
EFFECTIVENESS OF PROBATION IN TREATMENT AND REHABILITATION OF JUVENILES

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ABSTRACT

The way a society treats its children when they break the law shows how civilized and forward-thinking it is. For a very long time, the criminal justice system treated everyone the same, whether they were an adult or a child. If a child committed a crime, they were thrown into the same dark Prisons as hardened criminals. However, over time, thinkers, lawyers, and scientists realized that Children are completely different from adults. Their brains are still growing, they do not understand The full results of their choices, and they are easily guided down the wrong path by bad company or Poor family environments. Because of this understanding, modern nations built a separate system called the juvenile Justice system. The main goal of this system is not to punish the child or take revenge. Instead, the Focus is entirely on treatment, reform, and rehabilitation. We want to change the child's behavior So they can grow into good, responsible citizens instead of permanent criminals. The most important tool used to achieve this reform is called probation. Probation is a legal Choice given by a court or a specialized board. Instead of locking a young offender inside a secure Prison or correctional institution, the child is allowed to live out in their regular community. They Stay at home with their parents or go to a special safe home, but they must follow strict rules and Remain under the watchful eye of a professional called a Probation Officer. This paper attempts to explore how probation helps heal and correct troubled young minds, and looks at the exact rules and sections written under the law to protect them.

Keywords: Juvenile, Juvenile justice system, Rehabilitation, Probation.

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1) INTRODUCTION

To put it simply, probation is like a second chance with strings attached. When a child commits an offense, the court does not immediately lock them up. Instead, the court says: "We will suspend your punishment. We will let you go back to your family, your school, and your friends. But you must promise to behave well, listen to your supervisor, and stay away from trouble." Probation is built on a very famous legal concept called *parens patriae*², which means "the State acts as a parent." This means that if a child's natural parents fail to guide them correctly, or if the child falls into a bad environment, the government steps in. But the government does not step in as an angry punisher; it steps in as a wise, caring parent. The state tries to find out why the child did something wrong and fixes that specific problem. Probation is highly effective because it avoids the terrible damage of putting a child in a prison block. In jail, a young child learns worse criminal tricks from older inmates. They are also branded with a lifelong label that makes them feel rejected by society. Probation prevents this by keeping the child attached to positive influences like school, sports, and family love, while guiding them back onto the right track³.

Concept of Probation

The term probation is derived from the Latin word *probare*, which means "to test" or "to prove"⁴. In criminal justice, probation signifies an opportunity given to an offender to prove their ability to live a law-abiding and disciplined life without being subjected to imprisonment. It is a non-institutional method of treatment primarily intended for corrigible offenders, particularly young persons and first-time offenders. Instead of sending the offender to prison, the court allows them to remain in the community under supervision and subject to certain conditions. Probation thus serves as a period of supervised freedom during which the offender must maintain good conduct and comply with the directions of the probation officer⁵. Its primary objective is rehabilitation and social reintegration rather than punishment.

² The doctrine of *parens patriae* implies the inherent sovereign power and responsibility of the State to provide protection to individuals who are legally unable to take care of themselves, such as juveniles.

³ Harsh Raj, *Understanding Juvenile Justice: A path to Rehabilitation for Minors* (Oct. 29, 2024), criminal, available at www.manupatra.com

⁴ Justice C.V. Karthikeyan, *Law Relating to Probation: An Overview*, National Conference on Sentencing, Probation and Victim Compensation, Session II, National Judicial Academy (Apr. 8–9, 2023), <https://www.nja.gov.in>.

⁵ *Ibid.*

Definition of Probation

David L. Sills defines probation as a procedure for the "release of convicted criminals on a conditional basis in order to assist them in pursuing a non-criminal life." This definition emphasizes conditional liberty, rehabilitation, and the transformation of offenders into responsible and law-abiding citizens. According to Don M. Gottfredson, probation is a procedure by which a convicted person is released by the court without imprisonment, subject to conditions imposed by the court. This definition highlights that probation is a judicial alternative to imprisonment and forms an important part of the sentencing process. V. R. Krishna Iyer, speaking at the National Correctional Conference on Probation and Allied Measures (1971), criticized the continued reliance on colonial punitive methods and advocated a correction oriented approach to criminal justice. He stated that:

"Twenty-five years of freedom have not freed our judiciary from the obsolescent British-Indian penology, bearing on suppression of crime. And it is time for our magistracy to bend to the winds of social changes."

He emphasized that Indian courts should adapt to social change and embrace rehabilitative measures such as probation, which focus on reforming offenders rather than merely punishing them.

2) HISTORICAL ANTECEDENTS AND DEVELOPMENT OF PROBATION

1. United States of America

The concept of probation in the United States traces back to John Augustus, widely recognized as the "Father of Probation⁶." Augustus, a Boston resident and bootmaker, pioneered probation in 1841 when he successfully persuaded a police court to release a drunkard on a conditional basis. By 1858, he had provided bail for 1,946 individuals, assisting them in reintegrating into society without imprisonment. In 1878 the first probation law was enacted, and probation officers were officially appointed⁷ then in 1929 Thirty-five states enacted laws for adult probation, and forty-seven states for juvenile probation. In 1958 Nearly all U.S. states had passed probation legislation, institutionalizing the practice nationally. The National Probation

⁶ *History of Juvenile Probation*, Good Juvenile Probation Practice, <https://www.goodjuvenileprobationpractice.org/history-of-juvenile-probation> (last visited Aug. 5, 2026).

⁷ *Ibid.*

Association played a significant role in standardizing probation practices. As in 1923 the National Probation Association published the first standards for juvenile probation and juvenile courts, emphasizing probation as an active, constructive intervention for children. Later on, in 1925 The National Probation Association Established the first Model Juvenile Court Act, further consolidating juvenile probation frameworks.

Key judicial developments strengthened due process rights for juveniles:

- ***Kent v. United States*** : Juvenile offenders were granted due process equivalent to adults.
- In 1967: Early brain studies suggested that areas responsible for reasoning develop later than basic sensory functions⁸.
- ***In re Gault*** Extended the 14th Amendment's due process protections to juveniles. In re Winship Required proof of guilt beyond a reasonable doubt for juvenile adjudications.
- ***(McKeiver v. Pennsylvania)*** Denied juveniles the right to a jury trial.
- 1975 (***Breed v. Jones***): Prohibited double jeopardy for juveniles; the death penalty was barred (*Roper v. Simmons*).

From the 1980s onward, punitive policies gained prominence due to rising youth crime, leading to high recidivism, particularly among marginalized youth. Neuroscientific research later emphasized adolescent brain development:

- 1994-2015: Studies revealed ongoing maturation of the hippocampus and reasoning capabilities, affecting judgment and impulse control⁹.
- 2016: Research highlighted that positive interventions can mitigate effects of trauma and maladaptive experiences¹⁰.
- 2018: The JJDPa was reauthorized, and tools were developed to improve equitable juvenile

⁸ PI Yakovlev and AR Lecours, “*The Myelogenetic Cycles of Regional Maturation of the Brain*” in *Regional Development of the Brain in Early Life* (Blackwell Scientific Publications 1967) 3-70.

⁹ Stephanie Marek et al. & Beatriz Luna et al., *An Integrative Model of the Maturation of Cognitive Control*, 38 Ann. Rev. Neuroscience. 151 (2015).

¹⁰ Beatriz Luna & Nicholas D. Wright, *Developing an Integrated Motivation-Cognitive Control Account of Adolescence*, 17 Developmental Cognitive Neuroscience 101 (2016).

justice decision-making.

2. England

In England, probation emerged through early legal reforms and statutory interventions:

- 1820: Warwickshire Quarter Sessions introduced the practice of token sentences for young offenders under parental supervision. Matthew Davenport Hill, an English lawyer, contributed significantly to modern probation concepts.
- 1879: The first British statute on probation was enacted, though it contained a "no supervision rule".
- 1907: Comprehensive probation legislation was introduced, forming the foundation of probation practice in the UK until 1948, when the Criminal Justice Act 1948 addressed ambiguities in the 1907 Act.
- 1982: The Criminal Justice Act further regulated the probation system, formalizing procedures for supervision and rehabilitation.

3. India

The history of probation in India can be categorized into four periods: Ancient, Medieval, Modern, and Post-Independence.

a) *Ancient Period*

Classical Indian texts reflected early recognition of human complexity . Firstly Manusmriti Advocated releasing offenders after gentle admonition. Then Kautilya's Arthashastra Recommended punishments that were neither too harsh nor too lenient. Later on Mauryan Edicts (Ashoka) Included provisions for remission of punishment, reflecting a preference for moderation.

b) *Medieval Period*

During the Maratha and Peshwa rules, some cases illustrate early probation-like practices:

1. Vishwanath Bhatt Patankar (1775-76): Released after a surety promised future good conduct.
2. Janki Lagadin (1785-86): Released from imprisonment on her father's assurance of good behaviour.

c) Modern Period¹¹

- 1897: The reformatory school of thought emphasized rehabilitation.
- CRPC 1898, Section 562: Statutory recognition of probation in India.
- CRPC 1973, Section 360: Reaffirmed probation provisions.
- Indian Jail Committee Report (1919-1920): Integrated reform and rehabilitation with deterrence in penal policy.
- Children Act, 1922: Made provisions for probation for child offenders.
- Probation of Offenders Act, 1958: Provided a comprehensive statutory framework for probation in India.

d) Pre-Legislative and Colonial Phases (1773-1919)¹²

Juvenile justice prior to 1850 was governed by personal laws, often imposing severe punishments on children.

- Committee on Prison Discipline (1838): Revealed high mortality in prisons; advocated minor improvements but neglected juvenile-specific reforms.
- Indigenous Advocacy (1778-1843): Initiatives by Krishna Chandra and Jai Narain Ghoshal established shelter homes and industrial schools for juveniles.
- Apprentice Act (1850): Introduced structured vocational training with disciplinary measures.

¹¹ Aditya Ranjan Malviya, *Juvenile Justice in India: Historical Development* (Research Scholar, Faculty of Law, University of Lucknow).

¹² Ibid

- In the Bhartiya Nyaya Sanhita, 2023 (BNS), Doli Incapax is defined in a section which tells that something done by a child below seven years of age is not an offence.
- Section 207 of BNS 2023 states: "Nothing done by a child under the age of seven is considered an offense."
- Indian Jail Committee (1864): Recommended juvenile segregation and corporal punishment as alternatives to imprisonment.
- Reformatory Schools Act (1876): Established reformatories for youth offenders, emphasizing vocational training and welfare.

e) State-Driven Phase (1919-1950)

Indian Jail Committee (1919-1920): Advocated age-appropriate treatment, remand homes, children's courts, and probation for juveniles.

Children Acts (1920-1949): Enacted by various states, these acts established juvenile courts, remand homes, and probation systems, largely following the American model.

f) Post-Constitutional Phase (Post-1950)

- The Constitution provided for special provisions and child protection (Articles 15(3)¹³, 21¹⁴, 23¹⁵, 24¹⁶, 39¹⁷, 47¹⁸)
- Children Act (1960): Established child welfare institutions, probation, observation homes, and juvenile courts.
- Juvenile Justice Act (1986): Standardized juvenile justice across India, providing probation and specialized treatment.

¹³ Article 15(3), The Constitution of India 1950.

¹⁴ Article 21A, The Constitution of India 1950.

¹⁵ Article 23, The Constitution of India 1950

¹⁶ Article 24, The Constitution of India 1950

¹⁷ Article 39e, The Constitution of India 1950.

¹⁸ Article 47, The Constitution of India 1950.

- Juvenile Justice (Care and Protection of Children) Act (2000): Adopted a gender-neutral definition of "child," incorporated probation, community service, counselling, and established Juvenile Justice Boards.

Subsequent amendments (2006) reinforced these provisions, emphasizing rehabilitation over punishment.

3) THE ROLE OF PROBATION IN THE TREATMENT OF JUVENILES

When we speak of "treatment" for a young offender, we do not mean medical or hospital Treatment. We mean behavioural and mental correction. Children who break the law often come from Broken homes, face poverty, suffer from abuse, or have fallen into substance addiction¹⁹. Probation Acts as an active therapeutic process to solve these deep problems.

i. Finding the Root Cause (The Social Investigation)

The rehabilitation process does not start randomly. Before deciding what to do with a child, The Juvenile Justice Board asks a Probation Officer to conduct a detailed background check. The Officer visits the child's neighborhood, talks to their teachers, interviews their parents, and studies Their mental state. This results in a document called a Social Investigation Report (SIR)²⁰. This report Acts like a doctor's diagnostic sheet. It tells the board exactly why the child broke the law whether It was due to hunger, lack of school support, bad friends, or an abusive father.

ii. Creating a Custom Plan for the Child

Every child is different, so their reform plan must be different. Based on the report, the Probation officer creates an individualized plan. If the child committed a crime because they Dropped out of school, the probation plan makes it mandatory for them to re-enroll and attend Classes every single day. If the child has an anger problem, they are sent to mandatory

¹⁹ National Institute of Social Defence, *Training Module for Probation Officers* 22–30 (Ministry of Social Justice & Empowerment, Gov't of India 2018) and Edwin H. Sutherland & Donald R. Cressey, *Principles of Criminology* 525–32 (7th ed. 1966).

²⁰ Under standard rules of procedure, a Social Investigation Report (SIR) must be completed by the Juvenile Probation Officer within a mandatory timeline from the date of the child's first production before the Juvenile Justice Board.

The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, sec 2(40), 8, 18, India Code (2016).

behavioral Counseling sessions where they learn to control their temper²¹.

iii. Substance Abuse and Addiction Support

A large percentage of young offenders get involved in minor crimes to fund a drug or Alcohol habit. Locking them up does not cure addiction; it only pauses it. Under a proper probation Program, the child is connected with local de-addiction centers²². The probation officer watches them Closely, ensures they attend their therapy sessions, and helps them build a clean lifestyle free from Harmful substances.

4) THE ROLE OF PROBATION IN REHABILITATION

Rehabilitation means helping someone return to a normal, healthy life in society²³. It is about Rebuilding broken ties and giving the young person a future. Probation plays a massive role in this stage by acting as a bridge between the court and the community.

A. Using Behaviour-Changing Therapies

Probation programs heavily use standard psychological methods, such as Cognitive Behavioral Therapy (CBT)²⁴. This method teaches children to understand their own thoughts. Many Children act instantly on anger or peer pressure without thinking. CBT exercises help them pause, Recognize a bad thought, realize the bad consequences, and make a better decision instead. The Probation officer guides the child through these life-skill exercises during regular weekly meetings.

B. Family Healing and Involvement

A child cannot change if they go back to an abusive or dysfunctional home every night. Therefore, probation works with the whole family²⁵. The probation officer speaks to the

²¹ Ibid

²² United Nations Office on Drugs and Crime Handbook on Children Recruited and Exploited by Criminal Groups 52–58 (2019).

²³ U.N. Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), G.A. Res. 40/33, Rules 5.1, 11.4, U.N. Doc. A/RES/40/33 (Nov. 29, 1985). U.N. Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), G.A. Res. 45/112, U.N. Doc. A/RES/45/112 (Dec. 14, 1990). U.N. Convention on the Rights of the Child arts. 3, 37, 40, Nov. 20, 1989, 1577 U.N.T.S. 3.

²⁴ Aaron T. Beck, *Cognitive Therapy and the Emotional Disorders* 185–210 (1976).

²⁵ National Institute of Social Defence, *Training Module for Probation Officers* 22–30 (Ministry of Social Justice & Empowerment, Gov't of India 2018).

parents, Guides them on how to talk to their child without violence, and teaches them how to supervise their Children effectively. By healing the home environment, the child receives a permanent support Structure that keeps them safe from future criminal behavior.

C. Educational and Vocational Skill Building

The best way to prevent a young person from turning to crime is to give them a path to earn An honest living. Probation programs partner with local trade schools and charity groups. Older Juveniles are taught useful practical skills like computer repair, carpentry, tailoring, or electrical Work. When a youth learns a trade, their self-esteem rises, they see a bright future for themselves, And the urge to commit crimes vanishes completely²⁶.

Why Community Treatment is Better Than Prison

Studies across the globe show that when a child is locked up in an institution, the chance of Them committing another crime after release is very high²⁷. This is because institutional life Cuts them off from the real world. On the other hand, probation teaches the child how to Handle real-life temptations and challenges while remaining in the community. It changes Their internal mind-set rather than just locking their physical body behind iron bars.

5) KEY FUNCTIONS OF A JUVENILE PROBATION OFFICER

The Juvenile Probation Officer (JPO) is the most crucial character in this entire Rehabilitation journey²⁸. They do not work like a regular police officer who is trying to catch a criminal. Instead, they act as part counselor, part social worker, and part strict guardian. Their main Daily tasks include:

- **Regular Home and School Visits:** The officer goes to the child's home and school Unannounced to verify that the child is attending classes, staying home during curfew hours, And behaving

²⁶ Ibid

²⁷ *Roper v. Simmons*, 543 U.S. 551, 570 (2005) (recognizing the developmental differences between juveniles and adults and emphasizing rehabilitation).

Salil Bali v. Union of India, (2013) 7 S.C.C. 705, 733–34 (India) (highlighting the reformatory and rehabilitative objectives of juvenile justice). *Dr. Subramanian Swamy v. Raju*, (2014) 8 S.C.C. 390, 410–12 (India) (affirming the rehabilitative philosophy underlying juvenile justice legislation).

²⁸ The Juvenile Justice (Care and Protection of Children) Model Rules, 2016, 10A–10C, Gazette of India, Extraordinary, Part II, sec 3(i) (Sept. 21, 2016).

well with family members²⁹.

- **Counseling and Mental Support:** The officer sits down with the child to talk through their Problems, stress, and goals, acting as a trusted mentor the child can lean on³⁰.
- **Connecting with Resources:** The officer helps the family get financial aid, medical assistance, Or free tutoring services from non-governmental organizations (NGOs)³¹.
- **Reporting to the Board:** The officer writes regular progress reports for the judge or board. If The child is improving, the officer recommends reducing the restrictions. If the child refuses to Follow rules, the officer informs the board so further safety steps can be taken³².

6) PROVISIONS UNDER THE JUVENILE JUSTICE ACT

To understand how probation works legally, we must look at the specific law that governs Children. In India, this law is known as The Juvenile Justice (Care and Protection of Children) Act, 2015 (often simply called the JJ Act). This Act contains very clear sections that explain how a Child who breaks the law termed a "Child in Conflict with Law" (CCL) should be treated, and When they can be released on probation.

A. Categorization of Crimes Under the Act

The JJ Act divides offenses committed by juveniles into three simple categories so that the Treatment matches the seriousness of the act:

Petty Offenses: Crimes that have a maximum punishment of up to 3 years in prison for adults (such as minor theft or simple assault).

Serious Offenses: Crimes that have a punishment between 3 to 7 years in prison for adults (such as major robbery or cheating).

Heinous Offenses: Cruel or extreme crimes that carry a minimum punishment of 7 years or

²⁹ National Institute of Social Defence, *Training Module for Probation Officers* 22–38 (Ministry of Social Justice & Empowerment, Gov't of India 2018).

³⁰ Ibid

³¹ Ibid

³² Ibid

more in prison for adults (such as murder or sexual assault).

B. Section 18: Orders That Can Be Passed by the Board

Section 18 of the Juvenile Justice Act is the most important section regarding probation. It Lists the exact choices available to the Juvenile Justice Board (JJB) when they find out a child has Indeed committed an offense. The law explicitly states that even if a child is found guilty, the Board Can choose noninstitutionalized methods over jail.

Under Section 18(1)(e), the Board can direct the child to be released on probation of good Conduct. In this situation, the child is placed under the direct care of their parents, a legal guardian, or any "fit person" selected by the Board. The parents or guardians must sign a formal legal bond Promising that they will take absolute care of the child's well-being and ensure their good behavior for a period that cannot exceed three years.

Under Section 18(1)(f), if the child's own home is unsafe, abusive, or non-existent, the Board can order the child to be released on probation but placed under the care of a "fit facility". This is a recognized NGO, a youth home, or a counseling center that will provide safe shelter, Regular food, and professional supervision, again for a maximum period of three years.

C. Additional Supportive Orders under Section 18(2)

The JJ Act understands that just telling a child to “be good” is not enough. Therefore, the Law says that whenever a child is released on probation, the Board can combine it with extra Mandatory orders to help their rehabilitation. The Board can order the child to:

- Regularly attend a specific formal school or a vocational training center to learn a practical Livelihood trade.
- Attend a specialized therapeutic counseling center or undergo a mandatory drug de-addiction Program if they have an addiction problem.
- Be prohibited from visiting specific places (like gambling dens, bars, or crime-heavy Neighborhoods) or meeting specific bad associates.

JJ Act sec	What the legal provision says	Maximum duration allowed
Sec 18(1)(e)	Release on probation under the care of parents or a guardian after signing a good behavior bond.	Upto 3 years
Sec 18(1)(f)	Release on probation under the care of an authorized fit facility or safe rehabilitation NGO.	Upto 3 years
Sec 18(2)	Additional conditions like mandatory schooling, skill building, de-addiction, and staying away from bad areas.	Applies during the probation term
Sec 15&18(3)	Preliminary assessment for children aged 16-18 who commit heinous crimes to see if they need to be tried in an adult court.	Case-dependent assessment

D. The Special Rule for Older Children (Ages 16 to 18)

The Juvenile Justice Act contains an exception for older children who commit extreme Crimes. Under Section 15, if a juvenile between the age of 16 and 18 years commits a heinous Offense (like murder or rape), the Juvenile Justice Board conducts a detailed preliminary Assessment. They look at the child's mental capacity, their maturity level, and whether they fully Understood the extreme outcome of their action. If the Board finds that the child acted with the maturity of an adult, they can transfer the Case to a regular Children's Court (Sessions Court).

Even in this situation, the focus does not Instantly shift to harsh punishment. The court can place the youth in a "Place of Safety" until they Turn 21. When they reach 21, the court evaluates them again. If the youth shows deep reform and Good progress, the court can still choose to release them on probation for the rest of their sentence Instead of sending them to an adult prison.

7) MAIN BENEFITS OF THE PROBATION SYSTEM FOR CHILDREN

When we evaluate how probation functions under the Juvenile Justice Act, we can list Several massive benefits for both the child and society:

Saves the Child from Mental Trauma³³: Traditional prisons are violent and scary Environments. Locking a 14-year-old child inside an institution can scar their mind forever, Making them angry, fearful, and hateful toward society. Probation keeps them in a gentle, Normal environment.

Maintains Important Social Foundations³⁴: Under probation, a child's life does not stop. They Continue going to their school, giving their exams, eating home-cooked food, and celebrating Festivals with their families. This stability makes it much easier for them to reform.

Saves Public Funds³⁵: Building large correctional facilities, paying for continuous security Guards, and providing food and clothing for thousands of locked-up juveniles costs the Government huge amounts of money. Probation costs a small fraction of that budget, allowing Public money to be spent on building better schools and neighborhood parks instead.

Reduces the Rate of Repeated Crime³⁶: Data clearly shows that children who undergo Community based probation are far less likely to commit another crime compared to children Who are locked up in institutional centers. Probation cures the internal mindset, leading to Permanent good behavior.

8) PRACTICAL CHALLENGES IN PROBATION AND REHABILITATION

1. Limitations in Probation Officers' Capacity, Despite being central to the rehabilitation process, probation officers face systemic constraints:

- Excessive caseloads and inadequate staffing³⁷

³³ U.N. Convention on the Rights of the Child arts. 3, 37, 40, Nov. 20, 1989, 1577 U.N.T.S. 3.

³⁴ U.N. Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), Rules 5.1, 26.1, G.A. Res. 40/33, U.N. Doc. A/RES/40/33 (Nov. 29, 1985).

³⁵ Howard Abadinsky, Probation and Parole: Theory and Practice 145–60 (13th ed. 2018).

³⁶ U.N. Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), G.A. Res. 45/112, U.N. Doc. A/RES/45/112 (Dec. 14, 1990)

³⁷ Ananya Tiwari, Examining India's legal framework: for offences committed by Minors (19 jun ,2024)

- Minimal training in child psychology and behavioural intervention.³⁸
- Lack of resources to create “avenues for health, education, relationships, livelihoods, leisure, creativity, and play.”

As a result, probation often becomes monitorial rather than developmental, undermining its purpose.

2. Deficiencies in Education and Vocational Training

The NCPCR (2008) highlighted serious shortcomings:

- Only children eligible for age-appropriate classes are enrolled in schools.
- Others receive ad hoc educational inputs.
- “Vocational training” often means unpaid institutional labour (cooking, cleaning, washing). Vocations are outdated, low-end, and not aligned with market demands.

Consequently, juveniles exit the system without meaningful skill enhancement, perpetuating socio-economic exclusion.

3. Inadequate Psychological Intervention

The Model Rules require:

- Two full-time counsellors in a home of 100 juveniles.
- Support from psychologists, psychiatrists, and occupational therapists.

However, in reality:

- Counselling is generic and infrequent.
- No integration of information from teachers, parents, or peers.

³⁸ Ananya Tiwari, Examining India’s legal framework: for offences committed by Minors (19 jun ,2024)

- Lack of private spaces for counselling.
- This weakens the therapeutic component essential for behavioural reform.

9) JUDICIAL INTERPRETATION

Indian courts have consistently emphasized the principles of rehabilitation and reformation in juvenile justice and probation. In *Shila Barse v. Union of India*³⁹, it was established that minors involved in petty offences should be placed in observation homes, not prisons, reinforcing rehabilitation. In *Narayan Chetanram Chaudhary v. State of Maharashtra*⁴⁰, the Court granted benefit of juvenility even after decades of incarceration. Held that juveniles cannot receive the death penalty, aligning punishment with child rights standards. In *Anuj Kumar v. State of Uttar Pradesh*⁴¹ it was held that juvenile acts cannot disqualify a candidate from public employment. Directed appointment of the petitioner to a constable post, affirming the rehabilitative essence of juvenile justice. In *Masarullah v. State of Tamil Nadu*⁴², the court extended benefits of Sections 4 and 6 of the Probation of Offenders Act even in serious IPC offences (Sections 452, 379). While *Ramamurthy v. State of Karnataka*⁴³ explained that probation implies conditional suspension of sentence, requiring a careful balance between social protection and offender reform. In *Chandreshwar Sharma v. State of Bihar (2000)*, it was held that courts must record specific reasons for denying probation where applicable. And in *Om Prakash v. State of Haryana (2001)*, court recognized probation under Section 360 CrPC in cases involving old offences with no subsequent misconduct. In *State of Maharashtra v. Chandrabhan Sudam Sanap*, commonly referred to as the Shakti Mills Gangrape case, one of the accused was a minor. The case highlighted concerns regarding the treatment of juveniles involved in heinous offences. It brought attention to the need for stricter scrutiny during inquiries conducted by the Juvenile Justice Board and the importance of individualized assessment before granting probation or rehabilitative measures to juvenile offenders implicated in serious crimes. In *Mohd. Akhtar v. State of Jammu and Kashmir*, also known as the Kathua Rape and Murder case, one of the accused was a juvenile. The case underscored the need for a robust juvenile justice system with a clear framework on how minors involved in grave offences should be rehabilitated. It reinforced the importance of probation officers in

³⁹ AIR 1986 SC1773, (1986)3 SCC 596,1986SCR(3)433

⁴⁰ AIR 2019

⁴¹ 2021

⁴² AIR 1983SC 654

⁴³ AIR 1997 SC 1739

preparing Social Investigation Reports (SIRs), assisting courts in determining whether the juvenile requires probationary supervision, placement in special homes, or other rehabilitative interventions. And finally, in *Sampurna Behura v. Union of India (2018)*, The Supreme Court in this case addressed the broader issue of children's vulnerability to drug abuse. The judgment highlighted the need for structured rehabilitation and de-addiction programs, emphasizing the role of probation services in monitoring affected children. It also stressed the need for trained probation officers, specialized institutions, and comprehensive aftercare programs to ensure long-term rehabilitation and prevent recidivism

CONCLUSION

In conclusion, probation is not a sign of weakness or a simple pardon for a crime. It is a Scientific, empathetic, and effective way to heal a broken young life. The juvenile justice system Recognizes that a young offender is often a victim of their own circumstances poor guidance, bad Neighborhoods, or sudden emotional impulses. Instead of destroying their entire future by throwing Them into a prison cell, probation extends a helping hand filled with guidance, education, and moral Correction. By utilizing the clear legal pathways written under Section 18 of the Juvenile Justice Act, 2015, judges and social workers have a strong framework to save children from institutional trauma. When we support, educate, and guide an erring child through a structured probation system, we do More than just prevent crime we save a human life and build a safer, more compassionate world for everyone.