CHAPTER I
INTRODUCTION

Background

This research is a study of the models of social reintegration practices for children in conflict with law in different parts of the globe and to understand their feasibility in the Indian context. Reintegration is a process of returning to the community, from any out-of-home placement. This becomes especially important when the individual in question is a child; children are the future of a country and therefore it becomes all the more important to ensure that they are reverted back to a state of normalcy after their term in an out-of-home placement. The exclusion becomes more striking when the child in question has committed a crime. A child/juvenile in age group (7-18) years is easily moulded either with towards positive or negative experience owing to the nature of their vulnerability of age. Reintegration is practised to ensure that recidivism is reduced as also the individual returns to the social mainstream. The study aims to design a framework of reintegration on the basis of the existing practices of reintegration, within the juvenile justice system of India.

Juveniles in Conflict with Law

Legally, juvenile is a term used for a person below the age of eighteen years; however most juvenile crimes are committed by the age-group of children between twelve and eighteen years and hence they are called as young adults (Young Adults Library Services Association of the American Library Association 1957) or even as emerging adults (Munsey 2006: 68) that begins with adolescence and continues till the mid-twenties, thus covering the age of juveniles as understood in India. Historically, children in conflict with law were kept in adult prisons in many countries. In California the state transfers young adults of fourteen years of age to adult prisons (The New York Times 2012). This position recognises the relation of the nature of delinquent acts committed by them and age of commission of such acts and cross categorises them with the vulnerability of this age, efforts towards formulating protective legislations, policies and practices have been put in place since the last two
decades. Recognising the exploitation caused to such children in adult prisons, many efforts have been in practise for many decades in the United States of America resulting in one very important law, the Prison Rape Elimination Act, 2003 in the United States. Thus, separate arrangements were made to institutionalise juvenile delinquents from adult prisons. In other countries like Singapore, this category of children although recognised as young adults, is kept in separate residential arrangements during incarceration. Recently, recognising the definition set forth by the United Nations Convention for Rights of the Child (UNCRC), they are grouped under the category of children and are kept in juvenile rehabilitation centres on being accused of commission of crimes.

In India, section 2 (l) of the Juvenile Justice (Care and Protection of Children) Act, 2000, has coined the term Juvenile in Conflict with the Law (JCL) as one who is alleged to have committed an offence and has not completed eighteenth year of age on the date of commission of such offence. This complies with the definition of a child according to the UNCRC. Thus ‘juvenile’ is the term used as an alternative to ‘child’ particularly when their involvement in acts of delinquency is referred to. In India a juvenile in conflict with law is kept in a separate institution called the observation home (previously known as remand home) and not in an adult prison. Legally, although a JCL is defined as any child below eighteen years of age,

The UNCRC, an internationally accredited document in the area of child rights and child protection and has been ratified by countries around the world, has defined the age of criminal responsibility as an age below which a child cannot be held responsible for any act committed by him.

**The Age of Criminal Responsibility**

The age of criminal responsibility is the age at which a child is considered to be consciously responsible for any act he/she performs. Children below a certain age are too young to be held responsible for breaking the law. International standards such as the Beijing Rules (Rule 4, United Nations Standard Minimum Rules for the Administration of Juvenile Justice) recommend that the age of criminal responsibility be based on emotional, mental and intellectual maturity and that it is not be fixed too
low. This concept is spelled out in the CRC, which calls for nations to establish a minimum age ‘below which children shall be presumed not to have the capacity to infringe the penal law’ (Article 40A, UNCRC). This age is different from the age at which the child crosses his/her ‘childhood’. However the Convention does not set a specific age and it varies greatly from country to country.

In the US, the age of criminal responsibility is established by the state law. Only thirteen states have set minimum ages, which range from six to twelve years old; children below this age cannot be presumed to bear responsibility but can be held responsible. In Japan, offenders below twenty years of age are tried in a family court, rather than in the criminal court system. In Scandinavian countries, the age of criminal responsibility is fifteen, and adolescents under eighteen years are subject to a system of justice that is geared mostly towards social services, with incarceration as the last resort. In China, children from age fourteen to eighteen are dealt with by the juvenile justice system and may be sentenced to life imprisonment for particularly serious crimes. The age of adult criminal responsibility has been raised to eighteen in Brazil, Colombia and Peru. Children from twelve to eighteen years of age are held responsible under a system of juvenile justice (UNICEF 2007). The wide variation in age of criminal responsibility reflects a lack of international consensus, and the number of countries with low ages indicates that many juvenile justice systems do not adequately consider the child's best interests.

In India, the age of criminal responsibility is set at ‘seven’. Thus, a seven year old is no more considered naive. This constitutes a significant national asset in recognition of the fact that forty-one per cent of India’s population is below eighteen years (UNICEF 2011), according to data projected by the National Plan of Action, 2005.

Against this backdrop, the fact that the determined age of criminal responsibility of children in India is mentioned at seven years increases the number of ‘at-risk’ children at a very tender age. This further recognises the need for stronger and tighter reintegration strategies for children in conflict with law, given the long age-span included under the category.
However, the age of criminal responsibility is just one factor influencing treatment of juveniles by the justice system. Other variables include whether there is a separate juvenile law based on child rights; whether a young person is subject to punitive sanctions or only to socio-educational measures; and whether the country has separate judicial and institutional systems for young people. A juvenile justice system provides legal protection and an objective standard for treatment. Later in this chapter, the child protection system in India is described in brief.

The Plight of Indian Children

Table 1.1

<table>
<thead>
<tr>
<th>Year</th>
<th>7-12 Years</th>
<th>12-16 Years</th>
<th>16-18 Years</th>
<th>18-21 Years</th>
<th>All Age Group</th>
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<tbody>
<tr>
<td></td>
<td>Boys</td>
<td>Girls</td>
<td>Boys</td>
<td>Girls</td>
<td>Boys</td>
</tr>
<tr>
<td>1971</td>
<td>5058</td>
<td>469</td>
<td>12142</td>
<td>566</td>
<td>13373</td>
</tr>
<tr>
<td>1981</td>
<td>8672</td>
<td>813</td>
<td>16669</td>
<td>980</td>
<td>32145</td>
</tr>
<tr>
<td>1991</td>
<td>5379</td>
<td>458</td>
<td>17822</td>
<td>1065</td>
<td>-</td>
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<td>3591</td>
<td>105</td>
<td>12131</td>
<td>598</td>
<td>15573</td>
</tr>
<tr>
<td>2010</td>
<td>-</td>
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Source: Crime in India, 1999-2004, National Crime Records Bureau

In addition to the plethora of problems above, there are other circumstantial reasons behind the rapid increase in the number of children in juvenile homes. Some of them are victimised and others are indirectly roped in to the world of crimes. In 2004, there were 2265 cases of kidnapping and abduction of children that qualify as forms of trafficking were reported to the police. In 3 per cent of these cases, the victims were children below ten years. In 24.59 per cent of the cases, the victims were children aged between 11-15 years and in 72.41 per cent cases, the victims were children aged between 16-18 years. Further, children are trafficked within and across borders for a number of reasons. Having to face many hardships on their own, these children often fall victims to drug addiction and are even used by adults in committing planned crimes (Frank and Muntingh, 2006). Thus, crimes against children and crimes committed by children have increased enormously over the years.

The decade 1994-2004 has seen an increase in the number of crimes committed by children from 8,561 to 19,229. While part of this increase in juvenile crimes may be attributed to the inclusion of boys aged 16-18 years in the revised juvenile
justice law of 2000, the fact remains that the rate of juvenile crimes is fairly high and more and more children in the 16-18 years category are coming in conflict with law (Shastri and Thukral 2009).


At least one third of the 270 million child population (as per the 1981 Census) needed critical intervention to prevent them from falling prey to various forms of delinquency, abuse and abandonment

According to one estimate, in 1988, Delhi had at least 1000 child drug addicts who were involved in picking pocketing and petty thefts (Kumari 2004). Thus, this category of children forms part of the ‘vulnerable’ group that is prone to delinquency.

According to the UNICEF Report (2005) titled "Childhood under Threat", around 25 to 30 million children in India spend their lives on the streets in a harmful environment and are often abused and exploited. Children are also found in railway stations, near temples and durgahs (Sufi shrines built over the grave of revered religious figures), in markets, under bridges, near bus depots and stops, etc. Street children, trafficked children, child labour and other children in vulnerable circumstances have to fend for themselves at some point of their lives (as shared by a child-rights practitioner during an interview in 2012). Some of them may be forced to commit petty crimes in search of livelihood or opportunities to sustain themselves and/or are picked up by the police – their numbers are increasing with every passing year. Neglect by parents act as one of the important ‘push factors’ (Gottfredson and Hirshi 1990).

Children in India, because of their numbers, ought to have been the subject of prime focus of development planning, research, and welfare in India but it has not been so (Gupta 2007). Despite the constitution’s vision of a healthy and happy child – protected against abuse and exploitation, and a National policy for children – the majority of children in India continue to live without a childhood. The Juvenile justice system (hereafter referred to as JJS), as conceived by the legislation, aims at providing care, protection, treatment, development and rehabilitation of delinquent
and neglected juveniles. But the care and services provide to them have been criticized as being insufficient and sub-standard.

**Studies on Juvenile Delinquency, Causes and Re-entry**

There have been several studies aiming to understand the causative factors of delinquent acts by juveniles and theories reinforcing causes and measures to curb such acts by channelizing massive juvenile energy in positive directions. It has been observed that several of these juvenile delinquents return to the rehabilitation centre after being released to the community, by commission of a repeated offence/act of delinquency.

The causes lie partially behind the return of those factors that in the first place led to the commission of those acts against law by juvenile delinquents. Thus, understanding the reason of a child’s delinquency is important in offering treatment/recommendation for his/her reintegration. This is because the type of delinquency born out of neglect is different from delinquency arising in a home that is well aware of the moral standards of society. The child neglected at home is ignorant of what he is ought to do; whereas the other child is delinquent despite the fact that he/she knows what the moral codes are. (Wilson 1987); (cited in Gabbidon and Greene 2005). Therefore, treatment of children in both cases must be different.

Sociological literature has mainly been concerned with environmental conditions, and interest has centred predominantly on underprivileged areas. Burt (1925), in the first large scale enquiry that made use of a control group, showed that over one half of London’s juvenile delinquents came from poor or very poor homes, which formed only thirty percent of the general population at that time.

The Chicago School established several theories based on the work of sociologists. In ‘The Adolescent in the Family’, Cavan (1934), studied pre-delinquent, delinquent and a control group of boys from schools in Chicago. She found that delinquent children came from broken homes as compared to children in the control group.

Bagot (1941) in his Liverpool study found that 85 per cent delinquents lived below standards that were considered bare essentials of a civilized life. Manheim (1948)
found in Cambridge that delinquents came mainly from the poorer strata of the community and Fergusson (1952) showed that in Glasgow, delinquency was concentrated in slum areas. Shaw and McKay (1931:68; 1972:143) noted that the highest rates of delinquency most frequently are found in areas in or adjacent to the district zones for industry and commerce. (see Shaw and McKay 1942). These are areas of physical deterioration and decreasing residential populations. Shaw and McKay (1931) explained that as the city grows the areas of light industry and commerce near the centre of the city expand and encroach upon the areas used for residential purposes. The dwellings in such areas, already undesirable because of age, are allowed to deteriorate under the threat of invasion because further investment in them is unprofitable. Likewise, the areas that are slowly increasing in population tend to be the areas with medium rates of delinquents, while the areas of more rapid increases tend to be the low-rate areas. Thus slums and other poorly developed, low economic areas breed the majority of cases of juvenile delinquency.

Added to these, violence in today’s cinema, acceptable aberrations shown in soaps and serials on the television, advertisements, fashion shows, and reality TV shows depicting crime related episodes have a negative impact on the minds of children fuelling those that are already vulnerable (www.nssc1.org). The report also mentions how important it is for parents to spend some valuable time with their children and have control/knowledge on children’s leisure activities.

Jephcott and Carter (1955) came to the conclusion that it was not the area as such but the inadequate home in the area that was responsible for a child’s delinquent behaviour. This points to the fact that there is a stark contrast of inadequate homes (wherein parents have no time/no quality time for their children) to that of normal homes among manual workers (wherein despite of inadequate financial condition, parents spend some quality time with their children and take part in their upbringing) in Jephcott and Carter’s five-point grading scheme. Jephcott and Carter have used house proudness; home being the centre of family life; husband-wife relationship a partnership within the family; behaviour standards which the children are taught to live up to; and emphasis on regular school attendance as the grades that would determine the vulnerability of categories of children that end up in committing delinquent acts. Jephcott and Carter found that detected delinquency was concentrated in these inadequate homes. Ved Kumari (1994: 13) adds, ‘poverty, neglect, ill-
treatment, and family discord are forcing an increasing number of children to run away from home and take shelter on the streets’.

Following the trends of profile of children in conflict with law, the Sub-Group Report of the Government of India on the Juvenile Justice System (2007-2012) has noted reasons ranging from poverty, migration, increasing consumerism, and the need for recognition, amongst an otherwise neglectful adult world, as factors contributing to ‘delinquency’ in a child.

There is, however, no direct relationship between poverty and crime, since we know that not all poor people are criminals. Rather, individuals may choose criminal behaviour because they feel that they have no chance of success in the legitimate world. It emerges that criminal behaviour in teenagers is mainly an expression of their rebellious minds (Wilson et. al 1967). American literature in aetiological interpretation has such concepts as that of the culture conflict or the ecological concept of slum area delinquency. The working class boys whose abilities are below average find it difficult to play this essentially middle-class role, and therefore have to face continuous frustration. This drives them into building a world of their own, with their own values, in which they can feel good and get the admiration, if not of their elders, but at least of their peers. This is the world of the delinquent gangs. The culture of the gang, Cohen maintains, is the solution to a frustration problem (Glick 2005). That a boy’s aspirations are closely linked to his parents’ attitudes and expectations has been shown by Himmelweit et. al (1952).

Further, sociological factors like poverty, no or poor education, unemployment and incongruent family relationships also push juveniles into the world of crime, given the vulnerability of this age. Being marginalized and disadvantaged in terms of education is a factor that has been attributed to offending behaviour (Byrne 1996).

Although it may be pertinent to assume that crime is the manifestation of a single, latent construct, such as low self-control, which varies across but not within individuals, and explains all deviant behaviour (Gottfredson & Hirshi 1990), it is also true that ineffective child rearing, that is, failure to set clear expectations for behaviour, failure to monitor children, and excessively severe and inconsistent disciplinary practices, clearly contributes to delinquent behaviour (Patterson,
Debarysh and Ramsey 1989); (Dodge et. al 1990). Differences in opportunities for personal gain in various societies are also causes of crime according to Gottfredson and Hirshi’s (1990) theory (Hawkins 1996: 177).

Further, childhood stress can be caused by any situation that requires a person to adapt or change. The situation often produces anxiety. Stress may be caused by positive changes, such as starting a new activity, but it is most commonly linked with negative changes such as illness or death in the family. Stress is a response to any situation or factor that creates a negative emotional or physical change or both (Kaneshiro et. al 2014).

Adolescence is a biologically determined period of ‘storm and stress’ in which instability and fluctuation are normal and to be expected (Hall 1905); (see Hendrick 1990b). This incongruence is exemplified in many ways for instance a young person may be sexually mature by the age of thirteen, not until sixteen can they legally have sexual intercourse with a consenting adult and thus become a parent, yet inexplicably, they cannot drive a motorcar on a public road until they are seventeen years old (Coleman and Adamson 1992).

Erikson (1959) in his theory of development has entrusted a set of opposing attributes for each stage of life development starting from infancy to older adulthood. According to him failure to successfully complete a stage in the development cycle can result in a reduced ability to complete further stages and therefore a more unhealthy personality and sense of self. These stages, however, can be resolved successfully at a later time. He further emphasized the role of external factors like culture and society and the conflicts that can take place within the ego itself.

The present study discusses about the adolescence period of life and therefore we would discuss Erikson only with relevance to this stage of human development. He put a great deal of emphasis on the adolescent period, emphasizing that it was a crucial phase for developing a person’s identity. Thus ‘adolescence’ is the time period during which a child is mostly vulnerable to delinquency and hence his/her psychological needs need to be taken care of. Juveniles cover that stage of life of an individual that is the most vulnerable, that is adolescence. This is the stage between
childhood and adulthood, the mind is full of energy to venture something new and what can be easier than a prank that often takes more serious forms and cross the boundary of the legal definition of crime? Most offenders initiate delinquent conduct around ages 12 or 13, rapidly increase their involvement to the peak around ages 16 or 17 and then terminate this behaviour by the mid-twenties (Wolfgang et al. 1987).

In 1999, the National Crime Records Bureau observed that ‘as expected, low income and education, poor economic set up is generally the main attributes for delinquent behaviour of the juveniles’. Poor education, unemployment and other means to satisfaction of personal needs, without which children of the age above twelve or thirteen tend to commit acts that are in conflict with law. Further, Ved Kumari (1994), in her study of the Juvenile Justice System of India has pointed out that as per the 1981 Census, Gujarat and Madhya Pradesh had drop-out rates above 60 per cent at both the primary and middle level school, and they continue to be among the three major contributors to child delinquency in India. Maharashtra, whose contribution is second highest, falls in the category of 40-60 per cent drop-out rate at the primary level. The other states that crossed the average percentage of child delinquency to total crime also had high school drop-out rates of 40-60 per cent or above 60 per cent (Kumari 1994). Thus poor education could be another factor contributing to juvenile delinquency. Although many a times, lack of education results from poverty and neglect by the family, which may lead to delinquent behaviour among delinquents, these children may get trafficked, forced into begging, drug peddling, prostitution, etc.

In the year 2004, out of the total juveniles involved in various crimes, 9,273 were illiterate and 10,771 had education up to primary level (National Crime Records Bureau 2010). These two categories have accounted for 64.8 per cent of the total juveniles arrested during 2004. Children living with parents/guardians (23,701) have accounted for 76.6 percent of the total juveniles arrested. The share of homeless children who were involved in various crimes was just 7.5 percent. A large chunk of juveniles (72.3 per cent) belonged to the poor family whose annual income was up to Rs. 25,000. The share of juveniles hailing from middle income group (Rs.50,000 to 2,00,000) was 8.7 percent. The share of juveniles from upper middle income (Rs.
2,00,000 to 3,00,000) and upper income (above Rs. 3,00,000) was considerably low at 0.3 percent and 0.02 percent respectively.

All the above factors above explain the factors that might influence ‘delinquency’ in children, thereby reinforcing the necessity of proper ‘reintegration’ as the most important solution not only to ensure the rights of a child but also to free society of the burden of recurrent occurrence of crime.

Altschuler & Armstrong (1991; 1994a; 1994b) put it well:

Growing concerns about crowding in secure juvenile correctional facilities, high rates of recidivism, and escalating costs of confinement have fueled renewed interest in bringing change and innovative programming to juvenile aftercare/parole philosophy and practice.

At present, no single theory of deviant behaviour has survived an empirical test without disconfirmation of some hypothesized relationships between concepts. The theory outlined here is a synthesis of control theory (Briar & Piliavin 1965); (Hindelang 1973); (Hirsh 1969); (Kornhauser 1978); (Nye 1958; Reiss 1951), social learning theory (Akers 1977); (Akers, Krohn, Lanza-Kaduce & Radosevich, 1979); (Bandura 1973, 1977); (Burgess and Akers 1966); (Conger 1976, 1980); (Krohn, et. al 1980), and differential association theory (Cressey 1953); (Matsueda, 1982, 1988); (Sutherland 1973); (Matza 1969). Control theory is used to identify causal elements in the etiology of drug abuse and delinquency, as well as in the etiology of conforming behaviour.

Conflict theories (Quinney 1970a, 1970b); (Chambliss 1971) established that it is the elite class that makes laws and the justice system in favour of themselves and thus book the poorer class for offences that they themselves would get away with, knowing the gaps/manipulations of the game all too well. Thus there have been numerous studies on the causes of delinquency among children, laying the blame on poverty and poor educational attainment. According to conflict criminologists, such studies end up reinforcing the anti-poor bias that exists in society. They highlight the fact that too much emphasis has been laid on crimes committed by the poor as against crimes committed by the rich.
Further, it is equally important to study the life of children after they exit residential care – why is it that many of them return to the world of crimes and how can they be reintegrated back to their community to help them lead a crime free life. However, there has been comparatively less attention paid to re-entry of children in conflict with the law into the community on completion of their term in out-of-home placement – this process has been recognised as *reintegration*. The commission of a crime or a delinquent act (as recognised by the justice system of a country) may land a juvenile in a residential out-of-home placement. However, it is the *exclusion* that the individual experiences thereafter and the *labelling* by society that is instrumental in converting a primary deviant into a secondary deviant (Lemert 1972). Societal reactions could range from the informal responses of public opinion, families or the mass media to the more formal responses of police, court and prisons. (Carrabine et al 2009). Ill-quipped with skills and education to slip through the gap made between the time the *juvenile* enters the out-of-home place and the time when he/she re-enters society, it is very likely that invisible barriers of resentment and rejection is built by the society and also from the inner self of the person, thus disallowing him/her to become a part of the community. This stage of vulnerability might force him/her back to the world of crimes and gangs. This was coined by Lemert as *secondary deviance*.

Once released, most ex-prisoners enter a second social and psychological prison. The key to this second prison is held by the family and the community. Further, most obstacles to effective reentry are often the same factors that contributed to involvement in crime in the first place, issues that were not addressed during the custodial period. In the case of juveniles, the obstacles are multiplied by the developmental challenges of adolescence. While their relative salience may change from early adolescence through early adulthood, the major domains of life for any adolescent include physical and mental health, family relationships, peer relationships, education, occupational readiness and leisure/recreation.

A major impediment to effective reentry is difficulty that offenders face in obtaining employment (Holzer 1996); (Maruna 2001). Many offenders lack the education and skills for most jobs and have poor work records and inadequate work attitudes and habits. The relationship between unemployment and criminality has been empirically
demonstrated - people are less likely to commit crimes when they are gainfully employed (Maruna 2001); (Sampson and Laub 1993).

An integrated approach needs to be developed in close collaboration with various stakeholders like school, teachers, parents, employment agencies and others in the community, where the juvenile in conflict with law is proposed to be reintegrated into. Various models of reintegration have been experimented in the West with variable success. Therefore, a proper reintegration plan is of utmost important to ensure that a delinquent does not get converted into a hard core criminal and also has necessary skills to fit him/herself into the community in a legitimate way.

As quoted by the National Centre for Children Exposed to Violence (NCCEV) (2012),

Children living in violent communities can be victims or witnesses of crime. Even small children are at an increased risk for injury, developmental disorders, juvenile crime, PTSD (post traumatic stress disorder) and related anxiety disorders.

Conforming to the analysis given by the NCCEV, the Crime in India report of the National Crime Records Bureau (1994-2004) has included girls bought under prostitution as one of the categories under ‘Crimes committed against children’. The Sub Group Report (2007-2012) that highlights Child Protection in the eleventh five year plan explains that since children caught for the committing the crime of prostitution and drug peddling or substance abuse are more a victim and need to be treated as such, number of cases of ‘juvenile delinquency’ booked under Immoral Trafficking Prevention Act and NDPS Act have been included in the above mentioned table (NCRB 1994-2004).

**Conceptual Framework**

While delving into factors that influence delinquent behaviour of a child, let us first see where a juvenile in conflict in law is located in the conceptual framework.
Location of a Juvenile in Conflict with Law

The situation of a juvenile who has come in conflict with law revolves around the above mentioned issues and his/her situation is affected by the interaction of a number of stakeholders from different parts of the society. The diagram represents the location of such children and all factors that influence the process of reintegration of these children into the community. The factors have been classified under several frameworks. Thus intervention/change within such set frameworks would directly/indirectly aid in securing proper reintegration for the child into the community.

Psychological Framework

The psychological framework is made of the self. The ‘self’ is one of the important factors in bringing about any kind of influence/change in an individual. Therefore ‘psychology’ has laid so much of importance to the ‘self’. Baumeister (1999) provides the following self-concept definition: ‘the individual's belief about himself or herself, including the person's attributes and who and what the self is’ (McLeod 2008). Erikson claimed (see Saul McLeod 2008) that at all psychosexual stages the individual develops at three levels simultaneously: biological, social and psychological (representing the organism, membership of Society and Individualism respectively). The famous psychologist Maslow has gone further and enlisted few
needs of an individual necessary at every stage of development and that has been coined as Maslow’s hierarchy of needs, stating that if those needs remain unsatisfied, then they are bound to bring about conflict within self. Thus basic needs need to be satisfied in order to achieve needs for self-actualisation and self-esteem. It is said that coping and problem solving are the highest forms of psychological achievement aiming towards self-actualisation. (Bottoms et. al 2009: 261)

It is hypothesized that children learn patterns of behaviour, whether pro social or antisocial. They learn these patterns of behaviour from socialising units of family, school, religious and other community institutions, and peers. Children are socialised through processes involving four constructs: (1) perceived opportunities for involvement in activities and interactions with others; (2) the degree of involvement and interaction; (3) the skills to participate in these involvements and interactions, and (4) the reinforcement they perceive as forthcoming from performance in activities and interactions (Hawkins 1996: 156).

Thus psychological factors leading to delinquency cannot be overlooked, while exploring factors contributing to delinquency, especially during adolescence. This leads to the understanding that during adolescence that a child’s mental status is revolutionary and any vulnerable condition in the environment around is likely to arouse a sense of revolution within the mind, thus leading to acts defying the existing system in many cases.

**Sociological Framework**

While psychiatric literature views the problem of crime from the individual angle of motivation, sociological dimensions take note of various social and economic factors that push children to committing crimes. As illustrated in the figure, right from the family-parents, peer-group in school, community, religious institutions etc. affect the children in conflict with law at all stages of his/her encounter with the various groups of people/society. This is all the more effective when the child in question is in conflict with law and he/she is returning to the community after completing trial at the juvenile homes.
Juvenile delinquency has been identified with society’s failure to provide appropriate socializing instrumentalities for a new generation of children caught in the breakdown of traditional institutions like family and community and the slackening of community ties under the impact of increasing mobility and urbanization.

(Kumari 2007)

Thus, the cooperation and acceptance from all components of the community becomes all the more important in order to keep the child gel with the community. Contribution of growing consumerism and other pressures of a neo-liberal economy, domestic violence and lack of a protective environment in pushing children to committing crimes and calls for attention from policy makers. Research shows that there is relative importance of neighborhoods, families, and peers for both positive and negative adolescent outcomes (Bruce 2002)

According to Somphop Rujjanavet (2000),

Imprisonment only temporarily removes criminals from the community. Most prisoners are freed and many of them relapse into the cycle of crime afterwards. The ultimate goal of corrections is offenders’ successful reintegration into the community. It is widely recognized that mechanisms to enhance the chances of an offender’s reintegration into society are an essential part of any strategy to reduce recidivism. The word reintegration appears to assume that the offender was well integrated in society prior to his or her imprisonment.

Legal Framework

The Legal framework forms the backbone of the child protection system of the country and covers all child related laws in the country that have come into force to protect the child in India. Some of these have been an effect of India’s ratification to International Conventions. These laws are related to protect children from being victimised. The Constitutional concept of children in India is of a healthy childhood with opportunities for all-round growth and development, protected from exploitation and abuse. The Constitution of India guarantees all children certain rights, which have been specially included for them. These include

- Right to free and compulsory elementary education for all children in the 6-14 year age group (Article 21 A).
- Right to be protected from any hazardous employment till the age of 14 years (Article 24).
- Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength (Article 39(e)).
- Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment (Article 39f).

In India, the *Apprentices Act* in 1850 was the first legal document to make provision of rehabilitation to child offenders followed by the introduction of children acts passed by the states, the erstwhile state of Madras passed the first *Children’s Act* in 1920. Children’s Acts in Bengal and Bombay were enacted in quick succession in 1922 and 1924 respectively (Wankhede 2013).

India passed its first central legislation, namely, the Children Act, 1960. (Wankhede 2013). Thus all these Acts finally led to the *Juvenile Justice Act*, 1986 that provides for the rehabilitation of children in juvenile homes, to impart them with certain skills and vocations to make them independent/employable later.

In 2000 and then in 2006 the Juvenile Justice Act, 1986, was revised to include ‘social reintegration’. Counselling of children and their parents/guardians has been made integral to an order of release after advice or admonition. Group counselling, community service, and imposition of fine on the parent are the new measures introduced by the JJ (C&P) Act. India ratified the UNCRC in 1989 thus pledging to protect the child. India also pledged to achieve the Millennium Development Goals by the year 2015. The National Plan of Action was thereby formulated in 2005, committing to ensure rights to children up to the age of 18 years. The National Plan of Action for Children, 2005 (National Report for ‘A World Fit for Children’:12) has set forth certain goals to protect the rights of JCLs and one of the very important strategies to achieve the same is to create model rehabilitation centres in each State/UT for JCLs. Training, sensitisation and building partnerships and networks with stakeholders involved in the process of reintegration form other strategies in achieving complete social reintegration. This is the legal system on which the child protection system of India stands. However laws alone can bring any change in action only when backed by a strong institutional framework and networking of the whole community to work in integration.
International Conventions

The United Nations has adopted a number of international instruments dealing directly with children’s rights and the administration of juvenile justice. Contrary to these international supersets, children in conflict with the law are often treated as adults. They are not protected from the harmful effects of criminal justice (Meuwese 2003). Thus the age of a younger child whose looks betray his/her age is often put into prison and then the onus to prove age and get juvenile his/her rights recognised lies on the child. (shared by a social worker who works in prison as well as in observation home, during an interview)

As per Millennium Development Goals (MDGs), all nations (excepting the United States of America and Somalia) of the world have agreed to a universally set of non-negotiable standards and obligations called the UNCRC. It is the first legally binding international instrument to incorporate the full range of human rights—civil, cultural, economic, political and social rights exclusively for children. Further, the United Nations adopted the Rules for the Protection of Juveniles deprived of their Liberty in 1990. United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh guidelines) followed immediately (1990).

The basic principle underlying the Riyadh Guidelines is the recognition of the need and importance of progressive delinquency prevention policies. Such policies should involve the provision of educational opportunities and to serve as a supportive framework for safeguarding the personal development of all young persons, particularly those who are demonstrably endangered or at social risk.

(Matshaba 2011).

The Convention on the Rights of a Child (CRC) states that the best interest of the child shall be the primary consideration in all actions undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies and that all efforts should be made to ensure family care to the child.

The law itself is inadequate and is not sensitive to special needs of a ‘child’ in general; further protectors of the law are not aware of the rights of the child and ways of dealing with children. Therefore inadequacy of the law and the behaviour of police add to the woes of children. It has been found that children, often innocent ones, are
rounded up by the police for theft and robbery so that the police can claim to show some action on cases reported by them (Mehta 2008).


State parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.

However, people who are over the age of 15 but are under the age of 18 are still voluntarily able to take part in combat as soldiers. The Optional Protocol on the Involvement of Children in Armed Conflicts to the Convention that came into force in 2002 stipulates that State Parties

Shall take all feasible measures to ensure that persons below the age of 18 do not take a direct part in hostilities and that they are not compulsorily recruited into their armed forces.

The Optional Protocol further obligates states to

Take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.

(Art 4, Optional Protocol.)

Institutional Framework

Once a crime is committed by an alleged child, he/she is taken into custody by the police and enters the juvenile justice system. On being apprehended, the case comes before the Juvenile Justice Board (JJB). Till the inquiry is pending, the child is kept in an observation home, unless otherwise released on bail as per legal provisions. On completion of the enquiry, the child is sent to a special home or place of safety, with an aim to reform and rehabilitate the child. On completion of his commitment period, he/she may be sent to a ‘fit institutions’ (certified by the government) for his/her reintegration. This, in a nutshell, is the institutional framework within which the juvenile in conflict with law moves through.
Process of Juvenile Justice

However, the ill-effects of being in an institution are inherent in the law. According to Somphop Rujjanavet (2000), placing offenders in custody alone is not sufficient to solve the problem of crime.

Once in contact with law, the daily lives of the children get affected; they get distanced from the education process and normal interactions with social others; they are deprived of their right to education, and their right to a healthy living. Society begins to exclude them and labels them as ‘criminals’ whereby they are denied normal interactions with children and are not accepted into the community. Left without any functional or professional skills and knowledge, these children tend to fall easy victims to further crime. This is the result of an improper re-entry into society of the accused kids, many of whom have entered into youth hood. This improper entry results in maladjustment of those young people into the community, therefore not being able to contribute completely into the development of the society (as shared by an young adult who has reentered the society from the juvenile justice system).

From the point of being picked up by the police, passing through the whole process of confinement in juvenile homes, till the point they are released back into the community, the process of the juvenile justice deprives them of their innocent childhood. Millions of childhoods remain restricted in dingy institutions where they are dumped and become targets of institutional victimisation processes that do not come within the purview of the legal framework. The experience of a child in an
institution is very different from that of a child in a family. The effects of childhood institutional abuse are numerous and the impact on an individual’s life can be extensive and longer term impacts associated with institutional abuse have been identified by Wolfe et. al (2003) as: betrayal and diminished trust; shame, guilt and humiliation; fear of, or disrespect for, authority; avoidance of reminders; and injury or vicarious trauma (see Conway 2012)

The most serious outcome of institutionalisation is the lack of consistent and sensitive caregivers with whom the child can trust and form a healthy attachment. Thus a child in an institution is already at risk, although admitting a child in conflict with law in a juvenile home is with the intention to keep the child away from a criminogenic environment. At the same time, the institutionalisation process should help in the positive development of the child, in the institution. ‘This is an exhaustive process and not possible with mere good intentions.’ (as shared by a trainer who works with caregivers in institutions)

Article 21 of the Indian Constitution guarantees equal rights to all people irrespective of caste and creed. This therefore leads to the understanding of equal treatment to all children. Further Right to elementary education is a fundamental right guaranteed under the Constitution that implies that every child between ages six to fourteen has a right to education. Despite this legal binding children in juvenile homes are denied full-time mainstream education. Over and above the right to equality and the right to elementary education, the right against exploitation is another fundamental right guaranteed by the constitution. According to this, every human being and for that matter every child has the right to be protected against any sort of exploitation. The Integrated Child Protection Scheme (ICPS) has been started by the Government of India in the year 2013 in order to recognise the right against exploitation.

ICPS brings together multiple existing child protection schemes of the Ministry under one comprehensive umbrella, and integrates additional interventions for protecting children and preventing harm. ICPS, therefore, would institutionalize essential services and strengthen structures, enhance capacities at all levels, create database and knowledge base for child protection services, strengthen child protection at family and community level, ensure appropriate inter-sectoral response at all levels.

(Government of India)
This implies that the right against exploitation ensures protection of all children in institutions by strengthening the exiting institutional systems. Thus with the existence of a child protection mechanism in the country, lack of reintegration mechanisms comes as a surprise. Improper re-entry into the community or absence of reintegration mechanisms may often result in denied acceptance by the community and hence leading to repetition of crime or ‘recidivism’.

**Theoretical Framework**

National and international research, secondary data and literature available on the subject suggests that the present research fits with the equilibrium model and partly with the conflict theory in social sciences. The former is further divided into the behavioural and the psychodynamic models.

The behavioural model states that individuals suffer deprivation that are contextually determined and that can be changed through new learning experiences. Jeffrey (1965) explains criminal behaviour patterns with the help of learning theories. According to him ‘the theory of differential reinforcement states that a criminal act occurs in an environment in which in the past the actor has been reinforced for behaving in this manner, and the aversive consequences attached to the behavior have been of such a nature that they do not control or prevent the response.’ (294-300). This further leads to the understanding how environmental factors abet the commission of crime/acts of delinquency among certain people while repel such acts by others, even if this latter group has committed a crime in the past. This also gives an indication towards the attitude of the society towards the commission of secondary deviance as highlighted a little later.

The psychodynamics model states that early childhood problems help in determining the later life of a person. A review of literature in and around the subject on juvenile delinquency brings to light several studies probing into reasons for juvenile delinquency. Sheldon and Eleanor Glueck’s (1950) path-breaking study and John Lamb and Robert Samson’s (1987) study speak of neglect within the family that may result in delinquency at a later stage of life of an individual. Cavan and Cavan’s (1966) study concluded that children from rich families are also potential delinquents,
thus conforming to the behavioural model that speaks of different contexts for similar behaviour of an individual. Therefore the present study of reintegration would be weighed against similar models practised in other countries and would be contextualised in local scenarios.

Another very important theory that determines the success of the models of reintegration is Lemert’s (1951) theory of labelling. Labelling theorists believe that the act of deviance is a result of the negative attitude of the society towards an individual or groups. Lemert explains the concept of primary and secondary deviance, based on the labelling theory.

Social learning theories also help in the explanation of criminal behaviour by throwing light on the fact that people learn from each other in the course of their developmental process. Hence the type of people around an individual and their behaviour influences in some way the behaviour of the individual. This research would consider ‘social learning theories’ and ‘theories of labelling’ as its theoretical framework.

In order to attain complete reintegration into the community, all the above mentioned factors need to be functioning at the optimum level; to ensure this optimum level of function it is important to delve into the factors leading to delinquency in the first phase and hence try eliminating such factors at all stages in the diagram above.

Efforts towards designing a model reintegration framework for children in conflict with law should be preceded by noting factors that have ‘pushed’ innocent childhood into the world of crimes; this would in turn lead to designing strategies that would otherwise combat such challenges, therefore facilitating smooth re-entry into the community.

The present research aims to study the feasibility of applying reintegration models practiced in other countries, in the Indian context – how have such children been reintegrated into the mainstream society – whether they have been able to become one with the society like they were originally?
'Reintegration models/practices', for this study is defined as strategies/tools used for implementing programmes and services for Juveniles in Conflict with Law (JCL), initiating conviction, continuing on one hand through alternate detention and on the other hand through the release of the juvenile into the community, covering a specific period of hand-holding and follow up mechanisms designed for smooth re-entry of the juvenile into the community. It aims at arresting recidivism, smooth continuity of the juveniles' positive role in the community prior to detention and safety and security of the community to which he/she re-enters.

It is important to note at this stage that reintegration mechanisms being used at various places for several decades now, have evolved through general understanding of criminological theories through the ages. These theories have been detailed out in the following chapter on Literature Review.

The present study explores the possibility of highlighting the best practices in reintegration in India and aims at establishing an ideal reintegration framework, with learning from well-researched and experimented models from various countries across the globe. The underlying fact about ‘reintegration’ in most countries is that reintegration starts from the point of entry of a juvenile into the nexus of law. A child on apprehension is picked up by the police and presented before a magistrate. Once condemned, the child is taken to juvenile homes, it is at this point that the process of ‘reintegration’ should start in case of this child; on the other hand if a child is not condemned but released by law, care should also be taken that the child is secured a proper re-entry to the society.

**Rationale of the Study**

The child protection system in India comprises of legal and institutional frameworks as illustrated in the Figure No 1.1 locating the child in conflict with law. The framework continues to retain its similarity for any child in India. The question that emerges is *what steps are taken by the Indian system to protect the child in India?* A thorough review of literature and experience of working in the issue of the child protection system of the country has helped the researcher conclude that the child
protection system of the country has not been able to effectively permeate into the lives of the children in conflict with the law.

In India, the Juvenile Justice Act 2000, for the first time recognised the need to have proper reintegration mechanisms for such children. Thus reintegration goes a step ahead of rehabilitation (Juvenile Justice Act 1986) that emphasized mainly on imparting some age-old vocational skills to the juvenile delinquent in rehabilitation centres. The amended act thus emphasises the necessity of setting forth a laid-out process in order to smoothly reintegrate a juvenile delinquent back into the community. However reintegration in practise is still a completely new concept in India.

Gaps in Child Protection System

Some of the gaps in the child protection system of India, amounting to such crimes against children:

- No mapping has been done of the children in need of care and protection or of the services available for them at the district/city/state level;
- A large percentage of children in need of care and protection are outside the safety net and have no support and access to services;
- Existing Schemes are inadequate in outreach and funding, resulting in marginal coverage of destitute children and children in difficult circumstances;
- Allotment of negligible resources to child protection and uneven geographical spread in utilization of allotted resources;
- Many of the street children projects do not provide all the basic facilities required, especially availability of 24 hour shelter, food and mainstream education;
- None of the schemes addresses the needs of child beggars;
- Minimal use of non-institutional care options like adoption, foster care and sponsorship, for children without family/parental care;
- Number of Shishu Grehas for orphans are inadequate;
- Lack of rehabilitation services for older children not adopted through the regular adoption process; (Government of India, 2007-2012)

There is a general consensus that as youth is the time when habits have not become fixed, the prospects of reformation are then most hopeful. The committee emphasized the
need for aftercare as well as maintenance of records and statistics of failure of inmates discharged from institutions, which would be valuable for those directing policy and controlling the working of the schools.

(1919-1920)

After-care and rehabilitation programmes are not in place in all states, and even in states where it is available it is being run as any other institutional care facilities under the JJ Act 2000. ‘Reintegration’ forms a very important aspect in aiming to address the cycle of first time juvenile offence, juvenile detention, developmental programmes in juvenile homes, their re-entry into society and prevention of further offence. This also implies that ‘reintegration’ starts from the day a juvenile enters the home/institution. It covers the programmes designed to allow all round developmental growth of the child including ‘education’ and ‘skills development’. Once released from institution, these programmes need be extended by the society indiscriminately, just like they are open for other children (that have never been institutionalized) – only then can ‘reintegration’ happen in the true sense of the term. Ved Kumari (2007) who has studied the Juvenile justice system in India quite intensively, confirms, ‘it is necessary to establish and strengthen the links between the JJS and other welfare services run by state or voluntary organisations.’

The National report for ‘A World Fit for Children’ (p.4) mentions that although social reintegration has been included in recent national laws and policies related to children, there is no detailing about the concrete strategies to achieve the goal of reintegration in the Act. However, this concept and practice is decades old. Reintegration of young offenders has gone through many stages of development and transition in the West – from offender-centric practices, victim-centric practices to integrated practices. Thus, it is important to be introduced to such practices/models of reintegration, in order to suggest/establish similar models, in the Indian context.

Hence at this stage, we shall have to look at the child protection scenario in India and then establishing how and where reintegration fits into the Indian Context so as to serve its real purpose as Ved Kumari (2007) reiterates, ‘the aim of rehabilitation cannot be fulfilled, despite appropriate training programmes, unless coupled with aftercare back-up.’
India has a child population of 400 million which amounts to 30 per cent of the total population of the country (Census 2011). It is hence, quite unfortunate that the world’s tenth largest economy ranks 135 on the Human Development Index (HDI) (Human Development Report, UNDP, 2014). It is said that if all child rights indicators were to become a critical measure for HDI, India would fare even worse, especially because of its poor performance on child protection (Government of India, 2010). Thus children and their issues occupy a very special place in country’s development plans. India is one of the fastest growing nations of the world in terms of population and economics, with a population of 1,139.96 million (2009) and growing at 10-14% annually from 2001–2007 (World Bank, 2009). As per Census 2011, India is home to 1.21 billion people, of whom one-third are children under 18 years of age. Out of this the number of children apprehended as juveniles in conflict with law is quite large; thus in real sense, should comprise of a high percentage of recidivism (return to the world of crimes). Although the pictures do not seem to be so bleak, we Indians need to have everything under control before it slips from our hand.

It is here that ‘reintegration’ in the actual/ideal sense of the term becomes extremely important – intending to reduced recidivism on one hand and securing a protected/rightful place of a child/an individual in society, thus correcting his delinquent behaviour. Therefore proper reintegration mechanisms are important in order to control delinquency of children and to help them grow and get back their childhood or lead a respectable adulthood on return of the juvenile correctional system. However the child protection system of the country has come a long way, evolving through various stages to come to a mind-set to include reintegration in the JJ Act.

**Rehabilitation, Reintegration and Community Attitudes**

A dictionary meaning of rehabilitation refers to restoring former privileges or reputation or proper condition by training and therapy (Concise Oxford Dictionary). The term ‘reform’ is generally used to refer to the nineteenth-century development of prison regimes that sought to change the offender through a combination of hard labour and religious instruction, whereas ‘rehabilitation’ describes the more
individualized treatment programmes introduced in the twentieth century in conjunction with the emergence of the welfare state (Garland 1985).

Reintegration is a more recent term that aims at attaining goals similar to those of rehabilitation stated above, but comprises of more comprehensive community programmes and networking making various stakeholders in the community work in cooperation. This is to restore the individual into the community with not only his/her former privileges but also with former acceptance, thus going beyond individualised treatment programmes.

When the ‘rehabilitative ideal’ was at its height in the 1950s and 1960s, it was strongly informed by positivist criminology, which viewed criminal behaviour not as free-willed action but as a symptom of some kind of mental illness that should be ‘treated’, just as an illness is treated.

There are indications that rehabilitation is undergoing something of a revival, as there have been recent attempts to find ‘what works’ (Mc Guire 1995); (Hollin 1999); (Crow 2001). Rehabilitation programmes are now seen as measures that might ‘facilitate change’ rather than ‘coerce a cure’.

There have been numerous suggestions on ideal rehabilitative measures as suggested by various practitioners from time to time. State involvement with those labelled criminal was rehabilitative with goals of social reintegration after incarceration (Clear and Coal 1994).

In an earlier era when families were close-knit, when towns were small, when most people knew one another and the economy was less complicated, the sense of competition and conflict amongst individuals in society was simpler. In this scenario, criminals and deviants were handled informally and effectively without taking recourse to formal control systems. The path analysis model suggests that positive self-image leads to decreased delinquency, and association with delinquent peers is the greatest predictor of delinquent behaviour, regardless of race (WesleyII et. Al 2009).
Further, it is interesting to note that treatment...is directed towards producing an enduring change in the behaviour of an individual as he lives under natural conditions in the community. Included within the concept of treatment is an idea of restoration or improvement rather than restriction or disablement (Schwitzgebel 1971).

The above understanding would help in delivering services to children aiming towards their reintegration.

Towards an Ideal Reintegration Model

Some practical proposals (from studies in the western world) suggest an ideal reintegration mechanism, based on the idea that whatever the family constellation, delinquency appeared as a by-product of a low standard of living coupled with child neglect. In searching for the right type of remedial action, it must be remembered that no overall solution can be found that would be appropriate for all families, different as they are from one another in their essential characteristics. In a good many cases, alleviation of immediate obstacles may be all that is needed. In other cases, however, certain personality problems would necessitate the help of specialized psychiatric services. The delinquency arising out of the way of living described before is a family problem and not an individual child problem. Prevention must therefore lie in the treatment of the family situation, and not entirely in the treatment of the child (Wilson 1962).

However, in a situation when a child has fallen prey to ‘delinquency’, the relationship between children and direct State authority officially begins with parens patriae, which means that the State takes over the role of the father or guardian. Parens Patriae is based upon the premise that child deviance and delinquency are results of poor home care and bad parenting. Therefore State responses to child deviance and illegal behaviour required State intervention in the home.

The JJ (Care and Protection of Children) Act 2000, recognised the role of the family in including reintegration of juveniles into the mainstream society, with an aim to prevent them into becoming hard-core criminals and thus ensure child protection. The
Act recognised the family of the child as a unit to deal with while dealing with children. It introduced a wider range of community placement options in terms of adoption, foster homes, shelter homes, and sponsorship while imposing fine on the parents and providing counselling to the family of a child in conflict with law.

The government’s approach to tackle delinquency and help children develop into healthy individuals is primarily in two forms, preventive and curative. Early child care comes under the preventive approach and education and skill development to inmates in reformatory schools comes under the curative approach. Both approaches need to go hand in hand in order to promote all round development. This would be unfolded in course of the present research study. Countries in the West have experimented with several reintegration models based on various strategies of needs, skills, values and interventions.

**Reintegration Practices around the Globe**

There have been several practices of reintegration in various parts of the globe since decades. For the success of reintegration, preparing the community is as important as preparing inmates. ‘All of the hard work and rehabilitation in prison will be in vain if ex-prisoners are rejected by their respective communities on re-entry’ (Rujjanavet 2008).

In Thailand, several initiatives have been incorporated to promote community acceptance. The Department of Corrections has focused on four elements in developing appropriate programmes and service for prisoners, responding to their needs of accommodation, employment and good family relationships. During incarceration, inmates can attend educational programmes, provided in three categories, appropriate for their interest and skills (Rujjanavet 2000). Secondly, apart from essential needs, a number of prisoners also have criminogenic needs that require specific treatment programmes. Thirdly, programmes related to community acceptance of offenders returning to the community. Lastly, the continuity of service delivery to ensure that released inmates do not fall through the gaps of service provision.
In several American states, an integrated approach to reintegration is followed called the *Integrated Aftercare Programming* model in which case management is an important intervention that cuts across all stages right from the entry of an individual into residential care till the point of re-entry into community and thereafter. In New Zealand and Australia, reintegration of juvenile delinquents into the community follows the principle of *restorative reintegration* in which the offender is made to realize the wrongs he has made to the victim and thus make-up for them by offering social service to the victim and his/her community. In some places *prisoner fellowship* programmes are conducted so as to support prisoners in undertaking employment opportunities so as to make the process of re-entry smooth (http://www.pfnz.org.nz/).

Thus, ‘reintegration’ is a multi-pronged approach towards reverting back to a normal life in the community, crossing the boundary of ‘labeling’. The following diagram shows an integrated approach towards ‘reintegration’ of a child in conflict with law, back into the society.

**Reintegration – An integrated approach**

![Reintegration Diagram](http://www.pfnz.org.nz/)

There are various stakeholders (as illustrated in figure 1.3) that are working at their own levels to improve the child protection system of the country. The Constitution of India guarantees every child the right to a healthy life. Article 21 guarantees the fundamental right to life under the Indian Constitution. ‘Right to environment, free of danger of disease and infection is inherent in it. Right to healthy environment is
important attribute of right to live with human dignity’ (Vardhan 2015). It is time that a network be established with all stakeholders so as not to duplicate efforts, but work in cooperation to make an all-round programme in the child protection system of India.

The Literature Review Chapter would highlight studies on reintegration practices in different countries and the learning from these studies. This would serve as a guide in developing a reintegration framework for India. Reintegration would serve two purposes:

On one hand it would ensure the rights of a child to be protected and the rights of an individual (for children who have completed eighteen years of age in juvenile homes) as a human being and a citizen of India. On the other hand, studies have proved that ‘reintegration’ leads to crime reduction.

Crime reduction is a high priority for governments both past and present. Low levels of crime have also been recognised as important for economic growth (Lucas 1988) and as one of the most graphic indicators of good social cohesion, which involves bonding and trust within and between communities, and also a common sense of citizenship and values (Maxwell 1996). Crime reduction, therefore, is seen as important not only in reducing the economic costs to the nation, but also in increasing wider well-being and quality of life.

To reduce crime and increase societal well-being, we need to recognise that the motivations for committing crime operate at both the individual and the societal level. At the individual level, people may commit crime for their own gain, but also as a response to societal problems, such as absolute and relative deprivation. The response by the government and society has been to increase the costs and reduce the benefits of committing crime; sometimes directly through the penal, legal and security systems, but also indirectly by increasing individuals’ stake in society. In order for the latter to be effective, we need to have policy levers working to reduce both absolute and relative deprivation.
The present study would review reintegration practices in other parts of the globe and would take into account the views of important stakeholders that can act as change-makers to help apply successful strategies in various contexts for various age-groups of children in conflict with law in India.

**Research Questions**

The broad research questions that arise in this context are:

1. What are the models of reintegration that exist in various parts of the world? The present studies will not only highlight such practices but would try to understand the strategies they are based on, the reasons behind their success and/or what made them fail. This would help in the evolution of a feasible framework as an outcome of the present study.

2. What are the practices of reintegration followed by the State and non-State actors such as NGOs in India, in relation to children in conflict with law? It is important to recognise such efforts in some corners of the country, that otherwise go undocumented and hence unnoticed. An ideal framework cannot merely be framed on the basis of studies done in other countries; it has to be fed on experiences and good practices in India.

3. What are the perceptions of various stakeholders on ‘reintegration’? This would add to the process of framing of the desired framework. Further, exploring the rehabilitative/reintegrative services that exist in juvenile homes in India would help in adding an Indian flavour to the western reviewed practices. The opinions of various stakeholders about the feasibility of applying these models in Indian context would add value to the whole process of developing the framework.

4. What is the location of children of different age groups so as to recognise the difference in intervention based on age-groups? This would be qualified by seeking to find answers to the fact if children getting rehabilitation services in homes gain economic independence after their release from the institutions. It
would also be interesting to review the figures related to return of children/young adults to homes or even to prisons, so as to understand the rate of recidivism. Response to this research question would also highlight the existence or non-existence of a proper follow up plan for children on exit from juvenile homes. Opinion/s of NGOs (voluntary organisations) working in the area with regard to rehabilitation of children and their role in the reintegration process would also help in determining the outcome of the study.

5. Whether any support services are provided to children in juvenile homes – before or after their exit from such placement and if so how long is such support provided for. Literature reviews related to reintegration practices in other parts of the world have led to believe that there need be proper/organised and well-coordinated support provided to children/young adults after their release from incarceration. This would further help in exploring the tracking systems to follow up children after they are released from juvenile homes.

6. What is perception of various stakeholders towards the term reintegration? It has been learnt from experience that reintegration indicate different meanings to different people.

Therefore it is important for the present study to highlight such perceptions in order to arrive at a common definition of reintegration and then to go into finding responses to the research questions. Broadly, the study aims to look at and understand the models / good practices related reintegration of JCL. These stories would help in successfully placing the study in the Indian context and would be easier for people to accept the framework based on such highlighted stories and strategies used in attaining such success.