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**REHABILITATION OF JUVENILE OFFENDERS UNDER JJA 2015**

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**ABSTRACT**

Rehabilitating juvenile offenders via reformation and reintegration rather than punishment is the primary goal of India's Juvenile Justice (Care and Protection of Children) Act, 2015 (JJA). Major changes were made to this statute to ensure that juvenile offenders get treatment, safety, and opportunity for development, as well as to better address their needs. In order to help young offenders, become productive members of society again, the Juvenile Justice Act of 2015 places an emphasis on rehabilitation programs that include education, vocational training, psychiatric assistance, and tailored treatment plans. In addition, the statute mandates that the district administration examine and monitor the rehabilitation process to make sure it's working. As a whole, the Juvenile Justice Act of 2015 improves juvenile justice by placing a greater emphasis on restorative rather than punitive methods.

**INTRODUCTION**

Anyone under the age of eighteen who is believed to have committed a crime or is involved in an unlawful enterprise is considered a juvenile, and the term "children" is used interchangeably with this category. Police officers are only authorized to seize juveniles involved in legal disputes, not arrest them. Only those who commit horrific crimes when they are minors (between the ages of 16 and 18) can be tried as adults.

Instead of trying a juvenile offender in a criminal court, the Juvenile Justice Board, which consists of a magistrate, two social workers, and others, should hear the case. Incorporating

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social workers into the Juvenile Justice System allows for a more future-focused approach to handling the child and ensures they receive the treatment they need<sup>2</sup>.

Based on the Child Rights Convention, the following rights are guaranteed to children in conflict with the law: humane treatment, freedom from corporal punishment while detained, access to legal representation, bail and release on recognizance, privacy, diversion (such as education, skill development, sports, etc.), minimal restrictions on liberty, automatic suspension of sentence, merit-based probation, confidentiality of proceedings, right against discrimination, and proportionate judgment (also known as age-considered judgment).

While a minor is in custody, the primary goal is for him or her to gain a sense of guilt and repentance for the wrongdoing. Probationary release follows the Juvenile Justice Board's ordered imprisonment. Reintroducing the Juvenile to society requires a great deal of attention. When rehabilitating a juvenile offender, it is important to keep the child's age, mental and physical health in mind.

Institutions providing child care and social services collaborate with government nodal authorities to help rehabilitate juvenile offenders. The goal is to have the Ministry of Women's and Child Development establish these process standards. Social workers and probation or parole officers check in with the kid on a regular basis to make sure he or she is adjusting well to life back in the community<sup>3</sup>.

## **HISTORICAL BACKGROUND**

1850 – The Apprentices Act,

As part of their rehabilitation, juvenile offenders (those between the ages of 10 and 18) were once mandated by law to participate in vocational training programs.

1897 – Reformatory school Act

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<sup>2</sup>Kumari, Ved, and Ravinder Barn. "SENTENCING IN RAPE CASES: A CRITICAL APPRAISAL OF JUDICIAL DECISIONS IN INDIA." *Journal of the Indian Law Institute*, vol. 59, no. 1, 2017, pp. 1–25. JSTOR, <https://www.jstor.org/stable/26826588>. Accessed 11 June 2024.

<sup>3</sup>Kumari, Ved. "THE JUVENILE JUSTICE ACT 2015-CRITICAL UNDERSTANDING." *Journal of the Indian Law Institute*, vol. 58, no. 1, 2016, pp. 83–103. JSTOR, <http://www.jstor.org/stable/45163062>. Accessed 11 June 2024.

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The Act legalized the two- to seven-year confinement of juvenile criminals in a reformatory school; however, the court would not retain juveniles in such facilities beyond the age of eighteen.

1920 – Madras Children Act,

The Juvenile Court philosophy was first introduced in the Madras Children Act 1920, (followed by the Bengal Children Act (1922) and the Bombay Children Act (1924), thereafter by many other Children Acts).

1923 – Amendment in Criminal Procedure Code

In order to provide a distinct process for the final disposition of criminal matters involving juvenile offenders, the Criminal Procedure Code (CrPC) was revised.

1960 – The Children Act,

For usage in union territories, the Children's Act served as a model piece of law. In order to deal with cases of children who have been neglected, this act created distinct Child Welfare Boards. A probation officer was also established to "advise and assist neglected or delinquent children." It also divided the juvenile justice system into distinct Children's Courts to handle matters involving neglected and delinquent youth.

1986 – The Juvenile Justice Act

Adjudicating specific issues pertaining to the disposition of delinquent adolescents and providing for their care, protection, treatment, growth, and rehabilitation were the stated goals of the Juvenile Justice Act, 1986.

Taking precedence over all prior Children Acts, it laid the groundwork for a uniform juvenile justice system across the country.

2000 – The Juvenile justice (care and protection) Act,

There were various changes to the Juvenile Justice (Care and Protection) Act when it was re-enacted. April 2001 was the date of its implementation. In June 2001, the "Central Rules" were announced. Children in need of care and protection, regardless of their faith, have

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access to a separate court process, thanks to the Juvenile Justice (Care and Protection) Act (2000). The Juvenile Justice (Care and Protection) Act (2000) is one piece of legislation that governs minors in India; however, personal laws of Hinduism and Islam also play a role.

Amidst heated debate and protests from the Child Rights community, the Juvenile Justice (Care and Protection of Children) Act, 2015 was enacted by the Parliament of India. The Juvenile Justice (Care and Protection of Children) Act, 2000 was an Indian law that dealt with juvenile delinquency; it permitted the trial of criminals aged 16–18 for serious offenses as adults. This law has been replaced. On January 15, 2016, the Act became law.

### **CONCEPT OF REHABILITATION**

Instead of seeing 'troublemakers' or 'problem youngsters' who need punishment, research shows that including them in the rehabilitation process is the most effective way to help them overcome their involvement in criminal activities. Their fundamental human and child rights must be acknowledged and protected as a first and foremost step in this regard.

The criminal justice paradigm of punishment has been replaced in juvenile justice by a focus on rehabilitation while offenders are still young and free from the dangers of hanging out with older criminals. Juvenile justice has adopted a new tack, prioritizing community-based reformatory and rehabilitative programs for rehabilitating and reforming juvenile offenders rather than institutionalization, which is seen as a last resort and only used temporarily until better community-based alternatives are found<sup>4</sup>.

### **JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015.**

Thanks to the JJ Act of 2015, kids will always get the help they need to grow up, get well, and rejoin society. It does this by taking a child-friendly approach and resolving issues in a way that benefits children.

For your convenience, the JJ Act has also divided juvenile crimes into the following three buckets:

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<sup>4</sup>Kumari, Ved, and Ravinder Barn. "SENTENCING IN RAPE CASES: A CRITICAL APPRAISAL OF JUDICIAL DECISIONS IN INDIA." *Journal of the Indian Law Institute*, vol. 59, no. 1, 2017, pp. 1–25. JSTOR, <https://www.jstor.org/stable/26826588>. Accessed 11 June 2024.

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1. According to Section 2 (33) of the Indian Penal Code or any other statute enacted during the past five years, "heinous offences" are defined as those for which a minimum sentence of seven years or more in prison is required;
2. A minor violation is defined as an offense for which the maximum penalty, as mentioned in Section 2 (45), is three years in prison under the Indian Penal Code or any other relevant statute.
3. In compliance with Section 2 (54) of the Indian Penal Code or any other present statute, "serious offences" are classified as those carrying a prison term ranging from three to seven years.

There is now a chance that juveniles (those between the ages of 16 and 18) could be tried as adults for horrific crimes thanks to the JJ Act, 2015. Because of this, reform and rehabilitation efforts targeting these kids will need to be unique. It is also important to provide standards for assessing a juvenile offender's level of rehabilitation once they reach the age of 21 so that prejudice and bias can be lessened. Separate from criminal justice practices, the Act emphasizes restorative justice.

A multi-faceted strategy is required for the effective rehabilitation and reintegration of juveniles involved with the justice system. In order to aid in the rehabilitation process, it is important to prevent juvenile crimes and to intervene appropriately and promptly. A child's emotional, physical, relational, intellectual, creative, and spiritual needs should all be met. When it comes to rehabilitating children, who have run-ins with the law, we need to change our mindset from a need-based to a rights-based approach.

### **EXECUTIVE INTERVENTIONS AGAINST JUVENILE DELINQUENCY**

The United States government's initial formal document to tackle children's rights and needs was the 1974 National Policy for Children. In particular, it emphasizes the state's dedication to the health and nutrition programs, free and compulsory education, protections against abuse, neglect, cruelty, and exploitation, and the reaffirmation of the constitutional provisions

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pertaining to the welfare of children from disadvantaged backgrounds or with social disabilities from the time of conception until they reach school age<sup>5</sup>.

Every child has an inherent right to a safe childhood. The state governments are obligated to make sure of that. Adopted on February 9, 2004, the National Children's Charter of 2003 places an emphasis. An environment free from abuse, prejudice, violence, and neglect, where all children have equal opportunity to develop their maximum potential, is a goal that the State government is committed to achieving in accordance with the National Children's Charter of 2013. This policy applies to all levels of government, including federal, state, and local, and all regulations and rules pertaining to minors are stated here.

The Ministry of Social Justice and Empowerment is responsible for coordinating activities, establishing policies, and overseeing programs related to child welfare in the Union government. Kishori Shakti Yojana (KSY) and Integrated Child Development Services (ICDS) are two examples of the child and women's welfare programs that were established by the federal and state governments. Supplemental nutrition, vaccination, health screenings and referral services, non-formal pre-school education, and the introduction of a nutrition program for adolescent girls are all part of the ICDS package of services. In addition, the Commission on Child Rights was established as part of KSY.

Prioritizing children's health, nutrition, and education were the first three goals of the first five-year plan (1951–1956). Probation, social and moral purity, vagrancy, and juvenile delinquency were some of the many topics covered in the second five-year plan, which ran from 1956 to 1961. Following in the footsteps of its predecessors and acknowledging children for who they are as individuals with specific characteristics, the third five-year plan (1961–1966) aimed to meet children's needs. As a consequence of the fourth five-year plan (1969–1974), the National Education policy was formulated in 1968. It was also in 1974 that the National Policy for Children was put in place. Working children's needs were front and center in the sixth five-year plan (1980–1985) and the plan that followed (1992–1997).

As a component of its eighth five-year plan, India upheld its initiatives in childcare, education, health, etc., and ratified the United Nations Convention on the Rights of the Child.

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<sup>5</sup>Greenwood, Peter. "Prevention and Intervention Programs for Juvenile Offenders." *The Future of Children*, vol. 18, no. 2, 2008, pp. 185–210. JSTOR, <http://www.jstor.org/stable/20179984>. Accessed 11 June 2024.

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The ninth five-year plan (1997-2002) introduced the Sarva Shiksha Abhiyan (SSA) and the new Juvenile Justice (care and protection of children) Act, which was adopted in 2001-02. In order to ensure the safety, development, and survival of children, the tenth five-year plan (2002-07) included measures such as universal vaccination and the Integrated Child Development Scheme. From 2007 to 2012, the eleventh five-year plan prioritized children's development.

### **JUDICIAL INTERVENTION AGAINST JUVENILE DELINQUENCY**

Court decisions that have given juvenile criminals favorable legal interpretations. The case at hand was Sheela Barse v. Union of India<sup>6</sup>. Juveniles under the age of sixteen are not to be kept in prison, according to the Supreme Court, who are concerned that the institutional setting could harm a child's development by cutting him apart from his loved ones.

Referring cases to the Juvenile Courts or the Court of the Chief Judicial Magistrate is the proper course of action when a court or magistrate determines that an accused minor is less than sixteen years old. This is in line with the ruling in the case of Ramdeo Chauhan v. State of Assam<sup>7</sup>.

In the case of Harkit Singh alias Kirat v. the State of Haryana<sup>8</sup>, the Hon'ble Supreme Court of India determined that, with a few significant exceptions, a juvenile is obligated to post bail under Section 12 of the Act. Juveniles cannot be denied bail just because they were in the company of a known criminal or criminals on one occasion; this was established in the case of Praglad Gaur v. State of Uttar Pradesh<sup>9</sup>. The term "Association" is used in Section 12 of the Act.

Judgement in the case of Jabar Singh v. Dinesh &Anr.<sup>10</sup> is one such example. The need to adhere to Section 49 in order to assert juvenility as a result of inquiries was pointed out. The addition of Section 7 (A) to the Act demonstrates that the legislature did not intend to remove the court's authority to rule on a claim of juvenility.

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<sup>6</sup>(1986 3 SCC 596)

<sup>7</sup>, (2001) 5 SCC 714)

<sup>8</sup>2008 Cri.L.J. (NOC), 1267 (P&H)

<sup>9</sup>2009 Cri.L.J. 1563

<sup>10</sup>JT 2010 (2) SC 603

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As stated in the case of Ravinder Singh Gorkhi v. State of Uttar Pradesh<sup>11</sup>, When someone shows up in court, whether for a civil or criminal matter, their date of birth will be decided according to the specifics of that case, using the records that are available and following the steps that are laid forth in statute. The court must provide the benefit to a minor to avoid victim unfairness.

The decision in Sanjay Suri &Ors. v. Delhi Administration<sup>12</sup>, states that incarcerating children defeats the goal of protecting them from the harmful effects of prison life. House the child in a different unit and keep them away from adult inmates if you want their rehabilitation to be a success.

### **Prevention, dealing, treatment, rehabilitation and reintegration of juvenile delinquents**

As the old saying goes, "prevention is always better than cure," and this principle is fundamental to the fight against juvenile crime. Reducing the occurrence and repeat of the criminal cycle linked with juvenile delinquency requires rehabilitating and changing the mental composition of juvenile offenders. The fight against juvenile delinquency is a community-wide effort that includes school initiatives to teach students social awareness and behavioral and cognitive self-control. Rehabilitating a juvenile offender mostly entails re-establishing his connection to his family and the community.

Prevention: Reducing juvenile delinquency begins with this. As a child begins engaging in delinquent behavior at a young age, it manifests as petty theft, a lack of interest in school, and eventually the development of other undesirable traits. Teachers and family members should provide guidance to youngsters who exhibit these behaviors.

Taking action in terms of individual and environmental modifications is also an important part of preventing delinquency. Improving school adjustment, offering educational and recreational alternatives, and fostering stronger family ties are all part of the solution to teen delinquency.

Dealing: The criminal justice system primarily consists of the courts and the police. In situations involving young offenders, the role of the police becomes increasingly substantial.

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<sup>11</sup>AIR 2000 SC 2648

<sup>12</sup>AIR 1988 SC 414

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The involvement of law enforcement in matters involving minors is even mandated by statute. To better assist in the identification of at-risk and juvenile delinquent adolescents, it is imperative to establish juvenile police units that undergo specific training.

Treatment: A fundamental goal of correctional institutions is the modification of delinquent behavior. Socially maladjusted children receive extra protection under the Juvenile Justice (Care and Protection for Children) Act, 2000. The Act specifies how the Board is established. Juvenile Boards can be formed by the State Government for certain districts or groupings of districts according to this law. Juveniles involved in legal disputes will be dealt with by these Boards, which will also be tasked with carrying out the duties and exercising the authorities that have been bestowed upon them. Two social workers, with one of them being a woman, and a Metropolitan Magistrate or Judicial Magistrate of the first class (whichever is applicable) are appointed by the Juvenile Justice (Care and Protection of Children) Act, 2000 to undertake the investigation and issue any orders it deems suitable. Article 14 of the Juvenile Justice (Care and Protection of Children) Act, 2000 According to Section 8 of the Juvenile Justice Act, youths can be housed in observation facilities(Care and Protection of Children) Act, 2000. These homes provide accommodation, food, medical care, and informal training in good citizenship and ethics. According to Section 9 of the Juvenile Justice (Care and Protection of Children) Act, 2000,It is within the purview of each district to create and manage residential treatment facilities for problematic youth.

If a kid needs care and protection, the state government can establish a kid Welfare Committee in each district according to Section 29 of the Juvenile Justice (Care and Protection of Children) Act, 2000. The ultimate responsibility for children's care, protection, treatment, development, rehabilitation, basic needs meeting, and human rights protection rests with the Committee. Section 31(1) of the Juvenile Justice (Care and Protection of Children) Act, 2000 [was cited].

Reintegration into Society and the Workforce: Section 40 of the Juvenile Justice (Care and Protection of Children) Act of 2000 states that there are several choices available to help children with their social reintegration, including adoption, foster care, sponsorship, or referral to an after-care agency. Infants may spend a short time in a foster home before their adoptive parents decide to place them for adoption. As stated in Section 44 of the Juvenile Justice (Care and Protection of Children) Act of 2000, after-care organizations help children and youth who have left special homes or children's homes adapt to society and are prepared

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for a life of honesty, hard labor, and usefulness<sup>13</sup>. Before being released from a children's home or special care facility, every minor must get a report that specifies the type and length of aftercare they received from a government-appointed official. Article 44(c) of the Juvenile Justice (Care and Protection of Children) Act of 2000

## CONCLUSION

A juvenile offender's rehabilitation and potential as an exceptional citizen depend on their successful reintegration into society. In order to aid the juvenile in their rehabilitation, the government and non-governmental organizations collaborate. Juvenile correctional law shifted its focus from punishing the alleged offender to rehabilitating him and helping him feel regret for his actions. International agreements and social activist demands for child-centric activities must be followed in juvenile case hearings involving kids. With the exception of the most heinous offenses, including rape or murder, the case is transferred from the ordinary courts to the youngster Justice Board, which is specifically created for this reason, and the youngster receives special treatment. Relevant statutes and laws are continuously revised and improved out of concern for the well-being of youngsters involved in judicial conflicts.

There is still space for reform in juvenile legislation, according to social advocates, despite the fact that they are moving toward a welfare model. Equal opportunity, free education, and the elimination of gaps in the availability of resources for children's growth are the requisites of social justice, according to them. When determining whether a child's social status or upbringing is responsible for an accused crime, the idea that "a well-nurtured society takes care of its children" is taken into consideration.

Consequently, they were shown compassion, taken away from the setting of the crime, and given the support they needed to grieve, comprehend the seriousness of the event, and then reintegrate into society. In an effort to rehabilitate troubled adolescents, the Juvenile Justice (Care and Protection) Act goes beyond merely punishing them. There is a significant concern that juvenile criminals who are only punished will grow up to be serious recidivists.

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<sup>13</sup>Greenwood, Peter. "Prevention and Intervention Programs for Juvenile Offenders." *The Future of Children*, vol. 18, no. 2, 2008, pp. 185–210. JSTOR, <http://www.jstor.org/stable/20179984>. Accessed 11 June 2024.

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DE4Helping at-risk adolescents recover from trauma, become contributing members of society, and become self-sufficient is a shared goal of state nodal agencies, NGOs, non-profit social workers, and volunteers through the provision of child care, aftercare, foster care, and other programs. On a practical level, the document's laws, rules, regulations, and suggestions are not being followed correctly.

To cover the costs of child welfare programs and to make sure that NGOs are being regulated adequately by officials with the right skills, state governments need to provide more cash. In addition to establishing Juvenile Justice Boards in each taluk and district, the government should provide sufficient housing for abused and neglected children. If a community is truly committed to eradicating crime, the process must start from within. In order to begin, we must assist the troubled youths in returning to a path of righteousness.

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