

# Rehabilitation and Reintegration of Children in Conflict with Law in India

Meera R<sup>1</sup>, Sruthi M<sup>2</sup>, Amirtha A<sup>3</sup>

<sup>1,2,3</sup>Law Student, Saveetha School of Law, Saveetha Institute of Medical & Technical Sciences (SIMATS)

## Abstract

Children are the precious asset of our country and it is the responsibility of everyone to ensure that they have a safe environment to live in. But the last decade has seen a huge leap in the rate of Juvenile crime in a developing country like India. Today, Juvenile crime is like a disease to our society. Recent data from the NCRB has brought to light the alarming involvement of children in criminal activities, emphasizing the pressing need to focus on their rehabilitation and reintegration into society. The study, utilizing a mixed research methodology encompassing both qualitative and quantitative methods. Quantitative methods will be employed for descriptive statistical analysis, while qualitative methods will involve interpretative analysis. This study aims to identify the challenges, accomplishments, and gaps in current rehabilitation and reintegration practices & present actionable recommendations that can contribute to improving policy, practice, and overall outcomes for child offenders in India. It was found through the analysis that the several barriers to rehabilitation such as improper vocational training, post rehab support, overcrowding, recidivism, etc. has to be approached through more scientific and systematic development with increased participation of community stakeholders.

**Keywords:** Rehabilitation, Reintegration, Juvenile Delinquent, Children in Conflict with the Law

## INTRODUCTION

“Children who have been caught up in conflict need more than just protection; they need opportunities for rehabilitation and reintegration so they can reclaim their childhood and rebuild their futures”, says UNICEF. A country's future heavily relies on its children, who will shape its growth and success. In a nation like India, where children comprise about 40% of the population, their well-being, education, and moral upbringing are crucial for the country's future. Unfortunately, not every child is brought up in an environment that allows them to reach their full potential which may lead many to encounter legal issues early in life due to social, economic, and psychological factors. Social causes that push a child toward crime include broken families, peer pressure, lack of education, and exposure to violence. Economic challenges, such as poverty and unemployment, among others, aggravate the situation. Psychological factors also play a role that may turn children to delinquency due to insufficient emotional support, poor mental health, or maladaptive coping strategies for their problems. Some children end up being involved in criminal activities due to a lack of social support or trauma stemming from experiences of social exclusion.

Children are inherently selfless and free from crime; their environment instills criminal behavior in them. Consequently, in a developing country like India, juvenile crime has surged dramatically over the

past decade, resembling a widespread epidemic. The term "Juvenile" comes from the Latin word "Juvenis," meaning a young person. According to the Juvenile Justice Act, 2015, a juvenile or child is defined as someone who has not yet reached 18 years of age, although this age limit can vary across different countries. Juvenile crime, also referred to as juvenile delinquency, describes a minor's involvement in activities that are deemed illegal or offensive as per the established laws. This legal framework also outlines the necessary preventive and corrective measures for the child, always considering their best interests.

Harold S Hulbert, A child psychiatrist has rightly said that children need love especially when they do not deserve it. The future of our nation depends on how we care for our children, who deserve compassion and the best possible support. Children are born innocent, but various social and environmental factors can lead them toward negative behaviors and criminal tendencies. Addressing these factors can help them grow into individuals of stature and excellence. Instead of labeling them as 'troublemakers' or 'problem youngsters' who require punishment, the National Crime Records Bureau (NCRB) report from 2013 to 2022 indicates that involving them in the rehabilitation process is the most effective way to help them move past their criminal activities as the number of reported crimes decreased from 43,506 to 30,555 making a reduction of 12,951 crime cases which approximately 30% in last 10 years.

Therefore, recognizing and protecting their fundamental human and child rights is a crucial first step. The traditional criminal justice approach of punishment has shifted in juvenile justice to emphasize rehabilitation while offenders are still young, keeping them away from the influence of older criminals. The core idea behind juvenile justice is to ensure the protection and well-being of children, treating them appropriately and fostering an environment that encourages healthy development. This socio-legal approach aims to create conditions for young offenders to be rehabilitated. To treat young offenders fairly and help them lead peaceful, moral, and democratic lives, juvenile justice laws have been established in nearly all modern nations. It is essential to assess the seriousness of a juvenile's crime and explore ways to improve their behavior, as they are at a stage where positive change is still possible.

## Objectives

- To identify the challenges faced in various aspects in rehabilitation and reintegration of Children in Conflict with Law (CCL).
- To analyse the effects of the challenges that hurdles the effectiveness of the rehabilitation process.
- To present actionable recommendations that can contribute to improving policy, practice, and overall outcomes for child offenders in India

## Review of Literature

In the context of juvenile incarceration in adult prisons, Redding (2003) highlights the challenges faced by juveniles in such facilities. Redding argues that adult Centers are not rehabilitative environments for juvenile offenders due to the prevalence of violence, fear, and inadequate living conditions. He also emphasizes the need for tailored programming and addressing the developmental, emotional, and mental health needs of juveniles [1].

Attitudes towards prisoners play a crucial role in the success of rehabilitation programs and the reintegration of prisoners into society. Rote K (2014) researched on "Prison Reform and Social Change in India", the researchers discussed the need to transform the prevailing prison system. According to the

paper, jails are becoming overcrowded due to a rise in the percentage of pre-trial prisoners. Although they are presumed innocent until proven, they are held in conditions far worse than actual jails. The issue with overcrowded Centers is that there is no distinction between delinquents from serious offenders, which may impact the minds of others, proving harmful to society [4].

Priya T (2014) discussed that the purpose of punishment is to change the individual into a better person who will not commit the crime again. This approach is beneficial not only to the offender but also to society and the state. Tanu states that the crime is being committed due to external influences or societal pressures that cause an individual to act out of proportion and thus commit a crime. Punishment is given to transform the offender himself, not for the benefit of others, so it is critical to tailor it to the offender's needs, including therapy and counselling. The article also discusses sociology and the need to develop social conditions for criminals to refrain from using such tactics [5].

Das S (2016) attempted to define the conceptual framework for a comprehensive intervention program aimed at the rehabilitation of minors. Psychoeducation, music therapy, psychodrama and cognitive behavioural therapy and cognitive retraining are used to improve optimism, self-expression and emotional control, as well as increase adaptive executive functioning. Starting with group therapy, the program will gradually shift to an individual approach to meet each child's unique requirements [6].

N.G. Devarmani (2016) outlines the children who require care and protection and who, if not addressed, will cause significant social damage soon. Despite several issues with correctional administration, this paper indicates different treatment options for juveniles in India. Correctional Institutions should be viewed as hospitals, with people who need care and protection as patients. Fair treatment is required to enable him or her to reintegrate into society. The findings state that the most urgent requirement of the moment is to understand the factors that contribute to it and to devise a strategy for preventing delinquency by conquering the factors that lead to it. Adequate suggests that well-trained personnel must be hired to handle rising demand and addressing outstanding issues[8].

## Methodology

This study is a descriptive analysis that uses secondary data to explore the rehabilitation and reintegration of child offenders in India. Secondary data are gathered from various sources, including: - policies on juvenile justice and child offenders in India, academic research articles, & statistical data from governmental and non-governmental organizations tracking juvenile crime and rehabilitation outcomes. The collected data is analyzed using a mixture of quantitative & qualitative methods to assess the effectiveness of current policies and programs in addressing the needs of child offenders in India.

## Analysis

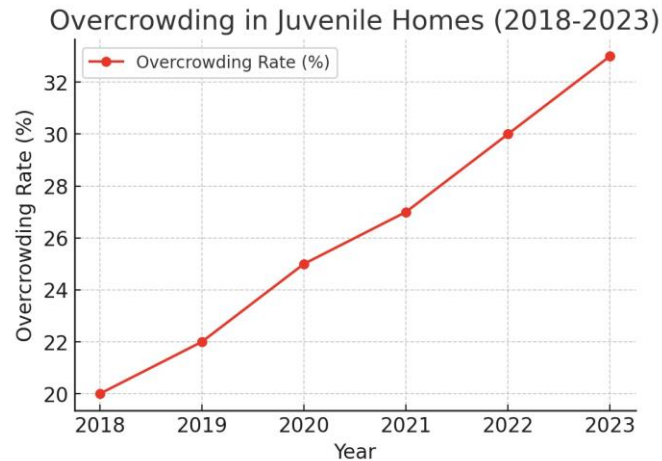
### 1. CHALLENGES FACED IN REHABILITATION OF CCL IN INDIA

#### 1.1, Overcrowding

One of the primary challenges in rehabilitation is the overcrowding of juvenile homes. NCRB (2022) reported that 1,914 juveniles were living in government-run homes exceeding their capacity by 30%. According to the National Crime Records Bureau (NCRB) report, juvenile homes across India exceeded their capacity by 33% in 2023 (figure 1), up from 20% in 2018. Overcrowding leads to resource constraints, limiting access to individualized care, education, and psychological support. It also increases the likelihood of violence and peer influence, making it difficult to create a rehabilitative environment.

As a result, many juveniles leave these homes without acquiring the skills or mindset needed for reintegration, increasing their chances of reoffending.

**Figure 1- Rate of overcrowding in juvenile homes between 2018 and 2023**

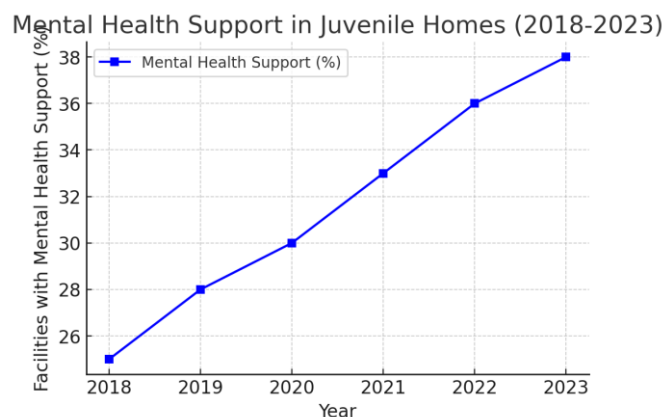


## 1.2, Lack of Adequate Mental Health Support

Another significant challenge is the lack of adequate mental health support. Many child offenders come from traumatic backgrounds, experiencing abuse, neglect, or substance dependence. NIMHANS, 2019 found that only 38% of juvenile homes had adequate mental health facilities in 2023 (figure 2) despite high rates of PTSD and depression, a slight improvement from 25% in 2018. It also found that 78% of juveniles had experienced trauma or abuse before entering the system.

Mental health challenges, if unaddressed, can lead to aggression, depression, or even suicidal tendencies, further complicating their reintegration. There is also a necessity that this support should be extended post release too. Without mentorship, education, and employment opportunities, many juveniles reoffend due to lack of alternatives. Report by TISS (2022) found that 42% of juveniles who lacked post-release mentorship committed repeat offenses within 3 years. Therefore, most release mentoring is also a need of the hour.

**Figure 2- Rate of the availability of mental health support in years between 2018 and 2023**

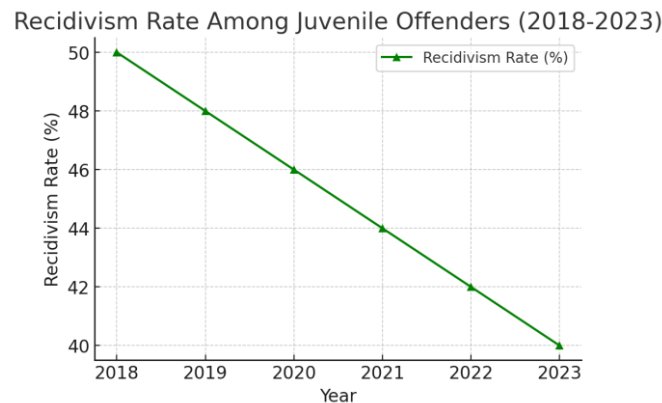


## 1.3, High Recidivism

The high recidivism rate among CCL remains a pressing concern. Despite various rehabilitation

programs, the reoffending rate stood at 40% in 2023, down from 50% in 2018 (figure 3). The slow decline suggests that many rehabilitated juveniles face significant obstacles upon release, including unemployment, lack of social support, and continued association with criminal networks. The absence of structured aftercare programs and post-release monitoring increases the likelihood of juveniles reverting to criminal behavior, perpetuating a cycle of delinquency.

**Figure 3- Rate of recidivism in years between 2018 and 2023**



## 1.4, Lack of Vocational Training and Employment

Vocational training and skill development are crucial for rehabilitated juveniles to secure employment and become self-reliant. However, the Ministry of Women and Child Development, 2023 report states that only a fraction of juvenile homes offer structured vocational training programs. A UNICEF report (2021) revealed that 62% of juveniles in rehabilitation homes lacked proper educational programs. According to ILO (2020), only 33% of juveniles in correctional facilities received formal vocational training. The same report found that 67% of trained juveniles successfully integrated into the workforce, compared to only 20% of untrained juveniles. A study by TISS (2021) found that juveniles who received vocational training had a 60% lower likelihood of reoffending.

The lack of practical skills and education reduces their employability, making it difficult for them to reintegrate into mainstream society. Without stable employment opportunities, many former offenders resort to illegal activities for survival, undermining rehabilitation efforts.

## 1.5, Societal Stigma and Social Reintegration

The stigma associated with juvenile delinquency is another major barrier to reintegration. Society often perceives former CCL as criminals rather than individuals who require support and opportunities for a fresh start. A Save the Children (2021) survey found that 72% of released juveniles faced community rejection, preventing access to education and employment.

This negative perception affects their ability to secure employment, pursue education, and rebuild relationships. The survey also reported that 38% of reoffenders cited social isolation as a major factor in returning to crime. Many face discrimination in their communities, leading to social isolation and further increasing the risk of recidivism.

## 1.6, Legal and Bureaucratic Challenges

A major challenge in rehabilitation is the lack of legal aid. According to NCW (2022), 45% of juveniles do not receive legal assistance, hindering their reintegration. Additionally, many struggle to obtain legal identity documents, which affects their education, employment, and access to social services. Aadhar &

UIDAI (2021) reported that 37% of juveniles lacked essential documents, preventing them from enrolling in school or securing jobs.

Despite strong legal frameworks, inadequate funding, untrained professionals, and poor oversight lead to policy failures. A study by ILI (2022) found that only 52% of juvenile rehabilitation programs were effectively implemented due to financial constraints. In *Sheela Barse v. UOI*, the Supreme Court emphasized the need for comprehensive legislation under the Children Act, mandating social, economic, and psychological rehabilitation. The Court stressed that laws alone are insufficient—effective implementation is crucial, as rehabilitation is the foundation of juvenile justice.

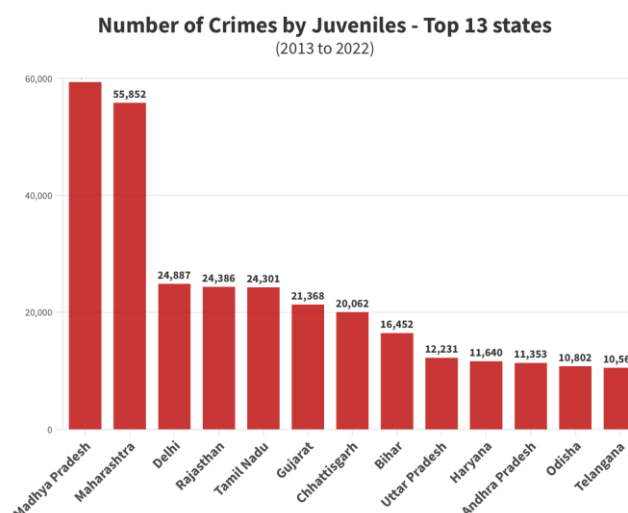
## 1.7, Gender-Specific Challenges

Though there are less than 5 % of the CCL, the need for gender specific policy must not be a point of concern. Female CCL face higher rates of abuse, social exclusion, and limited access to rehabilitation programs compared to male offenders. NCRB (2021) reported that 79% of female CCL had a history of sexual abuse or exploitation. A study by CRY (2021) found that only 21% of rehabilitation centers offered gender-specific counseling. Therefore, gender specific policy making has to be uplifted.

## 1.8, Lack of Geographical analysis

Several theories state that crimes are associated with the geographical set in many cases. However, there is a lack of specific studies made in India to analyse the causes of CCL with respect to the problems specific to that area. The matter of concern must not be based upon the number of crimes by juveniles reported because higher reporting in certain states indicates higher vigilante justice systems. States like Bihar, UP with higher population and high crime rates, report very few juvenile delinquent activities, where many of the cases are unreported (figure 4). Therefore there is a need for decentralised monitoring and policy making.

**Figure 4- State wise distristribution in the number of crimes by juveniles from 2013 to 2022**



## 2. EFFECTS OF THE CHALLENGES FACED IN THE PROCESS OF REHABILITATION

### 2.1, Psychological Effects

The psychological impact on children in conflict with the law is deep seated and long-lasting. The adolescent brain continues developing into adulthood, shaping thoughts and behavior. Prolonged legal proceedings due to resource constraints heighten anxiety and fear about the future.



Extended institutional stays without timely case resolution further distress juveniles. High travel costs prevent economically weaker families from visiting, leading to emotional isolation. In *Sanat Kumar v. State of Bihar* The Bihar HC condemned the prolonged detention of juveniles, ordering trials to conclude within a year and, in some cases, recommending prosecution termination. The Court also directed the government to fund juveniles' education in schools.

Overcrowded juvenile homes exacerbate stress, depression, and helplessness. Without family support and prolonged institutionalization, rehabilitation weakens, fostering distrust in the legal system. This isolation can lead to antisocial behavior, increasing the risk of future delinquency.

### **2.2, Educational & Occupational Effects**

Once children leave correctional settings, they are still gravely stigmatized, making their re-entry into mainstream society very challenging. Society calls them delinquents. They get discriminated against at schools and within communities. School attendance for most children drops, which then leads to a disruption in their education and impacts future careers.

Further exacerbating this problem is the issue of finding employment. The fact that most employers fear to employ law-breakers restricts the possibilities of these children for social and economic stability. Overcrowding in juvenile homes also limits their access to educational and vocational training programs, making it impossible for them to acquire skills for readmission. Without education and job opportunities, it becomes challenging for them to reintegrate, leading them to the cycle of crime and recidivism.

### **2.3, Effect on Health**

The health and well-being of children in conflict with the law are heavily affected due to inadequate institutional care facilities. In overcrowded juvenile homes, conditions of living remain poor, hence exposing children to increased risks of diseases and malnutrition.

Children with disabilities or mental health conditions face even greater challenges, as specialized care and trained staff are often unavailable. NCPDR reports that 12 states of India have crossed 100% occupancy in their juvenile homes in 2018, and four states have crossed 200% occupancy. Overcrowded juvenile homes are against the basic human rights of children and significantly affect the rehabilitation process. Moreover, untrained institutional staff do not address the needs of such children, resulting in neglect, emotional trauma, and even abuse.

### **2.4, Increased Recidivism Rate**

One of the worst impacts of the present juvenile justice system is that it increases the recidivism rate. The main objective of the JJ Act is to rehabilitate and integrate children into society so that they do not commit crimes again.

Instead of mentoring and guidance from such institutions, children are surrounded by other perpetrators of crimes while in the institutes, thus a criminal network formation. The criminal socialization processes within the said institutions increase children's chances of committing more extreme crimes when let out. Absence of meaningful intervention, training, and empowerment through education initiatives will only maintain the vicious circle of crime despite the supposed juvenile justice system function.

### **Suggestions**

#### **1. Need for studying the background, analyse the root cause, providing corresponding support and engaging the family in part of rehabilitation.**

- The significance of family and family background in understanding and preventing juvenile delinquency is increasingly acknowledged. Children who receive adequate parental care and support

are less likely to engage in deviant behavior, whereas neglect and a dysfunctional family environment marked by inadequate care, weak familial bonds, and premature autonomy—are strongly linked to juvenile delinquency. Recognizing these factors, the judiciary has underscored the need for a rehabilitative approach .

- Ease in providing non- institutional care is to be worked on as it is the method that aligns the closest to the idea of reintegration of these children. Friendly family environment is the key to transform CCLs and teach them values of empathy, compassion and respect.

## **2. Ensure safe adoption practices under JJ Act as a part of non-institutional rehabilitation**

- The JJ act was able to uncomplicate adoption procedures, as given in *Shabnam vs UOI*, to adopt a child without the bars of caste and creed. Although the initiative to encourage adoption and foster care is appreciable, the safety of children after adoption is neglected. In *Lakshmi Kant v. UOI*, while addressing the grave legal injuries faced by Indian children when adopted abroad The Supreme Court of India underlined that every child has the right to love and affection.
- India lacks legislations for intercountry adoptions and the monitoring of children after adoption is a crucial need, especially in the case of child offenders. Authorities should ensure that the children do not go back to an environment which had once influenced them to come in conflict with law.

## **3. Improve Infrastructure & Management in Juvenile Homes**

- Funding must be increased to improve living conditions, hygiene, and education in juvenile care institutions. Regular appointments of mental health professionals are essential, with periodic third-party audits ensuring compliance, staff competency, and overall functionality. Authorities must be held accountable for any lapses.
- In *Sampurna v. UOI & Others*, the Court highlighted the inefficiency of JJB and CWC, directing State governments to actively monitor these institutions. Poorly regulated resource allocation and unfilled board vacancies hinder rehabilitation efforts. The Court emphasized stakeholder accountability, as their negligence exploits vulnerable children. Without active participation and efficiency, rehabilitation centers fail in their purpose.

## **4. Expand Psychological and Emotional Support**

- Counseling should be mandatory for juveniles upon admission with trained counselors and psychologists, explaining the reasons for their stay, potential challenges like bullying, and whom to approach for help. A simple screening mechanism for detecting mental health disorders should be introduced, allowing trained staff to conduct initial assessments without requiring mental health professionals. This would help institutions evaluate and address children's psychological needs at the entry level.

## **5. Reduce Social Stigma Through Community Awareness**

- Public campaigns promoting rehabilitation success stories. Implement awareness campaigns to reduce societal stigma and encourage communities to support the reintegration of CCL.

## **6. Strengthen Post-Release Support Systems**

- Strengthen aftercare programs to monitor rehabilitated juveniles and provide continuous support through mentorship, employment assistance, and community engagement.

## **7. Enhance the quality of education and Vocational Training**

- A standardized curriculum should be developed for juvenile justice professionals, covering child psychology and the specific needs of children in care and conflict with the law. Job training must be mandatory in all juvenile correctional facilities, with vocational programs aligned to market demands



to enhance employment prospects.

- The reintegration of CCLs faces significant challenges, as seen in Anuj Kumar vs State of U.P., where the court upheld the rehabilitative approach by directing Anuj Kumar's appointment as a constable. Despite JJBs and CWCs providing education and training, applying these skills remains difficult. The government, instead of facilitating reintegration, often hinders it. Authorities must ensure employment opportunities for CCLs and promote fair hiring practices without discrimination.

#### **8. Address Gender-Specific Challenges**

- Introduce separate rehabilitation programs for female juveniles. Improvised study in this aspect has to be concentrated.

#### **Conclusion**

The rehabilitation and reintegration of CCL in India face systemic challenges, including overcrowding in juvenile homes, inadequate mental health support, high recidivism rates, limited vocational training, and persistent societal stigma. Additionally, legal and bureaucratic hurdles, gender-specific challenges, and a lack of geographical crime analysis further complicate reintegration efforts. These issues result in severe psychological distress, educational and occupational setbacks, deteriorating health conditions, and an increased likelihood of reoffending. Addressing these gaps requires a multi-faceted approach, including strengthening non-institutional care, improving juvenile home infrastructure, expanding mental health support, and enhancing vocational training programs. Judicial interventions emphasize the need for effective legal implementation while reducing social stigma and strengthening post-release support remain critical. Ensuring gender-specific policy reforms and incorporating geographical crime analysis into rehabilitation frameworks can provide tailored solutions to different offender groups.

Rehabilitation must extend beyond institutional care, requiring a collective effort from policymakers, legal authorities, and civil society to create a supportive reintegration environment. A justice system that prioritizes rehabilitation over retribution is essential to breaking cycles of criminality and ensuring that former offenders have the opportunity to reintegrate successfully and lead meaningful lives.

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