be completed and with this there are possible chances that a policy decision can be made based on incomplete interpretations.⁶⁴

Another significant challenge is the implementation. Most child care facilities have poor infrastructure, lack of trained personnel and enough funding, hence making rehabilitation programs as envisaged in the law ineffective.⁶⁵

To conclude, the Act is a major innovation in the reform process of juvenile justice in India but its success is still subject to a solution of these structural and procedural challenges without sacrificing its rehabilitative core.

IX. LANDMARK CASES CONCERNING JUVENILE DELINQUENCY

The juvenile justice laws in India have had an important role in the interpretation and application based on court cases. In many cases, courts were left to generate the goal of rehabilitation and accountability and whether an accused individual can be considered as a juvenile and how they should be treated within the reality of the legal system. A number of landmark decisions have shed more light on the key issues of the juvenile justice system and

especially the way in which juvenility should be determined, juvenile offenders should be sentenced and the extent to which they should undergo rehabilitation.

I. Hari Ram v. State of Rajasthan & Another ⁶⁶

The case of Hari Ram v. The case of State of Rajasthan is deemed as one of the most crucial cases regarding the fixing of juvenilities. The accused, in this case, was accused of various crimes and there was a disagreement over his age during the time when the crime was committed.

A boy and a girl were considered differently as a juvenile under Juvenile justice act 1986. Any male child under the age of sixteen and a female under the age of eighteen were dealt with as juveniles. The Juvenile Justice (Care and Protection of Children) act, 2000 however raised the age limit to eighteen years to both sexes.

The High Court first found that, Hari Ram was over sixteen years old at the moment of committing the crime and thus could not be covered by laws of juvenile justice. This judgment was obtainable due to the testimony of the father of the accused and some medical reports. The accused appealed the issue in the Supreme Court claiming that the court had adapted a too technical method in establishing his age.

The Supreme Court concluded that the Juvenile Justice Act, 2000 would have a retrospective application in situations which involved the accused being under the age of eighteen years when the crime was committed. After assessing all the evidence presented to the Court, it concluded that Hari Ram was actually less than eighteen in age and as such could have been treated as a juvenile. Consequently, the decision of the High Court made earlier was reversed and the accused received benefits which the juvenile justice law would have allowed.

This ruling has strengthened the fact that positive laws concerning juveniles ought to be construed in the best interest of rehabilitation and safeguarding children.

II. State of Jammu & Kashmir v. Shubam Sangra ⁶⁷

The State of Jammu & Kashmir v. case. Shubam Sangra originated out of the Kathua rape case that involved a minor victim Asifa Bano. One of the people who were supposed to have been involved in the crime was Shubam Sangra who was charged with rape and murder.

The accused tried to defend himself by offering documentations that were to prove that he was under the age of eighteen at the time he committed this crime, therefore he was a juvenile. The investigating agencies, however, such as the Central Bureau of Investigation (CBI) carried out an elaborate investigation on the authenticity of the said documents.

Having investigated it, they found out that the documents forwarded by the accused were falsified. The Court dismissed his intention of juvenility after determining that he was between the age of nineteen and twenty three years at the age of the offence. Therefore, the accused had no option other than being tried as an adult within the normal criminal justice.

The ruling highlighted a greater need to be cautious when handling cases whereby persons need to abuse the law in matters pertaining to juvenility by forging documents.

III. Babboo Singh @ Jitendra Singh. State of Uttar Pradesh ⁶⁸

Facts Jitendra Singh belongs to the family of Babboo Singh. Facts Jitendra Singh is in the family of Babboo Singh. The case of State of Uttar Pradesh concerned a dowry death case as a woman was supposedly murdered and then burnt by the accused, her husband and father-in-law. In the proceedings, the father-in-law died, and the rest of the accused was taken to trial.

In the case that was presented to the Supreme Court, one of the accused said that he was fourteen years at the time of the crime and thus should be tried as a juvenile in line with the Juvenile Justice Act, 2000.

Based on the evidence and looking at applicable clauses of the Act, the Supreme Court upheld the ruling of the trial court and the High Court in regards to the guilt of the accused. The Court, however, also realised that the accused was also a juvenile according to Section 2(k) of the Juvenile Justice Act.

The Court noted that a juvenile may be found guilty on the basis of the merits of the case but nothing may be sentenced other than in accordance with the provisions of the juvenile justice law. In that regard, the issue pertaining to sentencing was addressed to the Juvenile Justice Board, which is a qualified agency concerned with identification of pertinent rehabilitative strategies.

This ruling emphasized the fact that the juveniles have no option to avoid legal accountability of their acts but the character of the punishment is supposed to correspond with the reformatory goals of the juvenile justice legislation.

IV. Sher Singh @ Sheru v. State of Uttar Pradesh⁶⁹

In Sher Singh @ Sheru v. The accused was a state of Uttar Pradesh and had been found guilty of kidnapping and subsequently made a plea on the argument that he was underage at the moment when an offence was committed. He used his examination records background in high school, which reportedly showed that he was under the age of eighteen years at the time of committing the crime.

This however, was denied by the Juvenile Justice Board after a medical examination report was reviewed in which he was assessed to be nineteen years old upon committing the offence. A few years later, the accused again tried to plead the juvenile plea before the trial proceedings. The Court denied the renewed claim and believed that the decision made by the Juvenile Justice Board could not be considered again without any great reasons. Meanwhile, the Court also explicated that the right to appeal will not be limited to guarantee fairness and due process. The decision underscored the importance of balancing the consideration of rights rights of juveniles with a stop and unnecessary delays in criminal cases due to successive arguments of being a juvenile.

X. SUGGESTIONS

To reinforce the youth justice system operation and tackle the shortcomings noted in the current structure, some policy and administrative practices can be put into consideration. The following recommendations are expected to enhance the rehabilitation program and also ensure that the laws regarding juvenile justice are applied effectively in India.

A. Distinct Statement of Major Concepts.

The legal framework requires to clearly establish such key terms as rehabilitation, reintegration and reformation. These terms are used not considering the difference in meaning though they are used interchangeably. The lack of clear definitions can be confusing at times when the administration of rehabilitation policies should be implemented by the officials. Clearly defining the law would also assist in having rehabilitation programs being designed and implemented in line with their objectives.

B. Re-assessment of Juvenile Justice Model.

The Juvenile Justice (Care and Protection of Children), Act of 2015 has brought a new change in the old philosophy of juvenile justice as it has brought the opportunity of trying juveniles between the ages of sixteen and eighteen years as an adult in heinous offences.⁷⁰ Although this is a needed provision to the concerns raised by the people about some serious crimes, it has cast doubts on the rehabilitation emphasis that has persisted. Thus, the law system must provide the awareness that the evaluation of the mental and emotional maturity of a juvenile is determined by clear and scientifically valid criteria.

C. Restructuring and reinforcing the Legal System.

According to statistical findings by the National Crime Records Bureau (NCRB), crime data on juveniles have depicted some trends over the years.⁷¹ Even though there are elaborate laws which are in place, their success mostly hinges on how effectively they are implemented. Thus, any revising of the juvenile justice legislations must be informed with empirical researches, field studies, and social economic overview with a view of correcting the cause of juvenile delinquency.

D. Raising the Standards of Judicial Administration.

There would be time-restrained judicial processes and expertise specialisation in the juvenile justice system. Juvenile Justice Boards comprising of judges and members ought to be trained on matters relating to child psychology, development of behaviour, and child criminology. This kind of expertise would allow authorities to make sensible choices that are concerned with justice and rehabilitation.

E. Creating a Balanced Justice Model.

Currently, the juvenile justice system tries to address two conflicting purposes, rehabilitation and accountability. Some of the provisions however give broad discretionary powers which can give unequal verdicts. It would be better to have more pronounced guidelines regarding age classification, psychological assessment and sentencing measures so that uniformity and fairness of the system can be achieved.

F. Establishment of Special Youth Panels or Special Dedicated Courts.

Juvenile courts or specialised youth crime panels can be created to hear cases of juveniles. These forums must be in the atmosphere where free communication and family participation are permitted. This would assist in making sure that the proceedings are centred on the welfare and reform of the child and not on the end result, which is a straight punishment.

G. Promoting Alternatives to Schools of the Court Proceeding.

Certain minor cases which require alternative dispute resolution may be better handled other than legal prosecution to include mediation, conciliation and victim- offender reconciliation programs. These are aimed at behavioural reform, accountability and restoration of social relations without adverse institutionalisation of children.

H. Effective Classification of Crime.

A clear definition should be made on the classification of the crimes exercised by the juveniles with respective corrective actions to each group. Less serious crimes must be handled by counselling first and community works second through less serious offenders but more serious crimes may need more organized rehabilitation programs with required court supervision.

I. Frequent checks at the Child Care Institutions.

Government authorities, independent organisations, and civil societies should actively control and check child care institutions like observation houses, special houses, and rehabilitation centres. This is because continuous monitoring provides transparency, accountability and adherence to set standards of care.

J. Enhancing Safety and Security Procedures.

The introduction of adequate safety measures in child care institutions is necessary. This involves background checking of employees, effective training of caregivers as well as efficient supervision systems to prevent any form of abuse or exploitation of children in the said facilities.

K. Cooperation with Government and Non-Governmental Organisations.

Having an effective rehabilitation process involves the involvement of government, non-government organisations, and community institutions. The juveniles in rehabilitation can receive counselling services, educational support and opportunities to receive vocational training by partnerships between these stakeholders.

L. Encouraging an Alternative to Institutional Care.

Juvenile criminals should not necessarily be institutionalised as the main measure. The alternatives should be adopted by encouraging the family-based rehabilitation, foster care, adoption, and sponsorship programs as well as community-based reintegration initiatives whenever feasible. These solutions tend to create a nurturing setting to the emotional and relational growth of children.

In general, the juvenile justice system is in need of strengthening through the co-ordination process by the legal system, social institutions, families, and the community at large. Reducing the underlying factors of juvenile delinquency including poverty, education deficiency, substance abuse, and poor peer pressure and influence can go a long way in curbing the

incidence of youth crimes, as well as promoting the future well being of children.

XI. CONCLUSION

The justice system of juveniles is based on the fact that children do not have the same psychological maturity, emotional maturity and the ability to make decisions in the same way as adults do. The contemporary legal frameworks, therefore, use a different formulation where criminals are reformed, rehabilitated and required to integrate into the society in place of punitive practices.

The development of juvenile justice in India is characterised by a continuous struggle to provide protection to children and accountability at the same time. This framework is confirmed by the Juvenile Justice (Care and Protection of Children) Act, 2015,⁷² which introduces such institutional frames as Juvenile Justice Boards and Child Welfare Committees, the purpose of which is to provide care, protection, and rehabilitation.

Nonetheless, there remains a huge gap between the intent and the implementation at the ground level with legislation. Poor infrastructure, the untrained personnel, and low monitoring systems are problems that many rehabilitation centres and observation homes suffer, and restrict the effectiveness of reformative measures.

The clause that provides juveniles between the age of 16-18 with an opportunity to be tried as adults in the heinous cases is controversial. Although presented to deal with serious crimes, it poses a question on the effectiveness of psychological becomes the basis of questioning the integrity of the rehabilitative principles.

Moreover, juvenile crime is changing according to the development of the technologies, such as cyber crime and exploitation through the Internet that are not yet fully developed to be dealt with by the current system.

In general, the legal framework is sound in principle but the success of the legal framework is linked to effective implementation, institutional reinforcement, and prevention. More integration between state agencies, education, communities, and families is necessary to minimize juvenile delinquency and provide a reintegration process.

All these point to the ultimate answer being a combination of accountability and rehabilitation which provide the most sustainable solution to safeguard the interest of the society and the future of young offenders.

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