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Rehabilitation or Reality? An Empirical Study of Juvenile Justice in India

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Introduction: Juvenile delinquency has emerged as one of the most debated issues within contemporary criminology and criminal justice administration¹. The increasing involvement of children in crimes such as theft, assault, drug-related offences, cybercrime, and violent offences has raised concerns regarding the effectiveness of juvenile justice institutions in India².

The philosophical foundation of juvenile justice rests upon the belief that children possess greater capacity for behavioural change and social reintegration³. Consequently, juvenile justice laws across the world focus on counselling, education, psychological support, vocational training, and social rehabilitation⁴. India adopted this welfare-oriented approach

¹ J.J. Pankal, "An Agenda for Criminology," (1973) 1(1) *Indian Journal of Criminology* 1.

² Government of India, *Crime in India Report 2022* (NCRB, 2022).

³ G.B. Vold, T.J. Bernard & J.B. Snipes, *Theoretical Criminology* (Oxford University Press, 5th ed., 2002).

⁴ K.L. Bhatia, *Juvenile Justice System in India* (EBC, 2019).

through various legislations culminating in the Juvenile Justice (Care and Protection of Children) Act, 2015⁵.

However, despite progressive legislative frameworks, serious concerns continue to exist regarding the actual functioning of juvenile justice institutions. Observation homes and special homes frequently suffer from overcrowding, inadequate infrastructure, lack of trained staff, poor mental healthcare support, and insufficient rehabilitation programmes⁶.

Research Objectives: The research objectives of this study are as:

1. To examine the reformatory philosophy underlying juvenile justice administration in India.
2. To analyse the institutional functioning of juvenile homes and rehabilitation mechanisms.
3. To evaluate practical challenges affecting implementation of juvenile justice laws.
4. To study perceptions of stakeholders regarding rehabilitation and reintegration.
5. To suggest reforms for strengthening juvenile justice administration.

Research Questions: The research questions are as:

1. To what extent does juvenile justice administration in India reflect reformatory principles?
2. What are the major institutional challenges faced by juvenile justice institutions?
3. Does the existing system adequately rehabilitate children in conflict with law?
4. What reforms are necessary for effective juvenile rehabilitation?

⁵ Juvenile Justice (Care and Protection of Children) Act, 2015.

⁶ Government of India, *Crime in India Report 2022* (NCRB, 2022).

Research Methodology: For this study, the researcher adopted doctrinal and empirical methodologies. For doctrinal study, statutes, judicial decisions, academic literature, committee reports, NCRB reports, and international instruments relating to juvenile justice were analysed. For this study, the researcher has collected the qualitative responses from stakeholders associated with juvenile justice administration including:

Table 1: Responses from Stakeholders

Category	Number of Respondents
Juveniles in Observation Homes	40
Probation Officers	15
Advocates	10
Social Workers	10
Total	75

The researcher has used the purposive sampling to have better understanding of institutional realities and practical challenges within juvenile justice administration.

Conceptual Framework of Reformatory Theory: Reformatory theory is one of the most significant theories of punishment within criminology. Unlike retributive approaches which focus on punishment, reformatory theory seeks behavioral transformation of offenders⁷.

The theory is based upon the assumption that criminal behaviour may emerge due to social circumstances, poverty, neglect, peer influence, psychological trauma, or lack of opportunities⁸.

In relation to juveniles, reformatory theory assumes even greater significance because children possess immature

⁷ G.B. Vold et al., *Theoretical Criminology* (2002).

⁸ R.L. Akers, *Social Learning and Social Structure* (1998).

judgment and are highly susceptible to social influence⁹. Therefore, instead of imposing harsh punishment, juvenile justice systems focus upon rehabilitation through counselling, education, family support, vocational training, and psychological care¹⁰.

The Supreme Court of India has repeatedly emphasized that children should be treated differently from adult offenders¹¹.

Evolution of Juvenile Justice in India: The Apprentices Act, 1850 was among the earliest legislation's dealing with neglected children by providing vocational training¹².

The Reformatory Schools Act, 1897 focused upon separating juvenile offenders from adult prisoners and establishing reformatory schools¹³.

The Juvenile Justice Act, 1986 provided a uniform framework for juvenile justice throughout India¹⁴.

The Juvenile Justice (Care and Protection of Children) Act, 2000 aligned Indian law with the United Nations Convention on the Rights of the Child¹⁵.

The Juvenile Justice (Care and Protection of Children) Act, 2015 introduced significant reforms including provisions relating to heinous offences committed by juveniles aged between 16 and 18 years¹⁶.

⁹ K.L. Bhatia, *Juvenile Justice System in India* (2019).

¹⁰ Ibid.

¹¹ *Sheela Barse v. Union of India*, AIR 1986 SC 1773.

¹² Apprentices Act, 1850.

¹³ Reformatory Schools Act, 1897.

¹⁴ Juvenile Justice Act, 1986.

¹⁵ Juvenile Justice (Care and Protection of Children) Act, 2000.

¹⁶ Juvenile Justice (Care and Protection of Children) Act, 2015.

International Framework on Juvenile Justice: The United Nations Convention on the Rights of the Child emphasizes dignity, rehabilitation, and reintegration of children¹⁷.

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) stress diversion, rehabilitation, and non-custodial measures¹⁸.

The United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) focus upon prevention of juvenile delinquency through community participation and social development¹⁹.

Institutional Structure under the Juvenile Justice Act: Juvenile Justice Boards are responsible for inquiry and adjudication relating to children in conflict with law²⁰.

Child Welfare Committees address matters relating to children in need of care and protection²¹.

Observation homes provide temporary accommodation during inquiry proceedings, while Special Homes are designed for rehabilitation and long-term care²².

Empirical Analysis: The empirical component of the study reveals important institutional realities.

A. Age Distribution of Juvenile Respondents

Table 2: Age Distribution of Juvenile Respondents

Age Group	Number	Percentage
12–14 Years	8	20%
15–16 Years	18	45%

¹⁷ United Nations Convention on the Rights of the Child, 1989.

¹⁸ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), 1985.

¹⁹ United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), 1990.

²⁰ Juvenile Justice (Care and Protection of Children) Act, 2015, §§ 4–9.

²¹ Ibid., §§ 27–30.

²² Ibid., Chapters VII & VIII.

17–18 Years	14	35%
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Interpretation: Table 2 clearly shows that majority of the juveniles fall within the very crucial age group of adolescence, i.e.15–16 years.

Educational Background of Juveniles

Table 3: Educational Background of Juveniles

Educational Level	Number
Illiterate	7
Primary Education	15
Secondary Education	12
Higher Secondary	6

Interpretation: Table 3 clearly shows that educational deprivation is strongly associated with juvenile delinquency.

B. Nature of Offenses

Table 4: Nature of Offenses

Offence Category	Percentage
Theft and Property Offences	38%
Assault and Violent Offences	25%
Drug-Related Offences	15%
Cyber Offences	8%
Others	14%

Interpretation: Table 4 clearly shows that majority of the juveniles are involved in the property related offenses. Then comes involvement in assault and violent offenses.

Major Institutional Challenges: The major institutional challenges are:

1. Overcrowding: Overcrowding within the observation homes is the major challenge which further leads to imperfect living conditions which has bad impact on their mental health and rehabilitation.

2. Lack of Psychological Counselling: The very important aspect which is generally ignored in most of the institutions is the regular psychological counselling of juveniles.

3. Delay in Inquiry Proceedings: Another major challenge is the delay in disposal of cases which negatively affects rehabilitation.

4. Inadequate Vocational Training: Another hurdle in reintegration and rehabilitation of juveniles is the lack of meaningful vocational programmes.

5. Stigmatization and Social Exclusion: Recidivism is another challenge because these juveniles face social rejection after release from institutions.,

Stakeholder Responses: The stakeholders held following as the major hurdles in reintegration and rehabilitation of juveniles:

1. Responses from Probation Officers: As per the probation officers excessive workload but shortage of staff is the major problem.

2. Responses from Social Workers: There should be community-based rehabilitation rather than institutional dependence

6. Responses from Juveniles: Many juveniles want to have regular educational facilities and want to live with their families rather than in inadequate environment in these institutional confinement.

Judicial Approach towards Juvenile Justice: In *Sheela Barse v. Union of India*, the Supreme Court emphasized humane treatment of children in custody²³. In *Pratap Singh v. State of Jharkhand*, the Court clarified interpretation relating to juvenility under juvenile justice legislation²⁴. Public reaction after the Delhi gang rape case of 2012 significantly influenced

²³ Supranote 12.

²⁴ *Pratap Singh v. State of Jharkhand*, (2005) 3 SCC 551.

legislative reforms introducing preliminary assessment for heinous offences²⁵.

Tension Between Reformative and Punitive Approaches:

The increasing involvement of juveniles in serious crimes has generated public pressure for stricter punishment. Critics argue that excessive leniency may encourage criminal behaviour, while child-rights advocates emphasize rehabilitation and reintegration²⁶. The Juvenile Justice Act, 2015 attempts to strike a balance by permitting transfer of certain juveniles involved in heinous offences for trial as adults after preliminary assessment²⁷.

Criminological Perspectives on Juvenile Delinquency:

According to Edwin Sutherland, criminal behaviour is learned through interaction with delinquent peers²⁸. Robert Merton's Strain Theory suggests that socio-economic inequality and blocked opportunities contribute to deviant behaviour²⁹. Labelling Theory argues that social stigmatization may reinforce criminal identity among juveniles³⁰. Social Disorganization Theory links weak family structures, poverty, and unstable neighbourhoods with increased delinquency³¹.

Findings of the Study: The findings of the study clearly shows that:

1. A substantial gap between reformative ideals and institutional realities still exist.

²⁵ Juvenile Justice (Care and Protection of Children) Act, 2015.

²⁶ K.L. Bhatia, *Juvenile Justice System in India* (2019).

²⁷ Juvenile Justice (Care and Protection of Children) Act, 2015, § 15.

²⁸ Edwin H. Sutherland, *Principles of Criminology* (J.B. Lippincott, 1947).

²⁹ Robert K. Merton, "Social Structure and Anomie," (1938) 3(5) *American Sociological Review* 672.

³⁰ Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance* (1963).

³¹ G.B. Vold et al., *Theoretical Criminology* (2002).

2. effective rehabilitation is affected due to overcrowding and shortage of trained personnel.
3. Educational deprivation and family instability significantly contribute to juvenile delinquency.
4. Psychological counselling facilities remain inadequate.
5. Social stigma adversely affects reintegration of juveniles.
6. Community-based rehabilitation mechanisms are underdeveloped.
7. Delays in inquiry proceedings undermine child welfare.

Suggestions and Recommendations: The researcher proposes following recommendations:

1. There is need to strengthen rehabilitation infrastructure.
2. Probation officers, police officials, and institutional staff require specialized child psychology training.
3. There is need to have community-based rehabilitation to reduce institutional dependence.
4. Professional psychologists and counselors must be appointed in juvenile institutions.
5. Meaningful vocational programmes can enhance employability and reduce recidivism.
6. Need to have speedy disposal of cases where juveniles are involved.
7. Parental counselling programmes should be institutionalized.

Conclusion: Reformatory philosophy and child welfare principles are the main pillars of the juvenile justice system in India. And it is clear from the legislative developments and judicial interpretations from time to time that India work on the principle of rehabilitation rather than retribution. However, ironically, even after theoretically strong, the Indian legal system have structural deficiencies that undermine effective rehabilitation.

And it is clear from this study that overcrowding, lack of counselling, shortage of trained personnel, inadequate vocational opportunities, and social stigmatization continue are the major hurdles in reintegration of the juveniles. And, thus need is to strengthen juvenile justice system to be coordinated with such institutional mechanisms which involves families, schools, communities, social workers, psychologists, and legal authorities. Only then can India successfully bridge the gap between reformatory theory and institutional reality.