

Juvenile Justice Reforms: Balancing Rehabilitation and Punishment

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Abstract - This research study takes a look at the juvenile justice system and compares and contrasts the two approaches of punishment and rehabilitation. This country's system for dealing with young offenders has evolved significantly throughout the years, with a growing focus on rehabilitation rather than punishment for youth offenders. In this examination of research, statistics, and case studies, we look at how rehabilitation programs affect recidivism, long-term outcomes, and the rehabilitation of juvenile offenders. Furthermore, it evaluates the possible negative effects of punitive measures on juvenile offenders, such as making their criminal conduct worse and limiting their opportunities for the future. This research aims to contribute to the ongoing conversation on effective strategies for dealing with juvenile offenders.

Keywords: Juvenile justice, Rehabilitation, Effectiveness, Recidivism, Youth offenders, Rehabilitation programs

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INTRODUCTION

A reassessment of punitive methods and an increasing focus on rehabilitation are driving major changes in the juvenile justice system. There has been a change in juvenile justice policy away from a punishment-and-incarceration-centric model and toward one that emphasizes rehabilitation. Taking into account variables like recidivism rates, cost, social impact, and ethical issues, Based on the goals of reforming the juvenile justice system, this essay will compare and contrast the effectiveness of rehabilitation and punishment.

The criminal justice system's approach to dealing with juvenile offenders is not new. Juveniles were historically held responsible for their acts by punitive measures, which often included incarceration and the possibility of a criminal record that may follow them into adulthood. Teens may be more open to rehabilitation and opportunities for good change since their cognitive and emotional growth is still ongoing, although this is becoming more widely acknowledged.

This overhaul of the juvenile justice system sheds light on an important subject: the efficacy of rehabilitation versus punishment in addressing the needs of juvenile offenders and safeguarding society at large. In order to find the way ahead in the ever-changing field of juvenile justice reform, this article will explore these topics from several angles.

LITERATURE REVIEW

Tanenhaus (2012) How the law ought to regard minors is a basic and evergreen subject that this book delves into. In this book, the author delves into over three thousand case files from the early 1900s that pertain to the city of Chicago. The files show how advocates for children gradually established a juvenile justice system while battling for its legitimacy in the courts and politics. This book offers a historical framework for considering juvenile policy, harkening back to a time when things were more complex and promising.

Bazemore (2013) This book offers an overview of the restorative justice conferencing programs in the US, focusing on the qualitative aspects of these programs through interviews, focus groups, and ethnographic observation. The Robert Wood Johnson Foundation and the National Institute of Justice supported the large-scale research effort that it is based on. It offers a unique perspective on restorative justice conferencing as a process and the perspectives and emotions of those engaged.

Hamilton (2016) Some have argued that Western democracies' juvenile justice systems have taken a "punitive turn" in recent decades, mirroring trends in the wider penological domain. In light of this, the current project's overarching goal is to catalog the underlying rationalities and discourses that drive the similarities and differences across the juvenile

justice systems in Northern Ireland, the Republic of Ireland, and England. There is a need to find an analytical middle ground between nomothetic (convergent) and idiographic (divergent) perspectives, but the findings also provide credence to studies that highlight the ongoing importance of national, regional, and local influences on criminal outcomes.

Piquero (2010) Rehabilitation and punishment are the two main stances taken by policymakers when dealing with juvenile offenders, but nobody knows which strategy works better or for what kinds of offenders. Public opinion on the matter and the question of whether or not there is a cutoff age for helping a juvenile offender make the decision to leave crime behind have received less attention. We set out to determine whether there are significant differences in the opinion that juveniles can be rehabilitated across socio-demographic categories and, if so, at what age, and if optimism about juvenile rehabilitation is a nearly universally held belief. The influence of public opinion on policymaking makes this a crucial area for academic investigation. Based on responses from a representative cross-section of Pennsylvanians, we find no evidence of a schism over the importance of "saving children," but rather agreement that the public is generally optimistic about the prospects for juvenile rehabilitation. The text discusses the policy implications pertaining to juvenile offenders.

Mears (2014) A system of justice that could both punish and rehabilitate juvenile criminals was the original intent of the juvenile court. The degree to which people support "balanced" juvenile justice here defined as the use of both rehabilitation and punishment in sanctioning juvenile offenders is influenced by the core values that gave rise to the juvenile court system, but no research has quantified or investigated this relationship. Using findings from studies of juvenile justice and theoretical accounts of punitive viewpoints, this article investigates hypotheses on such support. Approaches to Punishing Juvenile Offenders for Violent Offenses This research uses multinomial logistic regression to analyze the opinions of 866 college students majoring in criminal justice and criminology on the topic of juvenile offenders' punishment. Final Product Results show that most people were in favor of a fair system of punishment and rehabilitation for violent offenders, while around a third wanted a more punitive approach and the rest wanted a more rehabilitation-focused system. People who thought that young people may change for the better and should get help were more inclined to favor a rehabilitation-focused approach to punishment or balanced justice. Final thought's public opinion on child punishment is complex, with many competing philosophical frameworks; studies should aim to take these frameworks into consideration in order to better understand the juvenile court's role in society.

UNDERSTANDING THE JUVENILE JUSTICE SYSTEM

The Indian Parliament revised the laws on the treatment of minors in 2015. The Juvenile Justice (Care and Protection of Children) 2015 Act (India) advocates for a "child-friendly" approach to juvenile justice through "proper care, protection, development, treatment and social re-integration," but it also allows the trial of 16–18 year olds as adults for terrible crimes. Against this legal background, 0.67% of India's total crime is perpetrated by minors, who are responsible for 4 offenses. In August 2014, when the Bill was brought before the Lok Sabha for consideration, the bulk of juvenile offenders were between the ages of 16 and 18.

The political will to amend the statute was bolstered by the public and media outrage over what was seen as an unfair distribution of punishments. The rights of victims to justice would be protected and the problem of rising crime rates would be addressed to a certain degree if minors could be tried for "heinous" crimes. The clause allowing for the trial of individuals aged 16 to 18 as adults came under heavy criticism, and the whole Bill went through eleven rounds of consultation due to the controversy surrounding it. The clause was found to be in violation of both the Indian Constitution and twelve UN Conventions on the Rights of the Child, according to the Parliamentary Review Committee. Rehabilitative change, not punitive punishment, should be the emphasis of juvenile justice, according to many.

A crucial aspect of the Act permits the trial of juveniles between the ages of sixteen and eighteen as adults for heinous offenses, defined as any felony carrying a penalty of seven years or more. This inquiry evaluates the juvenile's mental and physical capability, in addition to their ability to comprehend the crime and its repercussions. Social workers' and psychologists' opinions might also be considered by the Board. The outcome of this evaluation will dictate whether a minor is moved to the adult court or continues to be handled by the Children's Court. *Khan v. State of Maharashtra & Shaikh* is a recent case that exemplifies the provision in action.

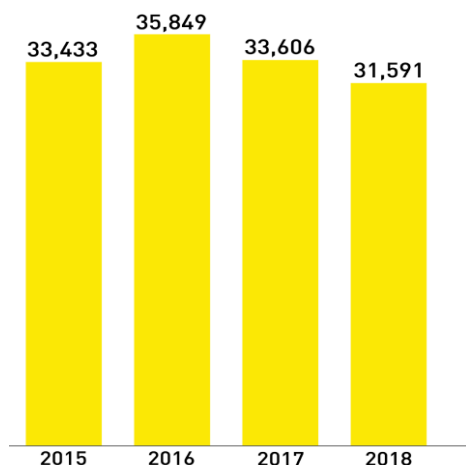


Figure 1: Juvenile Crimes (2015-2018)

Rehabilitation-Centric Approach:

We believe that young offenders have the possibility for change, which is why the juvenile justice system takes a rehabilitation-centric approach. This strategy acknowledges that many socioeconomic, family, and psychological variables contribute to adolescent delinquency. The system's goal is to prevent youths from becoming criminals by counseling, educating, skill-building, and providing them with vocational training, among other services.

LEGAL PROVISIONS: JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015:

Rehabilitative measures and strict adherence to responsibility are both emphasized in the Juvenile Justice Act of 2015:

Differential Treatment:

Separate from adult criminals, the Act specifies how a minor in trouble with the law must be dealt with. The text highlights the need of prioritizing rehabilitation and reintegration while dealing with young offenders.

Relevant Sections: The Juvenile Justice Act's Sections 3, 4, and 15 summarize the notion of diverse treatment, with an emphasis on reintegration and rehabilitation.

Non-Adversarial Approach:

Restorative justice is emphasized under the Act, which fosters a non-adversarial approach. It calls on community members and parents to help with rehabilitation by becoming involved.

REHABILITATION AND SOCIAL REINTEGRATION:

Adolescents who are involved in criminal activity must be provided with the necessary care, protection, and rehabilitation services, as emphasized by the Act. It lays forth steps like

education, vocational training, counseling, and skill development.

Relevant Sections: Educational opportunities, skill building, and reintegration are outlined in Sections 3, 4, 16, and 17 of the Juvenile Justice Act.

Serious Offenses: If a juvenile (defined as a person aged 16–18) is found guilty of a particularly egregious offense by the Juvenile Justice Board, the Act allows for their prosecution as an adult. This clause highlights the need of finding a middle ground between rehabilitation and holding those responsible for serious crimes accountable.

Relevant Sections: Juveniles (16–18 years old) charged with serious crimes are subject to trial under Sections 15 and 18 of the Juvenile Justice Act, which guarantees a fair combination of punishment and rehabilitation.

Constitutional Provisions:

1. **Article 15(3):** The authority to establish special measures for children is granted to the state under this constitutional clause. By doing so, it prepares the way for a separate juvenile justice system that can better protect the rights and needs of young offenders.
2. **Article 39(f) and 39(e):** Ensuring children's safety and supporting their whole development are key points made in these articles. They oversee the juvenile justice system's initiatives to assist rehabilitated youth in reintegrating into society.

CASE LAW PERSPECTIVES:

Jarnail Singh v. State of Haryana (2013): The Indian Supreme Court emphasised in this judgment the need of dealing with juvenile offenders using a welfare approach. The text highlighted the need of not penalizing youthful criminals, we should work on changing and rehabilitating them.

Relevant Sections: This case's guiding principles are consistent with the spirit of the Juvenile Justice Act's Sections 3, 4, and 17.

Pratap Singh v. State of Jharkhand (2005): Rehabilitating juvenile offenders should be the first priority of the juvenile justice system, according to the Supreme Court. It is unacceptable to house minors in adult jails or punish them cruelly, according to the court's ruling.

Relevant Sections: The goals stated in Sections 3, 4, and 17 of the Juvenile Justice Act are consistent with the emotions expressed in this case.

Balancing Accountability:

The Act recognizes that responsibility for significant acts is just as important as rehabilitation, which is a crucial part of the juvenile justice system. It recognizes that safeguarding societal, victim, and juvenile offender interests may need a nuanced approach in some instances. A clause that allows for the prosecution of adolescents aged 16 to 18 as adults in circumstances of serious crimes highlights the recognition that a purely rehabilitative strategy may not work in every situation.

This clause considers the importance of victim rights, public safety, and the need for appropriate punishment in circumstances of serious offenses.

Relevant IPC and CrPC Sections:

1. **IPC Section 82:** A violation committed by a minor (defined here as a person less than seven years old) does not constitute an offense.
2. **IPC Section 83:** Under this provision, no act committed by a minor (defined here as someone who is between the ages of seven and twelve) who lacks the mental capacity to comprehend the gravity of the situation is considered a crime.
3. **IPC Section 304A:** Death caused by carelessness is addressed in this section. It acknowledges that adolescent offenders may not have the same level of criminal intent as adult offenders.
4. **CrPC Section 10:** In this part, we discuss whether or not a witness under the age of 18 is competent to testify.

EVALUATION OF REHABILITATION VS PUNISHMENT

There is a lot of nuance and controversy surrounding the criminal justice system's appraisal of rehabilitation vs punishment. Ethical concerns, social impact, and effectiveness of these two techniques of dealing with criminals have to be evaluated. Legal systems across the globe struggle to find a middle ground between punishing offenders and helping them overcome their problems while still protecting society and achieving justice, since social beliefs impact the decision between rehabilitation and punishment. Examining a wide range of factors and their consequences, this article offers a comprehensive analysis of punishment and rehabilitation.

Rehabilitation

The goal of rehabilitation, as a correctional strategy, is to help formerly incarcerated people become productive members of society again. Its principal objective is to lessen the possibility of recidivism by

dealing with the root causes of criminal conduct. Evaluating rehabilitation entails looking at how well it accomplishes these goals and weighing the pros and downsides of the program. The percentage of recidivism among those who have participated in rehabilitation programs is an important indicator of their effectiveness. Recidivism rates that are lower indicate that rehabilitation programs are successful. A person's ability to live a law-abiding life is one of the primary goals of rehabilitation programs. The goal of the evaluation is to find out whether the participants' conduct has improved, such if they've cut down on drugs, violence, or criminal activities. Reintegration into society, employment, and connection building, as well as being useful and contributing members of one's community, are other signs of successful recovery.

Punishment

Retribution and deterrence are the primary goals of the conventional method of punishment in the criminal justice system. Punishing criminals and fostering a feeling of justice by the imposition of a fair sentence are the principal objectives. When assessing punishment, it is important to think about whether it accomplishes its goals, is fair, and deters illegal conduct.

The deterrent factor is an important metric for evaluating the efficacy of punishment. The purpose of punishment is to instill a sense of dread in both the criminal and others who may consider committing similar acts in the future. It is considered a success if punishment effectively deters criminal activity. Judges also consider whether the penalty is reasonable in light of the seriousness of the offense. Just and fair punishments are guaranteed by the idea of proportionality, which states that the penalty should be commensurate with the crime. The question of whether punishment gets to the heart of criminal conduct or whether it serves society's need for revenge is a common one.

Balancing Rehabilitation and Punishment:

Finding a happy medium between punishment and rehabilitation is a common aim of criminal justice systems. Neither approach is without its flaws, and it's possible that focusing only on one won't get the job done when it comes to improving public safety and combating crime. Society may do a better job of meeting the complex needs of offenders if it incorporates rehabilitation within the criminal system. Offenders should be given the chance to grow and change while yet being held accountable for their actions.

Cost-effectiveness: It is important to look at the short-term monetary expenses as well as the long-term social costs of rehabilitation and punishment when calculating their cost-

effectiveness. Although rehabilitation requires a significant investment of time and money, it might end up saving money in the long run if it decreases the likelihood of recidivism and the expenses linked to criminal activity and imprisonment.

Ethical Considerations: When assessing the efficacy of rehabilitation and punishment, ethical issues must take center stage. Punishment must be fair, proportionate, and respectful of human rights, while rehabilitation is in line with the idea of providing people with opportunities for personal development and transformation.

Long-term Impact: When calculating the long-term effects of punishment and rehabilitation programs, it is important to include things like community welfare, public safety, and the possibility of lowering crime rates. Proportionate punishment discourages criminal behavior and helps reduce recidivism via rehabilitation, both of which benefit to public safety in the long run.

JUVENILE AND ADULT COURT PUNISHMENTS

The concepts of child welfare, particularly models of justice that aim to rehabilitate and protect, have long served as the basis for international law and, by extension, for most of the domestic juvenile justice legislation it impacts. A growing body of research indicates that "adult like" violent crimes have been perpetrated by a disproportionate number of adolescents, prompting a societal and legal shift toward imposing adult-type sanctions on these juveniles. Because of this, it is becoming more frequent for lawmakers to pass laws that allow for the trial of significant juvenile offenders in adult criminal courts.

It seems that there is a belief that juvenile courts fail to effectively address significant offenders via this procedure. Public concerns about "the gravity of juvenile crime, the efficacy of rehabilitation in reducing recidivism, the inadequacy of juvenile courts to safeguard the public and the expansion of due process rights for violent juvenile offenders" are allayed when the spotlight is on punitive and retributive results.

Research has shown, however, that the consequences for juveniles who transition into the adult system are far more severe than those in the juvenile system. Some call it the "capital punishment of juvenile justice," and it's certainly the most severe policy in juvenile court systems: transfer to adult court. Because of this, it is only given to the most severe juvenile offenders.

It is implied that a juvenile has the mental ability to bear "adult" criminal responsibility when they are tried as an adult. Their status is changed from that of a child in need of rehabilitation to that of an adult criminal worthy of punishment. This denies the evidence that has long been used by juvenile justice

systems, which is that children should always be regarded as children and not as adults, and that they should never be held legally and morally responsible for their actions.

Juvenile waiver

Juvenile waiver, whether by judicial or legislative means, is one of the most prevalent ways that minors are tried in adult courts.

When deciding whether or not to grant a judge's waiver, several elements are considered in order to establish the offender's ability. However, in some circumstances, the juvenile court cannot hear cases involving minors due to legislative waiver.

These differ depending on the jurisdiction that grants waivers to minors. It is not obvious if these statutory principles are followed or whether extra-legal variables (such as race) impact transfer decisions; more inquiry is needed to clarify this. Psychologists often play key roles in assessing transfer choices because of the psychological aspects of several of these issues.

The role of psychological assessments

Psychological evaluations serve several purposes in the juvenile justice system of nations that use them. In general, psychological evaluations serve three purposes: first, to sort incoming juvenile offenders into suitable categories; second, to establish whether or not the juvenile is competent to stand trial as an adult (if relevant); and third, to assist in the determination of an appropriate sentence or punishment for a juvenile offender. Juvenile assessments provide unique challenges owing to the developing brains of these kids, but they may also lead to therapeutic options, especially in recidivism prevention programs.

Types of psychological assessments

When a minor first interacts with the juvenile justice system, they are subject to a triage process that examines their mental health and likelihood of reoffending. Both screening and assessments fall under this umbrella; the former is a more rapid way to address any pressing issues, while the latter takes a more personalised approach by considering potential actions over the longer term.

CONCLUSION

Finding a Happy Medium When it comes to juvenile offenders, the Juvenile Justice (Care and Protection of Children) Act, 2015 represents an earnest effort to find a middle ground between punishment and rehabilitation. It recognizes that society and justice need a proportionate reaction to serious offenses, even if rehabilitation is the first priority.

The Act's contained sections demonstrate how legal theory has progressed to recognize the complexities of juvenile misbehavior. The goal of India's juvenile justice system is to help formerly incarcerated youth find redemption and reintegration into society via the promotion of a holistic framework that places an emphasis on rehabilitation and responsibility. The rule of law must adapt throughout time to strike this precarious balance, with compassion, equity, and the safety of society's youngest members as its guiding principles.

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