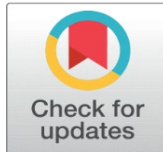
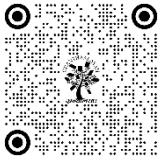


EVALUATING THE EFFECTIVENESS OF JUVENILE JUSTICE SYSTEMS: A COMPARATIVE ANALYSIS OF REHABILITATION VS. PUNITIVE APPROACHES IN INDIA

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DOI

[10.29121/shodhkosh.v5.i2.2024.5651](https://doi.org/10.29121/shodhkosh.v5.i2.2024.5651)

Funding: This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

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ABSTRACT

Over the years, the Indian Juvenile Justice system has gone through significant changes, specifically after the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015. The research conducted in this research paper ("Paper") focuses on solving the problem statement and understanding the effectiveness of rehabilitation versus punitive approaches in addressing juvenile delinquency. Based on empirical data, legal framework, and institutional practices, this Paper explores how these approaches influence recidivism, reintegration, and long-term outcomes for juvenile offenders. The Paper concludes that while punitive measures may serve immediate deterrent purposes, rehabilitation offers more sustainable and humane outcomes, especially in a development context. As of today, this Paper utilizes contemporary data and scholars' research to analyse India's Juvenile Justice Systems, emphasizing the tension between rehabilitative and punitive approaches. It concludes with the policy recommendations to better align India's Juvenile Justice Systems efforts with global child rights standards and constitutional values.

Keywords: Juvenile Justice, Rehabilitation, Punitive Approaches, Recidivism, India, Juvenile Delinquency, Juvenile Justice Board, Child Care Institutions, Cognitive Behavioral Therapy, Restorative Justice, Act 2015, Child Rights, Legal Reform

1. INTRODUCTION

The dilemma around rehabilitation vs punitive measures in the criminal justice system has been a long-standing subject of debate throughout the world. The policymakers and scholars on the increasing public demand for safety and justice have questioned which approach is more effective in not just preventing crime but also facilitating offender reintegration into society while ensuring societal safety. Rehabilitation involves various interventions like therapeutic counseling, vocational training, and community support. This approach aims to equip individuals with the tools that are needed to provide them with a law-abiding and productive life. It emphasizes reforming and reintegrating offenders by addressing root causes such as poverty, addiction, and lack of education.

In 2022 itself, the nationwide number of cases in which juveniles have been apprehended is recorded as over 30,555, which is a 30.0% decrease from 2013, when the total was 43,506. The cases including individuals aged between 16 to 18 are more than 68.0%. This constant trend has been a topic of debate between rehabilitation and punitive justice, especially for cases involving serious crimes. The Juvenile Justice (Care and Protection of Children) Act, 2015 ("2015 ACT"), introduces a dual track system, which involves conducting adult trials for those individuals involved in heinous crimes and a rehabilitation method for other juveniles. This Paper investigates the effectiveness of the above outline

How to cite this article (APA): Joshi, V. (2024). Evaluating the Effectiveness of Juvenile Justice Systems: A Comparative Analysis of Rehabilitation vs. Punitive Approaches in India. *ShodhKosh: Journal of Visual and Performing Arts*, 5(2), 1345–1350. doi: 10.29121/shodhkosh.v5.i2.2024.5651

approaches in not just reducing crime but also enabling reintegration with society, considering the social, psychological, and legal dimensions of juvenile delinquency.

The public perception around juvenile delinquency was significantly changed after the 2012 Delhi gang rape case. This led to an amendment in the Juvenile Justice Act, which allowed adult trials for juveniles aged between 16 to 18 in case of heinous crimes. This was a landmark change, which marked a shift in perceiving young offenders as misguided youth to putting accountability on them as individuals with adult-like culpability. This Paper examines the effectiveness of punitive vs restorative, reformatory measures in truly deterring the criminal psychology of the youth, providing them with rehabilitation, and the success in bringing lasting behavioral change.

2. LEGAL FRAMEWORK

The foundation of India's Juvenile Justice system was formed by the 2015 ACT. The act was introduced in response to the 2012 Delhi gang rape case, in which one of the accused involved was a juvenile. This act brought accountability for individuals involved in heinous crimes along with the protection of children, marking a philosophical shift. As per this law, any person who is under the age of 18 years is considered a juvenile. However, juveniles aged between 16 to 18 who are accused of a heinous crime, which are defined as those punishable with imprisonment of seven years or more, may warrant a trial like an adult after a preliminary assessment is done by the Juvenile Justice Board ("JJB").

The decision for the adult trial is made based on assessment of the mental and physical capacity, understanding the consequences, and the circumstances of the offence. The 2015 Act classifies children into two categories, children in conflict with law ("CCL", who are alleged or found to have committed an offence, children in need of care and protection ("CNCP"), includes orphans, abandoned children or those who are at a risk of neglect and abuse. The 2015 ACT includes the formation of various institutional and non-institutional cases, which include observation homes, children's homes, aftercare, and foster care, aiming to provide a shelter for rehabilitation to focus on education, vocational training, counselling, and restorative justice. The 2015 ACT emphasizes child-friendly procedures enforced through special juvenile police units and the child welfare committee.

The 2015 ACT also aligns with standards set by various international organizations such as the UN Convention on the Rights of the Child ("UNCRC") and the Beijing Rules. Ensuring dignity, privacy, and non-stigmatization for the juvenile.

3. LITERATURE REVIEW

Rehabilitation focuses on the reduction of recidivism by addressing the underlying causes, such as poverty, lack of education, and addiction, which cause criminal behavior. Scholars like Weisburd et al. (2017) highlight that rehabilitation should be integrated as a part of personal accountability and social reintegration, rather than just as a form of punishment; it should include proper educational, vocational, psychological, and therapeutic support to become a catalyst for behavioral transformation. In India, this idea remains difficult to achieve. Piquero & Steinberg (2010) and Shinnar & Shinnar (1975) raised the concern of the gap between policy and practice. Even though there are institutes that offer vocational programs like tailoring, carpentry, and painting. Limitation in infrastructure, staffing, and funding leads to friction in meaningful rehabilitation. Facilities are mostly overcrowded, which further strains the capacity for education and therapeutic services. Studies like Wheeler (2023) and the IJCLLR (2024) provide support confirming that individual therapy, family counselling, and skills-based training have a major and direct impact on reducing the rate of repeated offences in juveniles. There are various international studies that support this. Wilson et al. (2017) provide documentation that confirms the success of restorative practice in the U.S. These research emphasizes a hybrid model combining therapeutic interventions and structured accountability. Advocating the need for integrating global best practices with domestic child rights commitments.

4. JUVENILE CRIME STATISTICS (2023-2024)

In 2022 itself, the nationwide number of cases in which juveniles have been apprehended is recorded as over 30,555, which is a 30.0% decrease from 2013, when the total was 43,506. The cases including individuals aged between 16 to 18 are more than 68.0%. The table below shows the global snapshot of the juveniles imprisoned based on the latest available studies.

Table 1

Country	Youth Imprisoned (<18)	% of Total Prison Pop.	Remarks
United States	~2,250 (adult); ~27,600 (juvenile facilities)	<1% (adult stats)	Decline noted since 2000
Australia	~820	Separate from adult stats	Ages 10–17; hybrid model
South Africa	~920	~1.5%	Based on 2023 estimates
France	~700–750	~1.3%	Focus on education and prevention
Japan	35 (under 20)	~0.05%	Low incarceration rate, strong emphasis on reformation
India	~31,473 (2023 apprehensions)	~1.2% (est.)	High concentration among the 16–18 age group

India's Juvenile Justice infrastructure includes 815 JJBs and over 1,400 Child Care Institutions. While the institutional framework exists, there are still various challenges, such as underfunding, uneven implementation, and understaffing, that create friction in the existing framework.

5. REHABILITATION IN JUVENILE JUSTICE

The Indian Juvenile Justice system, when it comes to rehabilitation, has a core belief that juveniles are in their developmental stage, and they are more receptive to reform and reintegration. The 2015 ACT promotes a child-centric, rehabilitative approach over punitive justice. The 2015 ACT mandates respect for the rights that the juvenile has and provides them with an opportunity to seek reintegration into society through targeted individual care plans such as Cognitive Behavioral Therapy, which helps the youth to identify and shift the harmful thought pattern, the underlying cause of aggression or antisocial behavior. Vocational training and education support them to sustain a life with dignity and economic stability. Trades such as tailoring, IT literacy, carpentry, and hospitality enhance their chances of employment. A 2023 NIPCCD study reported a 60.0% reduction in recidivism among juveniles who had completed the vocational training program, which highlights its effectiveness. However, issues such as a shortage of trained professionals, weak infrastructure, and insufficient post-release mentoring are a few of the challenges towards long-term integration. Restorative justice practices through community mediation encourage a dialogue and accountability between the offender and the victim, which is generally coupled with family-based reintegration involving counseling, home visits that support and ensure a stable post-release environment for the juvenile.

The framework is made to ensure dignity, privacy, and non-stigmatization for the juvenile.

6. PUNITIVE MEASURES AND THEIR LIMITATIONS

Punitive measures in the Indian Juvenile Justice system are structured to serve deterrence, retribution, and public protection. It includes detention in various special homes, transferring to adult courts, and adult trials as per the 2015 ACT. The 2015 ACT allows juveniles who are aged between 16 to 18 to be tried as adults for heinous crimes based on assessment from JJB. However, this approach fails to understand the root cause behind the action, which is generally poverty, trauma, or poor upbringing. Juveniles are exposed to hardened criminals in adult facilities, which puts them at the risk of being influenced by them and might lead to increased psychological harm, stigma, and recidivism.

Empirical data shows that juveniles receiving punitive intervention reoffended at a much higher rate than those following a structured rehabilitation. Legal scholars have frequently criticized the limited access to age-appropriate legal services and vague transfer criteria.

7. FACTORS INFLUENCING EFFECTIVENESS IN IMPLEMENTATION OF REHABILITATION APPROACH

Despite a solid legal framework, there are various issues that create friction in the real-world implementation.

- **Nature of Offense:** Nature of the offence plays a very crucial role. Non-violent, and first-time offenders have shown to respond better to rehabilitation and are receptive to reform; however, violent or juvenile offenders who are repeat offenders require intensive and layered interventions.
- **Age and Maturity:** Through age-appropriate and trauma-informed approaches and the right support, younger juveniles are more likely to change since they are still in their adolescent developmental stage.
- **Institutional Capacity:** The effectiveness of rehabilitation programs is dependent on the availability of trained staff, access to counseling, robust infrastructure, and education. Institutions that are underfunded or overcrowded are not successful.
- **Public Sentiment and Media:** The narrative that the media creates around juvenile crime influences the opinion of the public and may push policymakers towards making harsher, punitive stances even when the evidence may support rehabilitation.

8. COMPARATIVE ANALYSIS: REHABILITATION VS. PUNISHMENT

The table below shows a comparison between rehabilitation and punitive approaches:

Table 2

Criteria	Rehabilitation	Punishment
Cost-effectiveness	Provides long-term savings which is due to reduced reoffending and better reintegration into society.	This is often a high-cost high costing perspective since there are extended detention and repeat offenses
Social Reintegration	Through structured behavior therapy and community services, this leads to high reintegration into families and communities.	Absence of any rehabilitation often results in stigma and social isolation of the juvenile.
	Access to therapy improves emotional regulation and coping with past trauma; this approach addresses the underlying issues that lead to the psychology behind a crime.	In a punitive approach, this is often overlooked, which leads to issues such as anxiety, PTSD, and depression
Public Perception	The perceptions are generally mixed, but in recent times, it has been improving due to success stories and a reduced crime rate.	In high-profile cases, the public perception is strong but may lack long-term societal benefit.

Various international studies were taken as a reference to understand the difference between the rehabilitation approach and the punitive approach on the recidivism rate. The results of the same are shown in the table below.

Table 3

Approach	Recidivism Rate	Key Insights
Punitive (e.g, incarceration)	~70.0% (within 3 years)	Due to a lack of support or therapy, the underlying issue is not cured, which leads to a very high rate of reoffending.
Rehabilitative (community-based)	~30.0–40.0%	In cases where family therapy, education, and vocational training are involved, it is shown that it has dramatically lowered the recidivism rate.
Residential rehabilitation (e.g, RNR model)	~17.0–35.0% Lower than punitive	Structured behavior programs have proven to provide consistent improvement.
Restorative justice and diversion	Significantly lower	This includes accountability and encourages reintegration; this approach is more effective than court or jail.
Exceptional models (e.g, wilderness therapy)	As low as 2.0%	Outlier case; may not scale easily.

9. CONCLUSION

India's Juvenile Justice system is currently standing at a very pivotal moment, where it calls for transformation. Even though in most of the extreme cases, punitive measures may be necessary, the Paper shows that a rehabilitation

approach addresses the underlying issues, since it is more grounded in psychology, restorative justice, and evidence-based practices, which align with the global juvenile rights standards set by the global organization. It creates meaningful opportunities for young offenders and allows them to reintegrate into society as responsible and productive citizens.

To actualize this vision, several key reforms are necessary. There is a need to scale the current infrastructure of the Child Care Institutions. There should be proper access to mental health services, and a trained, dedicated staff should be there. Community-based programs such as mentorship programs, foster care, and diversion that enable juveniles to remain connected to society should be encouraged. An equally important step is to establish a national recidivism database and ensure that it is properly updated.

CONFLICT OF INTERESTS

None.

ACKNOWLEDGMENTS

None.

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