INTRODUCTION

Juvenile delinquency is a rampant problem in the country right now as the numbers keep on increasing every year. While the base of the problem often lies in early childhood vulnerabilities, bad parenting, socio-economic hardships, and neuropsychological instincts, the state is also responsible to an extent. As observed by psychologists around the world, most of such juveniles disengage from crime after a brief period but some can remain indulged within that world for a long time, possibly for life. Such persons if not given appropriate rehabilitative and congenial environment could prove to be a menace for the society.

As described by Moffitt and Caspi (2001), there are two kinds of juvenile offenders – adolescent limited offenders (ALs) and life course persistent offenders (LCPs). These two categories are understood as pathways for such adolescents and as the names suggest, ALs generally have a brief stint of anti-social behaviour which begins to dissipate at the onset of adulthood; on the other hand, LCPs are generally the ones who are likely to engage in adult criminality. To prevent juvenile offenders from embarking on the latter pathway, it is of crucial importance and it can be done only by recognising such delinquents early on and treat them in a congenial environment by fostering their positive talents and encouraging their overall growth.

In this context, it becomes of grave importance that such adolescents in conflict with law be given appropriate rehabilitation. State is also responsible to take care of such juveniles owing to the two sections under IPC under general exceptions. Indian state categorises juveniles into two sub-groups, one is Child in Need of Care and Protection (CINOCAP) and the other being Children in Conflict with Law (CICWL). It is also pertinent to note that the term ‘child’ or ‘children’ refers to the persons less than 18 years of age. The Juvenile Justice policy in India is shaped around the mandate of International Law as prescribed under UN Convention on the rights of the Child (CRC) and UN Standard Minimum Rules for Administration of Juvenile Justice (Beijing Rules) along with the articles 15 (3), 39 (e), 39 (f), 45 and 47 of the Constitution of India.

The current rehabilitation facilities in India remain abysmal with issues like over-crowding, lack of cleanliness and sanitation, and improper guidance. Moreover, there have been several reports of rape and molestation within such Juvenile centres. Such conditions and environment further encourage the
anti-social tendencies within these adolescents. An immediate change in policies is necessary in order to ensure that we prevent adult criminality in juvenile offenders instead of facilitating the same. To that extent, certain academics as well as states have explored mindfulness-based techniques for treatment of such juvenile delinquents and the research has yielded some promising results. In this piece, I have strived to explore the need of a change in Indian context along with that, I have also examined the relevance of such mindfulness/spiritual techniques like yoga and meditation in India.

**EFFECT OF INCARCERATION AND JUVENILE RECIDIVISM IN INDIA**

Nirbhaya rape in 2012 was one of the darkest incidents recorded in the nation’s history. While the convicts of the case were recently hanged in March 2020, most citizens rejoiced it as ‘justice being served’. Even so, many were unhappy how one of the convicts who was a juvenile seemingly walked scot-free with just 3 year-time in a reform facility. Public sentiments on the issue were direct about the issue ever since 2012, they argued that the convict who was a juvenile should be tried as an adult. This also prompted the state to enact the Juvenile Justice (Care and Protection of Children) Act, 2015. This act allows adolescents between 16-18 years of age to be tried as adults in certain cases of heinous offences committed by them. Albeit the assessment procedure prescribed within the act makes an attempt to filter out the truly heinous offenders, it is significant to note that such heinous offenders are still juveniles and it is problematic to try them as adults. This regime essentially exposes these adolescent offenders to the rather ‘harsh’ system of mandatory minimum sentencing, which is undesirable. It has been observed by Steinberg that generally around the age of 16-18 years, juveniles are extremely susceptible to impulsivity, sensation-seeking, and risk-taking, especially considering their cognitive control system remains largely under-developed by that age. Such adolescents must be subjected to systemic treatment rather than incarceration or punishment. Lack of proper rehabilitative and congenial environment for such juveniles in conflict with law leads to an even more serious issue for the society – juvenile recidivism. As previously discussed, most of the adolescent offenders come into the category of ALs and thereby discontinue their criminal career after a brief engagement. However, the present conditions in reformative centres force them into a career in crime allowing them to become repeat offenders.

**NEED FOR JUVENILE REHABILITATION**

In ordinary circumstances, juvenile offenders are integrated into the society after their time in correctional facilities, therefore their treatment and rehabilitation must focus on preparing them for assimilation into the society. Rehabilitation is crucial also because most rehabilitation techniques cater to the specific needs of each adolescent offender and give them alternatives to adjust in the society. One is compelled to resort to illegitimate ways to obtain goals when he has no means to achieve that goal legally and as such rehabilitative techniques should be seen as an extension of Stain theory which

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12Id.
13Juvenile Justice (Care and Protection of Children) Act, 2015.
14Id, § 15.

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equates life struggle to goals and means. Rehabilitation is important as juveniles learn unique and necessary steps that could be pursued to obtain one’s goals and the means.\textsuperscript{17} This exercise eventually leads to a decline in the number of repeat offenders. Due to the fact that juvenile delinquents are rehabilitated through local, state, and federal funded programs and interventions, the money that supports these interventions are tax payers. Rehabilitative methods have to be realistic to implement and teach juvenile delinquents how to make it in society after being treated.

**ISSUES IN INDIAN CONTEXT**

Juvenile delinquency is often associated with social, psychological, and biological factors. For instance, when an adolescent offender is categorised as a ‘criminal’ instead of being treated for his/her deviance, it could further lead to a criminal career. Schur (1965) has explained the concept accurately as ‘the Criminalization of deviance’.\textsuperscript{18} He argues that criminalising an act is the ultimate form of stigmatisation. Terming a specific behaviour as ‘deviant’ has intense impacts on the persons engaging in it. On the other hand, criminalizing such behaviour takes it one-step further and may even take such persons toward a ‘criminal career’. A criminal behaviour invites social reactions, which in turn may result in further criminal actions.

Indian correctional facilities are evidently ridden with fallacies and issues of grave concern. There is a need for immediate change which would help India counter the vice of juvenile delinquency. In that regard, I believe traditional and spiritual techniques like yoga and meditation could be exceedingly useful as treatment mechanisms. Such techniques evoke the self-concept and bring in an overall positive outlook, focusing on introspection rather than contemplation of one’s actions. This becomes largely relevant in a society like India where most people are concerned with retributive and deterrent theories of punishment rather than reformative and correctional.

**RELEVANCE OF MINDFULNESS**

The official data with respect to any re-offense after initial incarceration in the USA indicates that 80% of such adolescents will reoffend within four years.\textsuperscript{19} More than fifty-percent of the first-time offenders (60%) and a majority of those who re-offend (90%) have been involved with the correctional facilities.\textsuperscript{20} While the exact data in Indian context is unavailable but the scenario is essentially similar.

Adolescence is a period of crucial changes in mind functions that differentiates juveniles from adults. While it is generally agreed upon that brain development occurs within social context,\textsuperscript{21} there is a distinctive susceptibility to developmental issues inherent in the rapidity of adolescent brain development that places them in danger of risky decision making, behaviour issues, and manifesting psychopathology.\textsuperscript{22} Furthermore, events in adolescents’ lives can impact brain development and function which subsequently moderates pro social behaviour. Thereby, it becomes substantially easier to help develop the adolescents’ brain functions and pull them away from a life of criminality.

In that regard, mindfulness techniques which directly influence once psyche and mind become increasingly reliable and significant in today’s world. Mindfulness is a technique which promotes the idea of being present in the moment and includes within the aspects of acceptance, openness and meditation. The final goal of mindfulness is the well-being of an individual and the society. The empirical data indicates that mindfulness methods can eliminate negative personality traits by a large extent, decrease stress levels, elevate attention, alleviate chronic unease and enhance overall

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\textsuperscript{17}Kalie Darbouze, *Rehabilitative Methods and the Affect on Juvenile Delinquents*, 1 UNI. OF MARYLAND JOUR. 105 (2017).


\textsuperscript{22}Id.
psychological health. Mindfulness interventions in correctional facilities have resulted in reduced hostility and improved self-esteem for adults as well as amongst youth.\textsuperscript{23}

Mindfulness as a term has been defined variably but essentially it consists of five processes which are – regulation of attention, bodily awareness, regulation of emotions, and change in self-perception.\textsuperscript{24} By engaging in these processes, physical changes happen to the structure and function of the brain associated with the benefits of mindfulness. Mindfulness-based interventions (MBIs), derived from Buddhist meditation practices and secularized for use in contemporary society, preferentially train attentional awareness, enhancing emotional and behavioural regulatory skills and generating a shift in one’s perspective of self.\textsuperscript{25}

Studies have been conducted all over the world which reveal the positive impact of mindfulness meditation on prison inmates, adults as well as adolescents.\textsuperscript{26} There has been only one study in Indian context though which examined the effect of Vipassana Meditation (VM) on Quality of Life (QOL), Subjective Well-Being (SWB), and Criminal Propensity (CP) among inmates of Tihar Jail, Delhi.\textsuperscript{27} Through this empirical study, the following observations were made:

- VM generally had a positive and significant impact on the SWB of inmates.
- CP of inmates seemed to decrease significantly after they attended the VM course.
- A significant difference in SWB and CP of experimental (Vipassana) group and control (non-Vipassana) group was observed.
- VM seemed to have similar effect on SWB and CP of participants irrespective of their gender.

The conclusion as analysed in the above study shows that there is a need for more such experiments to assess the relevance of mindfulness on juvenile delinquency.

**Yoga and Spirituality**

Perception of self is the very essence of one’s being. Therefore, the internalisation of modesty as a trait is directly impacted by self-concept. Just as a person’s self-concept is positive, the individual develops the qualities of confidence and the ability to evaluate oneself in the real-world social context. This leads to development of social adjustment in them. On the other hand, due to negative self-concept, a complex of being inferior could originate in adolescents.\textsuperscript{28} “Delinquency refers to behaviour by youths under 18 years of age which is not acceptable to society and is generally regarded as calling for some kind of admonishment, punishment, or corrective action.”\textsuperscript{29} Because an adolescent is immature, he needs utmost guidance rather than severe punishment, so the state must strive to ensure appropriate guidance for them. Carl Rogers also indicates to this, as maturity and learning can result in changes in self-concept and how yoga can help one with that.

Using the sample of rural adolescents in this study, it was found that juvenile offenders have a new self-concept than normal adolescents. Jadhav and Havalappanavar (2006) conducted a study on “the

\begin{itemize}
  \item \textsuperscript{23}Rachel Murray, Rebecca Amann & Katey Thom, *Mindfulness-based interventions for youth in the criminal justice system: a review of the research-based literature*. PSYCHIATRY, PSYCHOLOGY AND LAW (2018).
  \item \textsuperscript{24}Drew E. Winters & Emily Beerbower, *Mindfulness and meditation as an adjunctive treatment for adolescents involved in the juvenile justice system: Is repairing the brain and nervous system possible?*, SOCIAL WORK IN HEALTHCARE 1 (2017).
  \item \textsuperscript{25}B.K. Hölzel et. al., *How does mindfulness meditation work? Proposing mechanisms of action from a conceptual and neural perspective*, 6(6) PERSPECTIVES ON PSYCHOLOGICAL SCIENCE 537 (2011).
  \item \textsuperscript{26}Sharon Simpson et. al., *Mindfulness-Based Interventions for Young Offenders: a Scoping Review*, 9 MINDFULNESS 1330 (2018).
  \item \textsuperscript{28}Dr. Sunil K. Deshmukh, *Role of yoga to develop positive self-concept in juvenile delinquents*, 6(1) INT’L. J. OF YOGIC, HUM. MOVE. & SPRTS. SCI. 7 (2021).
  \item \textsuperscript{29}J.C. COLEMAN, *ABNORMAL PSYCHOLOGY AND MODERN LIFE* (D.B. TARAPOREXVALASON AND CO., 1976).
\end{itemize}
effect of Yogic practice on self-concept". The study observed that yoga helped develop self-concept of adolescents and brought a lot of positive changes in the lives of teenagers. Acharya Shriram (2015) has expressed this idea more articulately. There are four steps in psychology for training to the consciousness. These are learning, retention, recall and recognition. All means for influencing the human mind are in yoga. Here extreme importance of yoga emerges. Yoga influences all factors of self-concept such as – Identification, Language, Body image, Learning, Feedback etc. Therefore, yoga is a powerful tool for the development of the positive self-concept. Mind, intellect and consciousness can be used as a tool to reach in the self. Yoga reduces all kinds of physical, mental, emotional and spiritual problems. Asanas with mantras and pranayama are extremely effective.

FOR SUBSTANCE USE DISORDERS
Many incarcerated young offenders suffer from substance use disorders (SUDs) and a relapse of the same can result in a relapse of criminal behaviour. When adolescent is heavily immersed within the juvenile justice system, they are often placed within residential treatment centres (RTC). There are minimal treatment approaches that are successful within RTCs; they do not address the difficulty such adolescent offenders face. The most commonly abused substances for juvenile offenders are alcohol and marijuana. Green et al. (2016) explored longitudinal patterns of alcohol and marijuana use within adolescents and identified 4 categories for the same – no use class, moderate use class, high dual use class, moderate alcohol/increasing marijuana. In modern times, incorporating mindfulness as an intervention within a correctional setting is a practice that has gained more interest. Himelstein (2010) explored the implications of introducing mindfulness training in conjunction with substance abuse treatment. His work focused on two facets of mindfulness, the use of Mindfulness-Based Stress Reduction (MBSR) and Mindfulness-Based Relapse Prevention (MBRP). In agreement with many methods, MBRP encourages the youth to respond to their experiences without judgment and make rational decisions. Those who practice yoga regularly often feel relaxed, have greater focus, have feelings of empowerment, and feelings of satisfaction. Participating in yoga gives the individual the opportunity to explore their mind and body. SUDs are an increasing concern with adolescent populations, but specifically minorities. The major concern and impairment revolve around the over incarceration of the youth. Even though minority youth use substances at similar rates as white youth, they experience more adverse consequences as a result of their use. Once a youth is involved with the criminal justice system it is difficult for them to escape the cycle. Recidivism can manifest in many forms, the most likely with this population is a relapse. Mindfulness, an emerging tool helps participants cope with their feelings, thoughts, and environments. It can be practiced in a group, alone, or moment to moment. The skill encourages the participant to be aware of thoughts, but develops the regulatory skills to not act on such thoughts. This is helpful when dealing with addiction, plagued by impulsive thoughts and behaviours.

OPPOSITION OF MINDFULNESS
The lack of a consensus definition of mindfulness is a source of ambiguity in clinical and research domains. Other interventions that draw upon mindfulness, such as acceptance and commitment therapy (ACT) and dialectical behavioural therapy (DBT) are not focused on much within literature.

31 AACHARYA SHRIRAMSHARMA, SAFLATA KE TIN SADHAN (YUG NIRMAN PRESS, 2015).
33 S.HIMELSTEIN, MINDFULNESS-BASED SUBSTANCE ABUSE TREATMENT FOR INCARCERATED YOUTH: A MIXED METHOD PILOT STUDY (TRANSPERSONAL STUDIES, 2010).
34 Id.
36 B. Khoury et. al., Embodied mindfulness, 8(5) MINDFULNESS 1160 (2017).
These approaches, along with other related interventions (Yoga, Tai-Chi, compassion-focused therapy, loving kindness meditation), may also have a potential role in youth offending settings. Certain scholars have also criticised the unbalanced picture painted by the reported overwhelmingly positive benefits with very little, if any, discussion of negative effects of mindfulness exercises. A few negative impacts such as increased symptoms of anxiety due to the techniques have been reported recently, but current empirically supported treatments for emotional difficulties, anxiety, and trauma use approaches to re-experience the difficult private experiences which does raise symptoms momentarily for the purpose of addressing the avoidance that perpetuates symptoms. However, the recent most study also shows that the positive effects of mindfulness far outweigh its negatives.

Thereby, it is essential to at least incorporate and examine them within juvenile justice system.

CONCLUSION
The increasing rates of juvenile crime in India in very concerning issue and need to be focused upon. Although government has laid various legislation and rules to stop the incidents of juvenile crimes but the present laws on juveniles is not creating a deterrent effect on the juveniles and thus the results are not fruitful and legislative intent is not accomplishing.

Mindfulness techniques demonstrate promise in addressing varying issues that face juvenile justice/youth in a direct and distinct way that other approaches miss. Given the potential for benefit, the paucity of research on mindfulness in the juvenile justice population highlights a need to explore this topic further. The study of literature around the world displays that mindfulness-based interventions result in beneficial outcomes for youth in the criminal justice system. The relevant evidence of mindfulness interventions for incarcerated youth was synthesized and four significant themes were identified: decreased stress, increased self-regulation, improved anger management and acceptability of the interventions on the part of the youth. Despite limitations in terms of sample size and general ability to different demographics, the results of these studies are positive and support the implementation of further mindfulness interventions in youth incarceration facilities.

The study conducted by Khurana and Dhar (2000) although in adult criminal context brought a new perspective in India criminal justice setting. A similar approach may be introduced into juvenile justice system to discourage the rampant recidivism in the country and help adolescent offenders truly reform and assimilate in the society.

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37 A.W. Hanley et al., Mind the gaps: Are conclusions about mindfulness entirely conclusive? 94(1) JOUR. OF COUNS. & DEV. 103 (2016).