

**INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES**
[ISSN 2581-5369]

Volume 4 | Issue 1
2021

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Juvenile Justice System, The Society and Much Needed Improvisation of Rehabilitation Homes in India

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ABSTRACT

Juvenile Delinquency is a serious threat for our society and our future as a nation. We cannot really blame any single person or authority for this problem. Parents, schools, society, local and federal government agencies are all somewhat responsible for youth crimes. So, instead of simply passing the buck, it's better to accept the responsibility and collaborate on fighting the problem. We've got a few pointers on how to prevent juvenile delinquency, in case you plan on combating it as a parent and as a society.

The need for the study is to highlight and explain the exact meaning of Juvenile Justice and how the J.J system works under the Juvenile Justice (care and protection of children) Act, 2015. Further it is also very necessary to analyze and evaluate the meaning of Juvenile and under what circumstances a Juvenile can be treated as an adult and tried under the Indian Penal Code.

The scope of the research paper is limited to the concept of Juvenile Justice System in the Criminal Justice System. The researcher has relied upon the current significant legislation and relevant Articles of the Constitution to enlighten about the present status of the term "Juvenile Justice" in India. This paper further focuses on the circumstances under which a child offender can be treated as an adult. The paper finally limits itself to the concept of house arrest and its implementation in our country as it is still not legalized in our country. Several foreign countries have legalized this concept and the offenders specially the juveniles who are of harmless nature and are not a threat to the society can be considered for the same.

I. INTRODUCTION

This research paper aims to provide an outline of the present situation regarding the concept of Juvenile Justice in India with a specific focus on Criminal, Civil, and Constitutional Law. The Child Offenders in India also come under the ambit of vulnerable sections and the recognition of their human rights is the need of the hour. The paper will look into both the International standards on and related to the concept of Juvenile Justice as well as the present national legal

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framework related to it. The paper will analyze all the crucial points of the concept of Justice and conclude with certain recommendations, which are important to comply with the country's Juvenile related law.

Juvenile Justice is a legal framework which defines justice for juvenile under the Indian Legal System. The system is giving a special treatment and protection to juvenile delinquency. Juvenile Delinquency means a crime committed by youth who is under the age of 18 years.

The Juvenile Justice act of 2015 replaced the Juvenile Justice act of 2000 because there existed a need for a more robust and effective justice system that focused on deterrent as well as reformative approaches. The approach towards Juveniles should be different from that of adults, there were contentions made in the Parliament that the Juveniles should be given more space for transformation or reformation or improvement and that is only possible when there's a special justice system. Thus, the new act i.e. the Juvenile Justice (care and protection of children) Act, 2015 focused on a Juvenile friendly approach of adjudication and disposition of matters.

II. THE INDIAN JUVENILE JUSTICE SYSTEM

A Latin maxim that suits best for the Juvenile Justice system in India is 'Nil Novi Spectrum' which implies that nothing is new on this earth. There has existed a presumption in the whole world since the ancient period that the Juveniles should be dealt leniently because there exists a system of thought that says— Young folks generally have a habit to respond in a serious and prolonged frustration which is accompanied with aggressive approaches.

In the last few years, it is also observed that the crimes done by children under the age of 15-16 have increased significantly. The general tendency or the psychology behind the commitment of the crime or the causes of crime are early-life experiences, dominant masculinity, upbringing, economic havocs, lack of education, etc. It is a matter of ignominy that the children under the age of 6-10 are nowadays used as instruments for carrying out unlawful or illegal activities. Since the minds of the kids possess an innocent and manipulative character, they can be lured at a meagre cost.

Prior to the Juvenile Justice Act of 2015, 2000 and 1986, there existed the Children Act of 1960 that aimed to give effects to the international responses towards the issue of Juvenile Justice by which they provided a uniform policy that protected the interests and rights of a Juvenile and that looked at care, treatment, rehabilitation and development of a child per se.

But with the recent developments in the international community and subsequent emergence

of the involvement of Juveniles in crime, the Indian lawmakers are compelled to come forward with new, progressive, and stricter laws for the concerned Juvenile system in the country. As a result, the Juvenile Justice act of 1986 then Juvenile Justice act of 2000 and recently the Juvenile Justice act of 2015 was passed by the Parliament.

Once former Chief Justice of India, Justice V.K. Krishna Iyer stated that we need penal code because the child is the father of a man and if we're neglecting the underdevelopment in children, then we would be guilty of many faults and errors related to abandoning our children.

In the last few decades, the crime rate by the children under the age of 16 years has increased. The reason of increasing crime rate is may be due to the upbringing environment of the child, economic conditions, lack of education and the parental care. These are the some of the basic reasons. And the most disappointing part is that, children (especially under the age group of 5 to 7 years) now a days are used as tool for committing the crime as at that this stage their mind is very innocent and can easily be manipulated.

The frightful incident of "*Nirbhaya Delhi Gang Rape Case*" on December 16, 2012 shocked the whole nation and many debates were started among legal fraternity and socialists. The main reason and issue of the debate was the involvement of accused, who was just six months short to attain the age of 18 years. The involvement of the accused in such a heinous crime of rape forced the Indian Legislation to introduce a new law and thus, Indian Parliament came up with a new law which is known as " Juvenile Justice (Care and Protection), 2015.

Circumstances under which a child should be tried as an adult:

Recently in 2016, an incident came to the light where a 17-year-old murders a 3-year neighbor. Here, the 17- year- old is undoubtedly a child if we look with the purview of Juvenile Justice Act.

But in this case the Mumbai City Juvenile Justice Board and the Bombay high court were not on the same page as their opinions were unmatched.

The Mumbai city Juvenile Justice Board was of the opinion that this 17- year- old should be tried as an adult because the crime here was a grave and heinous one. Whereas, the Bombay High Court was of the opinion that the 17-year-old should be considered as Juvenile or as a minor as they followed the Juvenile Justice Act.

Juvenile Justice Act was initially brought in, in the year 2000 which was further amended in the year 2015.

The amendment made in 2015 was a provision that allowed children in conflict with law to be

tried as adults under certain circumstances. The amendment also said that the children under the age of 18 i.e., minors can be tried and also be prosecuted as adults, depending on the gravity of the crime.

If we refer the Juvenile Justice Act where a child is defined as a person below the age of 18 years.

The amendment which was brought in the year 2015 segregates the children in the age group of 16-18 years as a special category wherein, they can be tried under the head of 'Adults' if they have or they are alleged to have committed a heinous offence.

Heinous offence which is graver than a normal offence and for which the punishment is at least 7 years.

According to the amendment made in 2015, it does not make it mandatory to consider the children of age group 16-18 years as adults. While this is only a provision which can be considered in some special circumstances.

The analysis of the case of murder of neighbor

Further, while analyzing the case both the Juvenile Justice board as well as the children's court referred to a total of 2 reports. They were:

- 1) The probation officer social investigation report.
 - While looking at the probation officer social investigation report, usually the background checks are done like, whether the child did not have a background of a criminal record.
 - This report also called the child as highly manipulative.
 - The report further also mentioned that the child had confessed that the crime took place accidentally.
 - In the observation, home the child was given proper counselling and was also given a special mention regarding his focus on the studies and he took up the examination and cleared it as well.
 - If we look at all these important highlights of the report, we can observe that the criteria of a ability of to understand the consequences of the misconduct as he said it before that it happened accidentally and the child and his family had no criminal background.
 - The circumstances of the crime were also accidental according to the report.
- 2) The government hospital mental health report.

- Further according to the mental health report, it said that the child had no psychiatric complaint at present, which signified that the child was very normal.
- So, these were the 2 reports which the Juvenile Justice Board and the children's court referred while analyzing the case.
- In the end, the Bombay High Court said that the accused should be considered as a minor post- consideration of both the reports.
- The H.C. hence declared the accused as a child and not an adult.

The major amendment.

Why this amendment ?

- Proposed by the ministry of women and child development in the year 2014.
- Following the proposal of ministry of woman and child development, in the year 2015 the original act of 2000 was amended.
- This major amendment was also an outcome of the Nirbhaya Gang rape was a minor. He was 17 years old.
- The ministry of women and child development also stated that there is spontaneous increase in the heinous crimes since last 4-5 years amongst which, majority of the offences have been committed by the children of age group 16-18 years. This was also a factor which was considered while making the necessary amendment.
- Similarly, the J.S. Verma committee was totally against the opinion of reducing the age of Juveniles from 16-18 years.

But then committee later also stated that instead of reducing the age of the juveniles from 16-18 years should be created from which if anyone commits a heinous crime in the special circumstances the child from the age group 16-18 years shall be considered as an adult and tried accordingly.

- Criteria under the J.J. Act in order to consider a minor as an adult.

According to section- 15 of the J.J. Act, there are 3 main criterions under which the trial of a minor can be considered as a trial of an adult.

The circumstances criteria for the following are:

- 1) Mental and the physical capacity of the alleged person.
- 2) Ability of the alleged person in order to anticipation or to understand the consequences of the misconduct.

- 3) Circumstances – whether the child, below the age of 18 years knew the circumstances in which the offence was committed.

So, these are the 3 major criterion which the Juvenile Justice board of the concerned district should consider to try the children between the age group of 16-18 years as an adult.

- In case the Juvenile Justice board finds that the child can be tried as an adult then the case is again transferred to the designated children court.

Then in the second stage, the children's court has to decide and analyze whether the decision given by the board is correct.

- So, the above are the following steps which should be followed in order to try a minor as an adult.

After the major amendment in the Juvenile Justice Act of 2015, the crime was here divided into 3 categories:

- Petty offences.
- Serious offences.
- Heinous offences.

Petty offences – Under this category, such kind of offences are placed for which an adult will be punished with 3 years of imprisonment.

For example: Theft related offences (Section 379 IPC). If a minor commits such crime then such proceedings will be run in the Juvenile Justice Board known as 'Summary Proceedings'.

Serious offences – Under this category, such thing kind of offences are places for which an adult will be punished with an imprisonment within 5-7 years.

For example: Acid attack (Section 326 IPC). If a minor commits such offences then such proceedings will be run in the Juvenile Justice Board known as 'Summons Proceedings'.

Heinous offences – Under this category, such kind of offences are placed for which an adult will be punished with a minimum 7 years of imprisonment or more.

For example: Rape (Section 376 IPC) In case a minor commits such crime, then if the offender is below the age of 16 years, he may be tried in the Juvenile Justice Board and if he has crossed the age of 16 years, then he may be tried in the children's court.

The juvenile delinquency along with its types.

Juvenile Delinquency

- The word delinquency has been extracted from the Latin word ‘Delinquere’ which means to leave or to abandon.
- It is a combination of two words. Juvenile and Delinquent.
- Juvenile means anyone under the age of 18.
- Delinquent means one who is under the age of 18 and violates social laws.
- So, the Juvenile Delinquency can be defined as “An individual under the age of 18 fails to abide the laws is known as Juvenile Delinquency”.
- It is one of the types of crime committed by children under the age of 18.
- The treatment for Juvenile and adult is different from each other.
- Criminal activities, persistent anti-social behavior and disobedience of parents.
- There is a separate judicial system for both the offenders.
- A juvenile who has committed an adult crime can be considered for either juvenile court or adult court. But this is not the case the adult offender.

Types of delinquency

There are four main types of juvenile delinquency:

- Individual Delinquency
- Group-supported Delinquency
- Organized Delinquency
- Situational Delinquency

1) Individual Delinquency

- This refers to Delinquency in which only one individual is involved in committing a delinquent act and its cause is located within the individual delinquent.
- Most of the explanations of this delinquent behavior come from psychiatrists.
- Their argument is that delinquency is caused by psychological problems stemming primarily from defective/ faulty/ pathological family interaction patterns.
- Healy and Bronner (1936) compared delinquent youths with their no- delinquent siblings and analyzed the difference between them.

2) Group-supported Delinquency

- In this type, delinquencies are committed in companionship with others and the cause is located not in the personality of the individual or in the delinquent's family but in the culture of the individual's home and neighborhood.
- The studies of Thrasher and Shaw and McKay talk of this type of delinquency.
- The main finding in understanding why the young became delinquent was their association and companionship with others already delinquent.
- This was later out very clearly by Sutherland, who developed the theory of differential association.

3) Organized Delinquency

- This type refers to delinquencies that are committed by formally organized groups.
- These Delinquencies were analyzed in the United States in the 1950s and the concept of 'Delinquent subculture' was developed.
- This concept refers to the set of values and norms that guide the behavior of group members and encourages them to commit Delinquencies.
- Cohen was the first person to refer this type of Delinquency. He was followed by Cloward and Ohlin and a few others.

4) Situational Delinquency

- A young man indulges in a Delinquent act without having a deep commitment to delinquency because of less developed impulse- control and/or because of weaker reinforcement of family restraints, and because he has relatively little to lose even if caught.
- David Matza is one scholar who refers to this type of Delinquency.
- However, the concept of situational Delinquency is undeveloped and is not given much relevance in the problem of Delinquency causation.

Predictors of Juvenile Delinquency

There are following predictors:

- Abnormal or slow development skills (speech, language)
- Chronic violation of the rules
- Serious aggressive behavior
- Impulsive nature.

Circumstances constitute for a child to become a Delinquent.

- Authoritarian Parenting
- Peer Rejection
- Permissive Parenting
- Neglectful Parenting
- Indulgent Parenting
- Poor academic records.

The major causes of Juvenile Delinquency.

The causes of Juvenile Delinquency can be characterized into four major parts:

- Psychological factors.
- Economic factors
- Political factors
- Social factors.

Different criminologist and sociologist have pointed out different causes for juvenile Delinquency. The major and most widely accepted causes are as follows:

1. **Family** (Broken family, single parenting, sibling rivalry, psychological problems, separated families, parents fight, criminal parents, etc.)
2. **Economic problems** in family (poor family status)
3. **Psychological problems** in family (Mental illness, depression, frustration, aggression, or hyper behavior).
4. **Social problems** in family (Gender discrimination, age discrimination, racial discrimination and child labor, etc.)
5. **Moral problems** in family (Parents failed some time to taught to their children about moral values like how to respect their elders).
6. **Parenting Family** (Parenting lifestyle, talking style, rude behavior, etc.)

Some other causes of Juvenile Delinquency

- Urbanization
- Population explosion
- Poverty

Solution to get rid from Juvenile Delinquency

- Organized structure of family
- Positive and constructive role of parents
- Love and affection among siblings
- Economic support from state to poor families
- Adequate juvenile legislation
- Better rehabilitation facilities

Preventive measures.

Peter Lejins has classified 3 preventive measures:

1. Punitive measures
2. Corrective measures
3. Mechanical measures

Some other Preventing Measures

- Family Counseling
- Parenting Education
- Family planning education
- Individual Counseling

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III. THE CLAIM OF JUVENILITY

The very first and most debatable question among the legal fraternity and socialists is the "claim of juvenility". The claim of Juvenility is to be decided by Juvenile Justice Board. The Board has to decide the claim of juvenility before the court proceedings but the claim of juvenility can be raised before the court at any stage of proceedings and even after the disposal of the matter by the Board. The Board had to consider **Rule 12 of the Juvenile Justice Rules, 2007** in order to determine the claim of juvenility. In case of *KulaiIbrahim v. State of Coimbatore* it was observed by the Court that accused has right to raise the question of juvenility at any point of time during trial or even after the disposal of the case under the Section 9 of Juvenile Justice Act, 2015.

In case of *Deoki Nandan Dayma v. State of Uttar Pradesh* the court held that entry in the register of school mentioning the date of birth of student is admissible evidence in determining the age of juvenile or to show that whether the accused is juvenile or child.

Again in the case of *Satbir Singh & others v. State of Haryana*, Supreme Court again reiterated that for the purpose of determination whether accused is juvenile or not, the date of birth which is recorded in the school records shall be taken into consideration by Juvenile Justice Board.

In case of *Krishna Bhagwan v. State of Bihar* the court stated that for the purpose of trial under Juvenile Justice Board, the relevant date for the considering the age of juvenile should be on which the offence has been committed.

But later in case of *Arnit Das v. State of Bihar*, the Supreme Court overruled its previous decision and held that date to decide in claim of juvenility should be the date on which the accused is brought before the competent authority.

Role of society and parents

Juvenile Delinquency is a serious threat for our society and our future as a nation. We cannot really blame any single person or authority for this problem. Parents, schools, society, local and federal government agencies are all somewhat responsible for youth crimes. So, instead of simply passing the buck, it's better to accept the responsibility and collaborate on fighting the problem. We've got a few pointers on how to prevent juvenile delinquency, in case you plan on combating it as a parent and as a society.

Role of Society

Stand against Youth Violence

According to recent research studies, youth violence is one of the several causes of juvenile delinquency crimes. Teens who experience violence at a young age at home, in school, or any other place are more likely to commit a crime to take revenge or escape trouble. Every individual in the society should join hands to address, confront and counter youth violence. Start with your own house. If you or anyone in your family is involved in youth violence, then it's time to stop it immediately. Also, look at your surroundings. The evil needs to be condemned before it eats the roots of our society.

Think beyond Social, Ethnic and Class Differences

There is a strong connection between youth crimes and social, ethnic and class differences. These are the differences that make teens feel inferior. They are unable to enjoy the trust, feeling of belongingness and empathy from society. The feeling that they are being rejected by a specific social group or class stirs rebellion in them. Frustrated over being rejected, they decide to teach everyone a lesson by going against the rules and breaking the laws. As parents and society, you need to be careful not to push teens down this path of destruction. Appreciate them for what they are, celebrate their difference, and accept their uniqueness. Refrain from being judgmental as it can never lead to anything good.

Role of Parents

Spend Quality Time with Teens

In many cases, teens are involved in criminal acts simply to gain attention which they failed to get from their family, especially their parents. They crave for their existence to be acknowledged. It's extremely important that you take out time to sit down and have a conversation with your youngsters every day. Give them the attention they desire so that they don't feel the need to go searching for it elsewhere.

Provide Guidance and Supervision

Increase in height or shoe size does not mean that teens are mature enough to deal with everything themselves. They still need your supervision and guidance at every step. Parents must always remain on a lookout for signs of stress and trouble in their youngsters' life. Guide them when they do something wrong. Behavior like stealing, bullying etc. should be taken seriously as they can lead to serious crimes. Keep an eye on teens' behavior with others. Also, be sure to remain in touch with his teachers so that you remain informed of how they behave in school.

Role of Child Welfare Committee (CWC).

This committee looks after the development and welfare of children. This is a kind of Quasi-Judicial authority which comes as a part of every state according to the provision of the Juvenile Justice Act. This committee deals with such children who are in special need of care and protection.

According to the J.J. Act the children in need of care and protection (CNCP) are those children who are aged below 18 years and such children who are in the vulnerable condition or difficult circumstances, those who don't have any kind of family support and to look after. These types of children come under the criteria of CNCP. According to the above given condition such type of children need special care and protection as they are more prone to be potential offenders according to a general study, so it is the duty of CWC to look after these children keenly.

For example: Such children who live on the footpaths and are prone to begging. Such children who work in hazardous conditions such children who are sexually abused. Such children who are terminally ill and have no one to look after them. Such children who are the victims of drug abuse and illegal trafficking as well. Such children who ran away from their own homes. Such children who are the victim of a civil conflict or a natural calamity.

The above given examples strictly come under the category of CNCP, which is listed in Section 2(14) of the J.J. Act. Thus, these are those kinds of children who need care and protection and are a responsibility of that particular state government.

If we look into the procedure of producing such children in front of the CWC, it says that anyone can produce such children in front of the Child Welfare committee. May it be a police officer, public servant, social worker, welfare officer anyone can produce the child or child itself can produce itself in front of the CWC.

Further, the CWC orders for the necessary enquiry of the child which is the first essential step

towards the Child Care and Protection. Post enquiry, the CWC looks after the proper care, protection, medical treatment, education, development and rehabilitation and issues directions regarding the same. CWC also has the Suo Moto Cognizance if there is any pending case against any child. Basically, CWC is a bench which has been provided with the powers of the metropolitan magistrates as well. The bench consists of a chair person and 4 members amongst which 2 members must be women.

As we can see that the cases related to the CNCP are produced in the CWC where as the cases related to child in conflict of law (CLC) are produced in the Juvenile Justice Board. The exception to this point is the children above the age of 16 years and have committed a heinous crime. These types of children can be tried as adults and therefore can not be produced in the CWC.

Child care institutions.

These types of institutions can be a government run institute or an NGO based institute as well. The institute where the CNCP's or the CCI's are living, such child care institution has to compulsorily register itself under the Section 41 of the J.J. Act.

The Section 2(21) of J.J. Act defines the Child Care Institute (CCI).

As the name suggests that CCI is such type of institution which provides the care and protection to child who is in grave need of the same.

According to the definition 7 types of CCI's have been listed.

- Children Home
- Open Shelter
- Observation Home
- Special Home
- Place of Safety
- Specialized Adoption Agency
- Fit Facility

To understand more we may divide the list in 2 categories.

- Such institutions who are working for the CNCP's
 1. Children Home
 2. Specialized Adoption Agency

3. Open Shelter and
 4. Fit Facility
- Such institutions who are working for the CCL's
 1. Observation Home
 2. Special Home
 3. Place of Safety and
 4. Fit Facility

As Fit Facility comes under both the categories lets look after the same.

Fit Facility is such an institute which takes the temporary responsibility of a child. The child here is kept for a specific time period only for a specific purpose. If any institutions want to get a recognition as a 'Fit Facility' it may apply for form 38 of the J.J. Model Rules of 2016 and according to form 39 of the same, the recognition certificate will be issued.

A child may be sent to a Fit Facility by the orders of J.J. Board, CWC or the General Court also. An example of a Fit Facility is an organization which runs a school and a hostel for blind children.

Similarly, a Drug De-Addiction Centre can also come under Fit Facility as the purpose here is to convert the child who is a drug addict to a Normal Child/ Non- Addict Child.

- CCI's and CNCP's under the purview of CWC's.

Looking towards the concept of Children Home.

It is such kind of institution which provides a residential stay to a child. It may be long term or short term as well. The rehabilitation stay in the Children Home is through the orders of CWC's

In case of Specialized Adoption Agency, it is an institution where the orphans, abandoned or the surrendered category of children are meant to live, so that they may be further given for adoption. The children here are kept through the orders of CWC's. For this purpose, the state government provides the recognition.

If any, CCI intends to recognize itself as a specialized Adoption Agency, then it may apply under schedule 26 of Adoption Regulations 2017.

Open Shelter is such an institute which provides Shelter/ residence to the Children who live on the footpaths.

- CCI's and CCL's under the purview of Juvenile Justice Board and Children

Courts.

A child in conflict with law can have following kinds of stays in a CCI:

- Overnight Protective Stay
- Protective Custody
- Rehabilitation Stay

Overnight Protective Stay: According to the name states the shelter just for night. For such purpose, there should be a separate dormitory or a separate room present in the CCI.

Protective Custody: It states that the child has allegations against him and the enquiry is going on, but the child is not proven guilty yet. In order to provide proper Shelter to such kind of Child, he/she is sent here according to the orders. This is also called as Observation Home.

Rehabilitation Stay: In case of Rehabilitation Homes, the child had several allegations against him, the inquiry has been submitted and the child is also proving guilty then such child is sent to Rehabilitation Home on orders by the Court. This is also called as Special Home/ Reform Home.

Theories that explain Juvenile Delinquency.

Theories that perhaps explain Juvenile Delinquency at the best are:

- Social Control Theory.
- Labelling Theory.
- Social Learning Theory.

Before getting into the theories there are some necessary statement which need to be analyzed.

- Juveniles continue to commit crimes once labelled a 'Criminal'
- Weak bonds with families lead to increased chances of becoming deviant.

Social Control Theory.

This theory was developed by Travis Hirschi in the late 1960s. He asked people, why they choose to follow the law and instead why they break it.

Hirschi Stated that

Stronger Social Bounds -----→ No Juvenile Delinquency

Weak Social Bounds -----→ Juvenile Delinquency

According to Hirschi, a bond consists of 4 different elements.

- Attachment
- Commitment
- Involvement
- Belief

Attachment is the bond that is created between the child and others in the society. Society here includes their peers, parents and teachers. If a child is more capable of sharing and communicating with these people, here he is less likely to commit delinquent acts.

Commitment is described as the desire to achieve the goals towards the society. Commitment to long-term goals is important as it keeps the child on track and is less likely to become deviant. Long term goals include finishing school, getting a highly paid job, marriage and family settlement of life. In case a child is more prone towards participating in criminal activities then we may say that there is major lack of commitment as the long-term goals here are neglected.

Involvement relates to the activity levels of a child. These activities can include extra-curricular programs at school, volunteer work and some other social help. Hirschi said that children who have involvement in such extra-curricular activities do not have time to think about such delinquent activities as they are very much involved and don't even have the time to go towards delinquency.

Beliefs are the child's core values. Hirschi's states that delinquency is not caused by a belief in delinquency and subculture but it is caused by lack of belief in basic norms of society. The child rejects what is normal and acceptable in society and thus turns to delinquency.

These are the 4 types of bonds defined by Hirschi. Whenever these bonds are violated or broken then delinquency arises.

Labelling theory – labelling theory is a process of attaching labels to a person which they have not chosen. These labels come with traits and generalization about the individual. A label becomes a part of person's identity and becomes hard to change. Labelling theory acts as a self-fulfilling prophecy. Self-fulfilling prophecies are those that often come true because we may act as though they are already true or are strongly expecting the prophecy to come true. Some of the labels that could be related to juvenile delinquency are 'Thug', 'Criminal', 'Gangster', 'Troublemaker', 'Delinquent'. These kinds of labels will increase the likelihood that an individual will continue to commit crimes.

The Social Learning Theory is sought to be a general theory to explain crime because it explains

why people do and do not commit crimes. The likelihood of whether someone will commit crime increases when they associate with others who commit crime and see the crime favorably.

The Social Learning Theory has 4 basic concepts:

- Differential association.
- Definitions
- Differential reinforcement
- Imitation

Differential association refers to the social interactions between those close to the child, such as family, neighbors and teachers as well as the child's interaction with media such as the internet and social media websites.

Having friends who are involved in extra- curricular activities programs or sports activities can be a positive influence where as having friends who are involved in criminal activities such as drugs, theft play a major role in a child becoming delinquent.

The livelihood of a child mimicking this kind of behavior is moreover based on 4 factors:

- Frequency
- Duration
- Priority
- Integrity

The greater the amount of time and the percentage of all time spent with negative influences, the greater the influenced behavior on the child.

The next component here is definitions. The definition here means the child's own beliefs and attitudes towards certain behaviors. When a child disapproves strongly of a certain act they're less likely to engage in that particular act.

The Differential Reinforcement is the cost benefit calculation that is done to determine the rewards or punishment that will come above from a certain action.

Obviously, people are much more likely to engage in behaviors that have high rewards. Some of these rewards. Some of these rewards can include monetary gains, increase in social status or excitement gain from the act.

The Imitation is the mimicking behavior that was observed. Individuals may fall into

delinquency by watching another break law and see the positive reinforcement such as monetary gain.

Imitation can be directly observed through media through the actual commission of criminal acts are far more complex.

These 4 concepts seek to conceptually explain how behaviors learned and how juveniles may seek out the positive reinforcements of committing certain acts of crime.

Some policy recommendations to prevent Juvenile Delinquency relate to keeping children busy at the peak hours of crime which are after school cities can provide more activities for juveniles to participate in. These can include more varied extra-curricular activities for schools, youth programs at parks, pools and other types of entertainment.

Keeping children busy would give them less time to engage themselves in the Juvenile Delinquency.

The causes of Juvenile Delinquency are varied ranging from psychological stress to weak bonds with their communities and family. They may fall into delinquency through the influence of their peers and may continue into delinquency once are officially labelled as delinquent/criminal by the society. Many of the causes of the Juvenile Delinquency can be explained by the Social Control Theory, Labelling Theory and Social Learning Theory.

IV. THE VITAL LINK BETWEEN CRIMINALITY AND SUBSTANCE ABUSE

There is an intimate relationship between drugs and criminal behavior. The drug–violence relationship is further complicated by intoxicating doses and/or withdrawal effects of specific drugs. Understanding this relationship is important for both healthcare workers and policy makers.

The study was conducted in Prayas observation home for boys, a short stay home for juveniles-under-enquiry in New Delhi. The present study aims to correlate substance use and criminal behavior by investigating the sociodemographic characteristics and the current trend of substance use among juveniles in New Delhi. In this study, 487 detained juveniles aged between 8 and 18 years were included. The information was obtained by face-to-face semi-structured interviews and juvenile case records maintained by the juvenile home.

Out of 487 juveniles-under-enquiry booked under different crimes, 86.44% of the sample had a history of substance use. Consumption of tobacco and cannabis were higher when compared to other drugs. Consumption of psychotropic drugs though relatively lesser was related with more serious crimes. There is an increasing trend in serious crimes such as rape,

murder/attempt to murder, and burglary committed by juveniles. Drug-crime correlation has been noted among consumption of cannabis with murder, inhalants with rape and opioids with snatching-related crimes.

Substance use and criminal behavior are clearly interrelated. Greater the involvement in substance abuse, more severe is the violence and criminality. This paper highlights this complex relationship and suggests possible scope of interventions.

Youngsters addicted to tobacco, drugs and alcohol are more likely to commit violent crimes such as rape and murder, a medical study has found, underscoring a major concern in a country with likely the highest number of street children in the world.

The report submitted to the ministries of health as well as social justice and empowerment found that the greater the involvement in substance abuse, more severe is the violence and criminality.

Doctors have noted a growing trend of juveniles committing serious crimes such as rape, murder, attempt to murder and burglary. As there was no reliable data associating substance use and criminality among children in Delhi, the experts decided to do a research study.

IHABS REPORT

The review was conducted by the city's Institute of Human Behaviour and Allied Sciences (IHBAS), department of psychiatry at Dr Ram Manohar Lohia Hospital and Pushpawati Singhanian Research Institute on over 500 inmates at the Prayas observation home for boys.

"Out of the total juveniles under-enquiry booked under different crimes, over 87 per cent had a history of substance use," said Shridhar Sharma, member, managing committee of Prayas. "Consumption of tobacco and cannabis were higher when compared to other drugs. Consumption of psychotropic drugs though relatively lesser was related with more serious crimes."

Sharma, also a former top official in the union health ministry, said a drug-crime correlation was noted among consumption of cannabis with murder, inhalants with rape and opioids with snatching related offences.

DRUG ABUSE LINKED TO VIOLENT CRIMES

Use of solvents or inhalants such as typewriter thinners and whiteners were reported to be high among the juveniles convicted of rape when compared to other crimes.

Similarly, cannabis intake was rampant among those held guilty for murder. Also, consumption of opioids and heroin was higher in convicts of mugging and snatching-related crimes.

However, intake of psychotropic drugs was common only with crimes of more serious nature such as murder, rape, snatching, and burglary.

LARGEST NUMBER OF STREET KIDS

According to the UNICEF estimates, at least 100 million children live in the streets across the world, with indications that the largest number of them are in India. These children can be seen selling trinkets, picking rags, polishing shoes, working in vehicle repair shops, or serving food in roadside restaurants.

The national Capital alone has approximately one lakh street children, and substance abuse is reported as a major health problem in this segment of the population.

93 PER CENT STREET CHILDREN CONSUMED DRUGS

A study by the Delhi Commission for Protection of Child Rights on substance abuse by kids showed last year that 100 per cent of the children in conflict with the law were drug abusers, while 95.5 per cent of them staying in child care institutions were on drugs and 93 per cent of street children consumed narcotics. The study also said 88 per cent of the children consumed drugs due to "peer pressure".

The increasing use of pharmaceutical drugs for addiction prompted the government to separately tackle the menace of alcoholism and medicine abuse. The Ministry of Social Justice and Empowerment two year ago came up with guidelines called the National Policy for Drug Demand Reduction (NPDDR), 2014, to independently address the two challenges.

As there is no ban on the sale and purchase of alcohol, except in states where there is clear prohibition, the Centre has formulated separate policies on drug and alcohol abuse.

Much required improvisation in Rehabilitation Homes in India.

Whenever a child is caught doing drugs or consuming alcohol in our country, the most common step taken by the parents here is to provide them with counselling or the immediate next step is approaching the rehabilitation homes/centers.

Currently the condition of these rehabilitation homes in India is not that favorable to the addicts in India as they are in developed foreign countries.

Usually, according to a study it is found out that these people who run the rehabilitation other than the governmental institutes, are themselves past drug addicts or alcohol addicts. So, here a lack of experience has been found out as they are not enough qualified to run a rehabilitation home.

Hence, it is sometimes found that these centers have unnecessarily strict policies as they are not well qualified in this field and they also lack knowledge of how to handle such kind of addicts.

Further the children here face a very harsh level of treatment, same as if they are criminals in jail. Due to this ill-treatment the mental condition of such children becomes highly unstable which is not at all beneficial. The drug addicts here are also unnecessarily separated and isolated sometimes, and they are also not allowed to communicate even with their parents for a certain period of time.

Due to this, they may get frightened and depressed as well which again doesn't satisfy the motive here. Due to these unnecessary restrictions the addicts may stop committing the drugs or alcohol, but this may be temporary. They again start doing drugs after 2-3 months of time. This all is the result of poor rehabilitation homes in our country as they fail to serve the purpose due to poor knowledge of the same.

Moreover, once the child is back from the rehab center, he is violent already, as he was denied a quality treatment in the rehab. Further, this also becomes a major issue to tackle.

The main purpose of the rehabilitation homes should be to stop the children from consuming drugs further and that too with proper treatment. But as we can see that this is not working up to the mark.

In worst case scenarios it also found that children continue to do drugs in the rehabilitation homes itself, due to lack of proper attention given to them and due to very casual approach of the management towards the children there at the rehab.

As we all know that there is a direct and a strong connection of drugs and Juvenile Delinquency. So, the role of the rehabilitation homes come into play here. If the rehabs work systematically and effectively then only it will help to curb the Juvenile Delinquency or else it will be in vain.

Some of the major improvements necessary in the Rehabilitation Homes of our country are –

Missing Work and Loss of Income

When you attend inpatient care, you aren't able to leave to go to work. Luckily, though, there are also intensive outpatient programs available. These don't completely remove you from your daily life and source of income.

Separation from Family and Friends

One of the hardest things about inpatient rehabilitation is the patients aren't able to have the same kind of contact with their family or their friends. While families are able to visit at the rehab centers, it can still feel difficult to miss important events in your children's or spouses' lives.

Inpatient Care Has a Higher Cost than Outpatient Care

Are you weighing the differences between inpatient care and outpatient care? One of the noticeable differences is the cost. As you might expect, inpatient care is more expensive than outpatient care.

Depending on your insurance provider and plan, however, it's possible that the costs of rehabilitation could be significantly reduced.

Limited Contact with the Outside World and Freedom

Being in a rehabilitation program means that you don't have full control over what you do for a period of time. This can be a difficult adjustment for people, but it's important to understand that this is a necessary part of treatment and not a punishment.

It's common for people suffering from addiction to have certain people or activities that trigger their desire to use their substance of choice. This is why completely removing them from their daily lives is sometimes the best option for recovery.

Can House Arrest be an alternative for Rehabilitation Homes/Centres ?

What is House Arrest ?

House arrest meaning (additionally called home confinement, home detention, or, in modern times, electronic monitoring) is a measure by which a man is bound by the authorities to their house. Just those with a house are permitted to be condemned to arrest in their residence. Travel is generally limited, whenever permitted by any means. House arrest is an option to being in jail while pre-trial or sentenced.

It is utilized by criminal justice frameworks around the globe and frequently involves various requirements. There are a few types of house arrest, which depend upon the seriousness of the necessities and of the court orders.

While house arrest can be connected to criminal cases when jail time does not appear a suitable measure, the term is frequently connected to the utilization of house confinement as a mean of suppression by authoritarian governments against political dissenters. All things considered, commonly, the individual under house arrest does not have permission to have any means of communication. If at all any electronic communication is permitted, it will be checked. With

some electronic monitoring units, the conversations of detainees can be specifically checked by means of the unit itself.

House Arrest is a concept which includes home confinement or detention and in modern time is also called as electronic monitoring. It is a measure by which a mass is bound by the authorities to their house.

According to the U.S Penal code the electronic monitoring can be the lightest punishment given to an offender as one may be landed a stint at home as opposed to a long stay in Jail or Prison.

The regulations for home confinement can vary from state to state but generally the individuals who are considered of a non- violent or a non- threat to the society may be eligible for the house arrest.

Though house arrest is no where a part of Indian Judicial System, it has also been not mentioned is any of the legislatures of India. Neither it is a part of CRPC nor the IPC.

According to the U.S. Penal Code vandalizing a public statue could earn you a hefty fine and mostly with the home confinement but if you commit multiple murders or much graver offence then you're surely not eligible for the name confinement. The indictment must be for a misdemeanor and not for felony. Even if a person is eligible for one day of jail, then he may be given a chance to complete the sentence under house arrest, but if someone is sentenced to 20 years of jail then its for granted that he may have been committed the felony and hence not eligible for house arrest.

If we look at the procedure followed if someone is punished with a house arrest. It says that you have to pay the some or all of the cost of monitoring yourself as there are CCTV connections a live GPS tracker and many more. According to the U.S. government house arrest is also cheaper, as compared to the normal arrest or custody.

Here the offender is given a GPS tracker which has to be wore around the ankle which helps monitoring done by the Jail Authorities.

If we look at the Indian scenario for the house arrest it will be highly beneficial by all means. The ones who are non- violent should be considered to complete the sentence through the way of home detainment.

As we have also seen that there are certain drawbacks of the rehabilitation centers. So, for such kind of addicts who are of non-violent nature and are not a threat to the society they should be considered for house arrest.

If house arrest is legalized in India, the major problem of the rehabilitation homes being

very strict will be solved with an ease. The offenders if considered for house arrest in India will also reduce the cost of maintenance which is needed if the same offenders are placed in the rehabilitation homes. So, considering above all factors, according to me house arrest should be legalized in India as it is also being practiced in the foreign nations and is beneficial by all means. So, I think that house arrest can be a better alternative for the rehabilitation homes in the case of Non- Violent drug addicts and thus should be implemented in our country as soon as possible.

Advantages of the House arrest is that of access to medical treatment -

The arrestee may need to endure the cost of the confinement as he or she would have borne if he had not been arrested. The state may not manage the expense. The expense of the detainment is likewise subjected to the condition that might be enforced by the Court.

Recently, in India five human rights activists have been set under house arrest for supposed connects to Maoist agitators, drawing allegations the Narendra Modi government is moving to silence critics in the run-up to the 2019 national elections.

The five were arrested in simultaneous raids across India as part of an investigation concerning a march in December by Dalit groups that was assaulted by right-wing Hindu activists and spread to full-blown riots that affected and shut down parts of Mumbai.

The arrests started protests in Delhi and Mumbai and were denounced by eminent scholars and activists.

The Supreme court directed the group to be released from police authority and into house arrest until the point that the police could introduce evidence.

Vrinda Grover, the lawyer representing the human rights activists group in the Supreme court, said the order to put them under house arrest demonstrated the court perceived “the larger issue at risk here, which is the threat to fundamental freedoms”.

Hearing the case on August 29, the court had said that “dissent is the safety valve of democracy.”

These are respectable people leading peaceful lives. They have no criminal records. They are arrested from their house.

This will have a larger chilling effect on dissent. The issue involves their valuable rights of liberty, life, and freedom of speech and expression and everyone’s fundamental rights are at stake. The Court must uphold the fundamental rights as democracy is based on the freedoms of the people.

V. CONCLUSION

Juvenile delinquency is one of the most serious problems within society, which is a byproduct of modern urbanization and industrialization. This issue requires a great amount of attention because it involves various causes and effects. Family influences such as broken homes, malnutrition of parenting, economic instability, drug and alcohol abuse or domestic violence are all causes that may lead to juvenile delinquency. Other social influences such as school, peer pressure or neighborhood influences are also main causes of such issues.

The increasing rates of juvenile crime in India is a very concerning issue and needs to be focused upon. Although government has laid various legislation and rules to stop the incidents of juvenile crimes but the present laws on juveniles is not creating a deterrent effect on the juveniles and thus the results are not fruitful and legislative intent is not accomplishing.

For curbing this issue of Juvenile Delinquency everyone has their own role to perform as discussed in the above paper, the society has a different role to perform, the parents have a different role to perform, the rehabilitation homes have been assigned with a different role, etc. If these all factors work accordingly then within a very less period of time this real life problem will be solved with an ease.

The concept of home detention should also be looked upon in order to make it work in our country as it has the benefits of its own and several foreign countries have already implemented it.
