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M.A, LL.M, Ph.D,

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Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

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More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

AN ANALYTICAL STUDY OF JUVENILE DELINQUENCY IN INDIA

AUTHORED BY: PRATYUSH KUMAR

DESIGNATION: LLM STUDENT

AFFILIATION: CHANAKYA NATIONAL LAW UNIVERSITY, PATNA

ABSTRACT

Juvenile delinquency poses a significant challenge to societies worldwide, including India, where it has garnered increasing attention due to its social and legal ramifications. This paper presents an analytical study of juvenile delinquency in India, aiming to elucidate its causes, manifestations, and implications. Employing a multidisciplinary approach, the study draws upon legal, sociological, psychological, and criminological perspectives to offer a comprehensive understanding of this complex phenomenon.

The analysis begins by examining the legal framework governing juvenile delinquency in India, highlighting the Juvenile Justice (Care and Protection of Children) Act, 2015, and subsequent amendments. It explores the evolving definitions of juveniles and the mechanisms established for their care, rehabilitation, and reintegration into society. The study delves into the socio-economic factors contributing to juvenile delinquency, including poverty, inadequate education, family dysfunction, and exposure to violence and substance abuse. It investigates the role of peer influence, social media, and cultural norms in shaping delinquent behavior among juveniles.

Moreover, the study examines the psychological underpinnings of juvenile delinquency, exploring issues such as trauma, mental health disorders, and personality traits that may predispose individuals to engage in delinquent acts. It also assesses the efficacy of intervention programs, counseling, and therapeutic approaches in addressing these underlying psychological factors. The study analyzes the various manifestations of juvenile delinquency in India, including crimes against property, violent offenses, and cybercrimes. It investigates trends in juvenile offending, recidivism rates, and disparities in the juvenile justice system based on factors such as gender, socio-economic status, and

geographical location. The study discusses the implications of juvenile delinquency for society, emphasizing the need for holistic approaches that address root causes while balancing the principles of accountability and rehabilitation. It concludes with recommendations for policymakers, law enforcement agencies, and social welfare organizations to effectively combat juvenile delinquency and promote the well-being of young offenders in India.

Key Words- Juvenile, Juvenile Delinquency, Cybercrimes, Rehabilitation, Children

INTRODUCTION

"If we are to teach real peace in this world, and if we are to carry on a real war against war, we shall have to begin with the children." - Mahatma Gandhi

Children are invaluable assets, holding significant importance in shaping the future of a nation. They represent the building blocks of tomorrow's society, and it is essential to ensure their holistic development to lay strong foundations for the nation's future. Therefore, every possible endeavor should be made to offer them equal opportunities for comprehensive growth. This will enable them to emerge as resilient citizens equipped with physical, mental, and moral strength, as well as the requisite skills and motivations necessary for societal advancement.

It is the primary duty of every individual to take proper care of his children and provide them a strong start in life by ensuring they get proper nurturing, care and the necessary protection in any potential event leading to their exploitation, abuse, neglect, degeneration and the like.

This duty is enforced by the state through law, because the ultimate responsibility for care and protection of the neglected children lies on the state. Where parents fail or are incapable of providing the necessary care and protection, or home environment is unhealthy or injurious to proper growth of children, the intervention of the state as a 'parens patriae' is solicited for ensuring appropriate care and protection to the neglected children for their rehabilitation in the society as its productive members. This obligation becomes more pronounced in a welfare and democratic state, where human rights of children are to be enforced through the guarantee of rule of law and distributive justice.

Due discharge of constitutional obligations under Article 39(e)(f), 41, 42, 45 and 47 by enforcement

of basic human rights through Articles 14, 15(3), 17, 21, 23 and 24 can go a long way in turning large number of neglected children into useful and productive members of the society. The real realization of social justice lies in balancing its scales in the realm of juvenile justice in relation to neglected children.

The term juvenile delinquency refers to the violation of criminal laws and certain patterns of behavior deemed inappropriate for children and young adolescents. It can be categorized into various types, including individual delinquency, where only one person is involved, and the cause of the delinquent behavior is attributed to the individual's characteristics. Group-supported delinquency occurs when offenses are committed in the company of others, with the cause often linked to the cultural environment of the individual's home and neighborhood. Other categories include organized delinquency and situational delinquency. A delinquent youth typically exhibits disobedient and wayward behavior, often running away from home and school. They may resist parental or teacher authority and prove difficult to discipline. Such individuals are often self-willed and engage in actions that pose harm to the well-being and happiness of themselves and others.

Psychologists have categorized juvenile delinquents into five groups based on their individual characteristics or the psychological aspects of their personality. These groups include individuals who are mentally challenged, experiencing psychosis, exhibiting neurotic tendencies, influenced by their situation, or influenced by cultural factors.

Sociological theories of juvenile delinquency focus on the role of the environment, social structures, and the learning process. While there is consensus that various factors contribute to delinquent behavior among young individuals, these factors are generally categorized into two groups: individual factors and situational factors. Individual factors encompass personality traits such as submissiveness, defiance, hostility, impulsiveness, feelings of insecurity, fear, lack of self-control, and emotional conflicts. Situational factors, on the other hand, may stem from family dynamics, peer influence, exposure to media, school environment, work environment, among others. The definitions of delinquency are varied and multifaceted. Sociologists define deviance as any behavior perceived by members of a social group as violating their norms, encompassing both criminal and non-criminal acts that are considered unethical, immoral, peculiar, sick, or otherwise unacceptable. Another perspective views delinquency as a manifestation of socio-personal disorganization within the context

of dynamic social processes, influenced by various factors and the failure of personal and social controls. It is seen as a symptom of broader socio-economic and societal issues. From a legal standpoint, a delinquent juvenile is defined as someone who commits an act deemed illegal or delinquent by law and is adjudicated as such by a competent court. In India, delinquent behavior is typically associated with violations of the country's Penal Laws committed by individuals up to the age of eighteen years.

State laws prohibit two categories of conduct among juveniles: the first encompasses actions that would be considered criminal for adults, such as murder, rape, fraud, burglary, robbery, and similar offenses. The second category pertains to status offenses, including running away from home, being unruly or ungovernable, and chronic truancy. Juvenile justice is widely perceived as a concept centered around fairness and equity, providing an alternative legal framework for addressing the needs of children. This approach prioritizes protection, restoration, and reintegration, with a focus on care and rehabilitation. Accordingly, the Juvenile Justice Act of 2015 aims to establish effective mechanisms and foster an environment conducive to the care, protection, development, and rehabilitation of juveniles in conflict with the law.

AIMS AND OBJECTIVES

The aims and objectives of the paper are:

- To examine the factors contributing to the rising incidence of juvenile delinquency offenses.
- To examine the shortcomings in the judicial process, as well as the social, educational, cultural, and economic factors influencing families' backgrounds and living standards. This analysis aims to identify areas for improvement and implement appropriate reforms tailored to address the current challenges, thereby reducing juvenile offenses and victimization.

REVIEW OF LITERATURE

The researcher has attempted to review the relevant literatures by stating their contents and their relevance to the theme of the research:

Sarkar, C.¹ in his book “Juvenile Delinquency in India: an Etiological Analysis” stated that recently the establishment of juvenile justice systems has fostered a positive environment for all young

¹ Sarkar, C. (1987), 'Juvenile Delinquency in India: an Etiological Analysis.' Daya Pub. House, Delhi, pp. 39-154.

offenders. Additionally, it has provided favorable conditions for criminologists, despite being a relatively new area of study. Juvenile delinquency has emerged as a significant social issue, demanding widespread attention. Generally, it manifests as a distinct pattern of behavior, involving unlawful actions committed by individuals within the age range specified by national laws.

Kusum² in her book “Juvenile Delinquency- A Socio-legal Study” stated that the term "delinquency" encompasses a broad range of behavior that is socially frowned upon, and its definition can vary depending on factors such as time, location, and the perspectives of those tasked with enforcing the law. This behavior may encompass actions like skipping school, being unruly or defiant, dishonesty, leaving home without permission, frequenting entertainment venues, visiting disreputable places, and returning home late at night. Additionally, it may include situations where a child is homeless, impoverished, or neglected. In essence, a delinquent, from a sociological standpoint, refers to a child whose actions cause concern and alarm among parents, educators, and other caregivers responsible for their upbringing and education.

Singh, R.S.³ in his book “Juvenile Delinquency in India” has discussed that the reasons behind juvenile delinquency are diverse, and the interpretation of delinquency can vary depending on one's perspective. For some, delinquency encompasses behaviors that are not socially accepted. From a psychiatric standpoint, delinquent behavior is seen as deviating from the norm. Meanwhile, a legal expert might define juvenile delinquency based on what is outlined in the law.

Sugata Menon⁴ in her book “Young Criminals: Crime and Punishment in Juvenile Delinquency” says that Juvenile delinquency pertains to unlawful or antisocial actions carried out by minors or adolescents, with such individuals falling under the jurisdiction of juvenile courts. The criteria for referring cases to juvenile courts can differ among states, depending on behavioral patterns and qualifications. A juvenile delinquent is described as a young individual who consistently violates the law, particularly someone repeatedly accused of vandalism or antisocial conduct. Consequently, offenses that are punishable when committed by adults but are perpetrated by individuals under the age of 18 are categorized as juvenile crimes.

² K. Kusum, 'Juvenile Delinquency- A Socio-legal Study'(1979) Published by KLM Book House, New Delhi

³ Singh, R.S. (1948) Juvenile Delinquency in India Lucknow: The Universal Publishers Ltd., Sociological Review.

⁴ Sugata Menon (2000), Young Criminals: Crime and Punishment in Juvenile Delinquency, Hard Back media, ISBN 9788173913280

Nawaz. Haque⁵ in his article "Juvenile Justice System & its Delinquency in India" highlights that upon examining the extensive scope of the issue and its complexities, it becomes evident that various factors contributing to neglect and delinquency share commonalities and are interconnected, largely influenced by socio-economic and psychological factors. These include poverty, disrupted family structures, domestic conflicts, emotional mistreatment, migration from rural to urban areas, erosion of traditional social values and extended family networks, instances of parental or guardian abuse, deficiencies in the education system, the pervasive impact of media, and the adverse living conditions prevalent in slum areas, among others. Together, these conditions elucidate the underlying causes of juvenile delinquency.

HYPOTHESIS

The researcher's hypothesis suggests that numerous efforts and committees have been established to safeguard juveniles from crimes committed against them. Despite the implementation of various reforms, the researcher argues that there remains a significant disparity between the intended objectives and the outcomes achieved. Furthermore, the researcher highlights the absence of adequate legislation to effectively address offenses committed by juveniles.

RESEARCH METHODOLOGY

This study is based mainly on descriptive, analytical and doctrinal methods. For matters pertaining to within-industry and observational aspects, a descriptive approach is utilized. When examining legal provisions and different issues related to victimization, an analytical method is employed.

SOURCES OF DATA

The researcher will rely on Secondary sources like books, journals, websites, articles (national and international) etc.

JUVENILE DELINQUENCY

On occasion, children may transgress legal boundaries, leading them to be labeled as "juvenile delinquents." These individuals, typically aged between 10 and 18, have engaged in behavior that

⁵ Nawaz. Haque (2012) Juvenile Justice System & its Delinquency in India, nawaz.haque@legalserviceindia.com

contravenes the law. While their actions are not classified as crimes, they are referred to as "delinquent acts," and the young person responsible is identified as a "delinquent juvenile."

The term 'Juvenile' originates from the Latin word 'juvenis,' which means 'young.' Similarly, the term 'delinquency' is derived from the Latin words 'de' (away from) and 'linquere' (to leave). The Latin term "delinquere" originally meant 'to commit a fault' in its earliest sense.⁶

Children are regarded as the most valuable asset and resource of the nation. It is essential to grant them the freedom and opportunities to mature into strong, physically fit, mentally sharp, and morally upright citizens, equipped with the skills and qualities required by society. Providing equal opportunities for development to all children during their formative years is crucial for reducing disparities and promoting social justice, which can effectively help in preventing juvenile delinquency. Children are expected to exhibit obedience, respect, and embrace positive values. However, for various reasons, they may deviate from established social and legal norms.

The concept of juvenile delinquency is relatively new in legal terms and is closely linked with the field of criminology. These two concepts are inseparable, as ineffective control and treatment of juveniles can contribute to the perpetuation of crime into adulthood. Juvenile delinquency serves as a significant breeding ground for future criminals. The term "delinquency" originates from the Latin word "delinquere," which means "to leave or abandon." Initially, it referred to parents who neglected or abandoned their children. However, in modern usage, it pertains to children engaging in wrongful or harmful behavior.

In recent times, there has been a growing recognition that juvenile delinquency holds significant significance within the field of criminology. This period has also witnessed a strong desire for an impartial evaluation of the issue and the emergence of innovative methodologies. The escalation of delinquent behavior among young individuals indicates a troubling trend within society.

DEFINITION OF JUVENILE

A juvenile is typically described as a young individual who has not reached a specific age, at which

⁶ Singh, R.S. (1948) Juvenile Delinquency in India Lucknow: The Universal Publishers Ltd., Sociological Review. Page 11.

point they can be considered legally responsible for their actions, akin to an adult. In the eyes of the law, a juvenile is someone who is accused of breaking a law that deems their action or inaction as an offense. It's important to note that the terms "juvenile" and "minor" carry distinct legal meanings. "Juvenile" pertains specifically to youthful offenders who are involved in criminal activity, while "minor" refers to a person's legal status in terms of capacity or adulthood.⁷

As per Section 2(k) of the Juvenile Justice (Care and Protection of Children) Act 2000, the terms "juvenile" or "child" refer to an individual who has not yet reached the age of eighteen. Additionally, according to Section 2(1) of the same Act, a "juvenile in conflict with law" is defined as a juvenile who is accused of having committed a criminal offense.

The terminology "juvenile delinquent," which was utilized in the previous 1986 act, has been substituted with the updated term "juvenile in conflict with law."

As per the provisions of the Juvenile Justice (Care and Protection of Children) Act 2015, the term "child" refers to an individual who has not yet reached the age of eighteen. A "child in conflict with the law" is defined as a minor who is accused or found to have committed an offense and is below the age of eighteen at the time of the alleged offense. "Child in need of care and protection" means a child-

- i) Someone who is discovered lacking a residence or fixed place of dwelling and lacks any apparent source of income or means to support themselves, or
- ii) A person who is discovered to be employed in violation of current labor laws or is observed begging or residing on the streets, or
- iii) who resides with a person (whether a guardian of the child or not) and such person—
 - a. has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or
 - b. has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or

⁷ See the Black Dictionary of Law

- c. has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or
- iv) who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or
- v) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well-being of the child; or
- vi) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or
- vii) who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or
- viii) who is found vulnerable and is likely to be inducted into drug abuse or trafficking

DEFINITION OF DELINQUENCY

Delinquency refers to behavior exhibited by a juvenile that is deemed socially unacceptable. It typically signifies a child's failure to fulfill societal expectations placed upon them. Juvenile delinquency often stems from unmet desires or needs within the individual. The classification of a child's actions as deviant depends on various factors and may differ across states, cities, and over time. Some have described a juvenile delinquent as a child attempting to mimic adult behavior. The perception of a child's behavior can vary, as what may seem like harmless play in one context may be cause for concern in another. Differentiating between a delinquent and a typical child can be challenging, and often hinges on the child's relationship with those affected. The concept of juvenile delinquency lacks clear definition, leading to ambiguity and disagreement. The earliest legislation addressing juvenile delinquency, enacted by the State of Illinois in 1899, outlined specific types of delinquent behavior beyond those covered by criminal laws.

Juvenile delinquency arises from unmet desires and impulses, and for the delinquent, their deviant behavior is seen as a natural reaction to their inner desires. Similar to non-delinquents, juveniles involved in delinquent behavior are influenced by their surrounding circumstances. A juvenile delinquent is someone officially recognized as such by a judicial court, even though they may not

differ significantly from other children who do not engage in delinquent behavior. Delinquency refers to actions, behaviors, or interactions that are deemed socially undesirable.

According to Robison, the term "delinquency" encompasses a wide range of behaviors that are socially frowned upon, and this definition can vary depending on factors such as time, location, and the perspectives of those in charge of enforcing the law. These behaviors may include actions such as skipping school, being unmanageable, disobeying rules, lying, leaving home without permission, frequenting cinemas, visiting disreputable places, and returning home late at night. Additionally, it may apply to a child who lacks a stable home, is impoverished, or is neglected. In essence, from a sociological standpoint, a delinquent child is one whose actions cause worry and distress to parents, teachers, and other individuals responsible for their upbringing and education.⁸

The term "delinquency" carries an eschatological connotation of wrongdoing. "Juvenile delinquency" is a legal term initially defined in 1889 with the enactment of the first law on the subject in Illinois. Subsequently, each state in the U.S. has implemented delinquency laws, aimed at altering perceptions of delinquent behavior, resulting in modifications in some states. The definition of delinquency encompasses actions that constitute violations of the law when committed by minors, such as truancy, unruly behavior, and running away.⁹

CAUSES OF JUVENILE DELINQUENCY

The factors influencing juvenile delinquency, which refers to delinquent behavior in children, can be examined through the following categories:

1. Urbanization

In both developed and developing countries, the standard of living depicted by the media often exceeds the means of most families. However, these ideals can become aspirational goals for many young people, leading some to pursue lifestyles beyond their financial capabilities. Access to essential resources such as education, vocational training, employment opportunities, income, healthcare, and housing is not universally available. Consequently, individuals who lack these resources may resort

⁸ K. Kusum, 'Juvenile Delinquency- A Socio-legal Study'(1979) Published by KLM Book House, New Delhi, page 44

⁹ Ruth Shonle Cavan Theodore N. Ferdinand, *Juvenile Delinquency* (III Edition): 27

to illegal means in an attempt to achieve their goals.¹⁰

When there is an excessive emphasis on desired goals, such as achieving success, without adequate resources or strategies to attain them, it can lead to feelings of disappointment and frustration. In such situations, there is a greater likelihood of individuals engaging in deviant behavior as a result.¹¹ The likelihood of juveniles engaging in delinquent behavior is not only influenced by the absence of legal opportunities but also by their access to illegal avenues. Furthermore, during this struggle, some juveniles may be influenced by adult criminals and begin their own criminal trajectories. Often, these juveniles, feeling frustrated and insecure, turn to substance abuse as a means of emotional escape, further exacerbating their involvement in delinquency as they resort to crime to fund their substance abuse habits. The ongoing process of urbanization in developing countries is also contributing to juvenile delinquency, as the urban environment offers increased freedom and reduced parental oversight over children.

2. Movies and Media

Movies and media often portray justice as being achieved through the physical elimination of adversaries, depicting criminality and violence as means to transform injustice into justice. Such portrayals can significantly influence the impressionable minds of young individuals, particularly boys aged 8 to 12, who are particularly susceptible to these influences. The media's representation of violence can lead individuals to engage in violent behavior through three primary mechanisms:

- i. Films depicting intense violence can arouse excitement among viewers, and this heightened aggression may subsequently manifest in their daily lives, prompting individuals to partake in physical confrontations in public spaces. However, this impact is transient, typically spanning from several hours to a few days.¹²
- ii. Television frequently depicts various forms of violence across its programs, leading to continuous exposure of children to violent content in various scenarios. Moreover, the

¹⁰ Sandhu, Harjit (1977). Juvenile delinquency, causes, control and prevention. London: Mac Graw Hill Book Company.P. 22-23

¹¹ Reddy, N.V. (1979). Juvenile Delinquency in Bangalore City-Causesand Curative Measures. In M.B. Buch (Eds) Op Cit.P.45

¹² Trojannovicz, R.C. Juvenile Delinquency; Concept and Control. New Jersey; Prentice Hall Inc.1973, 57-60

frequency of violent acts portrayed on television seems to be rising steadily with each passing day.¹³

- iii. The violence in movies and television is not real and the consequences are also not shown truthfully. The young mind does not relate to the amount of hurt and the agony involved and so is unaware of the real consequences of violence. For e.g. recently in the beginning of this year there was news as to how a child hanged himself to death while copying an act of suicide being shown on television. TV shows have shifted from value education towards violence education. This has to be tackled properly as media is a great influence over the children and has made the use of violence seem natural and normal to the children nowadays.

3. Broken Homes

In the evolving societal landscape, family dynamics are undergoing significant changes. The rising prevalence of single-parent households or non-marital partnerships has negative implications for children. This is particularly concerning in low-income families, where children may lack sufficient opportunities for development and may be vulnerable to engaging in delinquent behavior.

Adolescents hailing from economically disadvantaged backgrounds frequently experience feelings of isolation or being left out.¹⁴ To boost their confidence and enhance their standing, adolescents might opt to become part of a juvenile delinquency group. These associations offer a level playing field for all members, contrasting favorably with the hierarchical structures found in schools and families, where authority figures are typically adults. When youths interact with adult offenders, they can observe delinquent conduct firsthand, which may increase the likelihood of them becoming involved in criminal activities themselves.¹⁵

4. Hunger, Poverty, Malnutrition, and Unemployment

Juvenile marginalization primarily stems from societal factors such as hunger, poverty, malnutrition, and unemployment, which contribute to the emergence of delinquent behavior. As the population continues to grow exponentially, a significant portion comprises young children. Many of these children reside in slums and overcrowded squatter settlements, lacking access to adequate resources

¹³ Sandhu, Harjit (1977). *Juvenile delinquency, causes, control and prevention*. London: Mac Graw Hill Book Company P.32

¹⁴ Shukla, K. S., *Delinquency in India: Causes and Control*. A Paper presented in the Seminar on Social defence in India at Kashi Vidya Peeth, Varanasi, Aug 13, 1981.

¹⁵ Reddy, N.V. (1979). *Juvenile Delinquency in Bangalore City-Causes and Curative Measures*. In M.B. Buch (Eds) *Op Cit*.54

and basic services, leading to unhealthy living conditions. Additionally, there is a rising number of street children who are orphaned, abandoned, or otherwise left without care. These circumstances exacerbate the vulnerability of juveniles, increasing their likelihood of engaging in delinquent activities.¹⁶ These children lack parental guidance and support, leading them to engage in delinquent behavior and criminal activities. Juvenile crime and delinquency are often a consequence of the rapid and profound social, political, and economic transformations taking place. The primary offenses committed by youth include theft, robbery, smuggling, prostitution, substance abuse, and drug trafficking. In Asian nations, juvenile crime and delinquency primarily occur in urban areas.¹⁷

Several nations encounter significant challenges due to their proximity to or location within the "Golden Crescent" or "Golden Triangle," encompassing the major narcotics production zones of Asia, including the borders of Thailand, Laos, and Myanmar. Traffickers frequently engage adolescents and young people in the illicit drug trade, leading to many becoming addicted due to the affordability and accessibility of drugs. Additionally, human trafficking is prevalent in these regions, forcibly involving juveniles in criminal activities.

5. Friends and Associates

As the child grows up his social circle develops and he comes in contact with different types of people. There is a bond formed beyond the confines of one's household and immediate family. He starts building ties with his groups and develops a certain circle of association. The associational impact that the group has on the child is what is imperative. As is true that good company leads to success and bad company leads to disaster. Bad company seems to be very pleasant in the beginning but gradually leads towards criminalization. There is bad influence on the child due to the bad company.¹⁸ In this condition, both boys and girls suffer to more or less extent. Children easily fall prey to bad company especially when they are unsatisfied at home and lack love and care as should be provided by the family. In such circumstances, he is deviated by small joys and ultimately gets caught in the

¹⁶ Prino, C.T. & Peyrot, M. (1994) The Effect of Child Physical Abuse and Neglect on Aggressive with Drawn and Prosocial Behaviour. *Child Abuse and Neglect*, 18(10), 871-884.

¹⁷ Sandhu, Harjit (1977). *Juvenile delinquency, causes, control and prevention*. London: Mac Graw Hill Book Company. P.24

¹⁸ Shukla, K. S., *Delinquency in India: Causes and Control*. A Paper presented in the Seminar on Social defence in India at Kashi Vidya Peeth, Varanasi, Aug 13, 1981.

circle of crime and now becomes as juvenile.¹⁹

6. Failure in School Life

Some children go to school only to satisfy their parent's desires. The unnecessary stress and pressure of the parents regarding studies or due to the peers cause the children to become frustrated and stressed and become truants. They pass their school time at other places so as not to be caught and during this, sometimes they come in contact with bad company and gradually become criminals. The failure in school life shatters their self confidence and they are never able to cope up with the pressures. Even poor education system has contributed in the lack of interest in studies among the children and gradual rise in juvenile delinquency. Sometimes the children are not able to handle failures and taken into bad and vicious habits and even substance abuse at times. This is their first step towards the crime world that they are about to enter.²⁰

7. Lack of Recreation

Engaging in recreational activities and sports plays a vital role in fostering the growth of a sound and healthy mindset. With lack of housing facilities the houses that have little space and do not afford the required space to the growing adolescent, and for that he/she tends to remain out of home most of the time to have his/her own space to play or entertain with friends. So the children use corners of the roads or parks, and hesitate to bring their friends home due to lack of space. Being out in the streets makes them vulnerable to misconduct and start with petty misdemeanors and then do not hesitate to commit crimes as well.²¹

IMPACT OF JUVENILE DELINQUENCY IN INDIA

Effect on the Victims - The primary individuals impacted by juvenile delinquency are the victims, who inevitably bear the brunt of the consequences. Regardless of whether the offense entails theft, vandalism, or violence, the victim invariably experiences various forms of loss. This may include financial burdens such as lost income, medical expenses, or counseling fees, as well as the costs associated with repairing or replacing damaged property.

¹⁹ Prino, C.T. & Peyrot, M. (1994) The Effect of Child Physical Abuse and Neglect on Aggressive with Drawn and Prosocial Behaviour. *Child Abuse and Neglect*, 18(10), 871-884.

²⁰ Reddy, N.V. (1979). Juvenile Delinquency in Bangalore City-Causes and Curative Measures. In M.B. Buch (Eds) *Op Cit*.P.62.

²¹ Trojannovicz, R.C. *Juvenile Delinquency; Concept and Control*. New Jersey; Prentice Hall Inc.1973, 57-60.

Effect on the Juvenile Delinquent - The young offender who engages in criminal behavior may experience unforeseen consequences that they are likely unable to anticipate. These consequences may include the loss of personal freedom through incarceration or probation. Additionally, the juvenile may face academic setbacks as a result of their involvement in criminal activities. While placement in residential detention centers may serve as a fitting consequence for the adolescent's actions, it also exposes them to relationships with other delinquents who may possess greater sophistication or influence.

Effect on the Families - The disruption and distress caused by having a family member who engages in juvenile delinquency can lead to instability for other relatives. Not only do they need to address the needs of the troubled child, but they may also face significant financial burdens associated with legal fees. Moreover, the family must confront ethical dilemmas regarding their responsibility to the victims of the child's offenses. Often, families are required to participate in group counseling sessions, which can be disruptive and financially burdensome, especially when the child is in detention or under probation.²²

CLASSIFICATIONS OF THEORY OF JUVENILE DELINQUENCY IN INDIA

Various authors have proposed different classifications of juvenile delinquency and delinquents. Several significant classifications include the following.

1. Differential Association

The criminology theory known as Differential Association posits that criminal behavior is acquired through learning. The criminology theory known as Differential Association posits that criminal behavior is acquired through learning. Edwin H. Sutherland presented this theory in his "Introduction to Criminology" in 1939. According to this theory the person performs a criminal act because he thinks that 'law violation is favorable'. He held 'culture conflict' to be the fundamental principle in explaining crime. The development of delinquent behaviour depends upon the difference in approach of different people regarding violation of law as favorable or unfavorable. The criminal behaviour is learnt and not inherited.²³ Most of the criminal behaviour is learnt via verbal or nonverbal communication. According to his theory he believed that the behaviour of any person is influenced and shaped by

²² Prino, C.T. & Peyrot, M. (1994) The Effect of Child Physical Abuse and Neglect on Aggressive with Drawn and Prosocial Behaviour. *Child Abuse and Neglect*, 18(10), 871-884.

²³ Trojannovicz, R.C. *Juvenile Delinquency; Concept and Control*. New Jersey; Prentice Hall Inc. 1973, 57-60

other person with whom they are associated and mostly their family with whom the person lives and grows up.

In summary, the main concepts of Sutherland's Theory of Differential Association can be outlined as follows:

- a. The acquisition of criminal behavior is a result of learning.
- b. The acquisition of criminal behavior occurs through interaction with others during the process of communication.
- c. The primary aspect of acquiring criminal behavior takes place within close-knit personal circles.
- d. When individuals acquire criminal behavior through learning, this process encompasses various aspects:
 - i. the methods used to carry out crimes can vary greatly in complexity, ranging from intricate to straightforward.
 - ii. the precise orientation of motivations, instincts, justifications, and perspectives.
- e. A person turns to delinquency when there are more favorable definitions encouraging lawbreaking than there are discouraging ones.

2. Anomie

The word comes from Greek which means "without law". In simple English it can be understood as "normlessness". The term "anomie" was used by Emile Durkheim a French sociologist as a 'reaction against the regulatory social controls of the society. In the 19th century Durkheim took this word from a book "Suicide" written by a French philosopher Guyau that described it as a feeling of alienation and purposelessness. According to Durkheim, the normlessness i.e. lack of regulation results in deviant behaviour. Therefore, Anomie can be said to be a condition in which there is a breakdown of social regulations and thus having such behaviours that are unacceptable by the society. According to Durkheim, anomie is characterized by a sense of disorientation and unfulfilled desires, stemming from a discrepancy between individual or collective norms and broader societal norms. This discrepancy, or the absence of social norms, leads to a breakdown in moral regulation, resulting in feelings of moral confusion or disarray.

In other words, someone experiencing anomie would seek to achieve the shared objectives of a

particular society, but would face barriers in doing so due to the structural limitations within that society. Therefore, the person tends to engage in deviant behaviour to achieve these goals. This is anomie.²⁴ Therefore, a state of normlessness or lack of regulation which ultimately results in deviant behaviour in a society. With the advent of urbanization, modernization, globalization, etc. the folk society has transformed into a modern society and the norms and regulations of the society are overlooked and not conformed with.

3. Economic Pressure

The impact of economic pressure extends beyond mere financial inconvenience, as it hinders the social, emotional, biological, and intellectual development of individuals. Families living in poverty face significant challenges and must exhibit resilience and strength to cope with these hardships. The economic strain of being unable to meet basic needs such as housing, food, clothing, and healthcare has detrimental effects on families, particularly on children who are in crucial stages of growth. This situation increases their susceptibility to risk factors, including delinquency. The financial strain faced by parents manifests in the form of maltreatment and abuse towards children. There exists a correlation between economic pressure and child maltreatment within families with extremely low incomes. Additionally, economic pressure is linked to the quality of care provided to children.

Economic stress often leads to increased likelihood of child maltreatment, as well as heightened levels of depression among parents. This depression can result in reduced patience for child misbehavior, leading to the use of stricter discipline and excessive control. Consequently, this may contribute to instances of neglect and abuse perpetrated by parents towards their children. Numerous studies have indicated that children who experience neglect or abuse often come from families experiencing economic strain, with those in impoverished households being at higher risk compared to those in more affluent families. Thus, it can be inferred that heightened levels of social and economic pressure are associated with increased incidents of child neglect and abuse. Furthermore, this correlation may extend to criminal behavior, as research suggests that neglected or abused children are more prone to involvement in criminal activities, and those who do engage in crime often have a history of neglect.

²⁴ Prino, C.T. & Peyrot, M. (1994) The Effect of Child Physical Abuse and Neglect on Aggressive with Drawn and Prosocial Behaviour. *Child Abuse and Neglect*, 18(10), 871-884.

4. Peer group influence

Understanding children's behavior requires recognizing the significant influence of peer groups, yet youth policies often overlook the peer group's role in socialization. Joining a delinquent gang, similar to joining any other social group, can be a developmental step towards adulthood.

'Peer' refers to individuals who are of the same age group and share similarities with the community they belong to. Like other significant figures in their lives such as family members, educators, and peers, children learn from their peers.

Peer influence plays a significant role in adolescents' learning of appropriate socio-cultural roles and attainment of personal independence. Peers offer various forms of support, including physical, social, intellectual, and emotional support. However, it is crucial not to overlook the negative effects of peer influence during adolescence. While peer groups serve as vital developmental references for adolescents to understand the world beyond their families, failure to cultivate close relationships with peers can lead to a range of issues, from delinquency and substance abuse to psychological disorders, as noted by several scholars. Additionally, adolescents who experience higher levels of peer stress and receive less companionship support from peers may have a diminished social self-concept.

5. Gang sub-culture

Criminal or delinquent subcultures encompass sets of norms, values, interests, and associated elements that endorse criminal or delinquent actions. The degree to which these subcultures encourage such behavior varies significantly, as does the extent of involvement in activities classified as criminal or delinquent according to legal standards.²⁵

According to Cohen, delinquency is a cultural pattern which is as strong as a gang. The members of this gang are very sensitive to their gangs and they reflect hostile attitude towards others. This gang is free from adult interference. These gangs do delinquent acts not for any long term goal but only for immediate pleasure. These gangs are malicious to the middle class and it engages in vandalism and property destruction. The delinquency is more seen in boys than in girls. Cohen's subculture theory emerged as a post-war examination of delinquency. He posited that the occurrence of deviant behavior

²⁵ Reddy, N.V. (1979). Juvenile Delinquency in Bangalore City-Causes and Curative Measures. In M.B. Buch (Eds) Op Cit.P.73

can be understood as a result of ongoing interaction processes. Cohen focused primarily on delinquency as a phenomenon predominantly observed among males. He proposed that subcultures tend to develop within the lower class, where social control mechanisms are relatively weak, thus failing to curb delinquent behavior effectively. According to Cohen, lower-class boys, in particular, lack the necessary skills to navigate the competitive environment prevalent in middle-class institutions.²⁶

EXAMINING THE LEGAL FRAMEWORK CONCERNING JUVENILE DELINQUENCY IN INDIA

The Juvenile Justice (Care and Protection of Children) Act, 2015

The Juvenile Justice (Care and Protection of Children) Act of 2015 was implemented on January 15, 2016, following its passage by the Parliament of India. Its enactment stirred significant controversy and protests from the Child Welfare community, particularly concerning several of its provisions.

This Act brings together and modifies the legislation concerning children accused and identified as being in conflict with the law, as well as children requiring care and protection, with the aim of meeting their fundamental needs through appropriate care, protection, development, treatment, and social reintegration. It emphasizes a child-friendly approach in resolving matters in the children's best interests and facilitating their rehabilitation through specified processes, along with the establishment of relevant institutions and bodies for these purposes, and addresses related matters or issues arising from it.

The provisions of the Constitution grant powers and impose obligations on the State to ensure that the needs of children are adequately met and their fundamental human rights are fully safeguarded. Considering the stipulations outlined in Article 15(3), Articles 39(e) and 39(f), Article 45, and Article 47, it was deemed necessary to revise and re-establish the Juvenile Justice (Care and Protection of Children) Act of 2000. This was done to establish comprehensive provisions for children who are alleged or found to be in conflict with the law, as well as for children in need of care and protection. The re-enactment of the Act took into account the standards set forth in various international instruments, including the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) of 1985, the United

²⁶ Hirschi, G. (1979). *Causes of Delinquency*. Research Bulletin. London: University of California Press. P.68

Nations Rules for the Protection of Juveniles Deprived of their Liberty of 1990, and the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption of 1993, among others. Enacted by the Parliament in the Sixty-sixth Year of the Republic of India, this legislation aimed to empower children throughout the country.

Convention on the Rights of Child (CRC)- 1989

The Convention on the Rights of the Child (CRC) is an international agreement that establishes the rights of children across various domains, including civil, political, economic, social, health, and cultural rights. According to the CRC, a child is defined as any individual under the age of eighteen, unless national legislation designates an earlier age of majority. The CRC guarantees universal rights for all children, encompassing access to healthcare, education, protection, and opportunities for play. Moreover, the CRC represents a paradigm shift in the perception of children, recognizing them not as objects in need of care and charity, but as human beings with inherent rights and voices that deserve to be respected and heard.

Countries that formally adopt this convention are obligated to adhere to its provisions under international law. Oversight and enforcement of compliance are overseen by the UN Committee on the Rights of the Child, consisting of representatives from nations worldwide. Annually, the Committee presents a report to the Third Committee of the United Nations General Assembly. Additionally, the CRC Chair delivers a statement to the Assembly, which then adopts a Resolution on the Rights of the Child. Currently, 196 countries, including India, are signatories to this convention.

Juvenile Justice Act 2015-

The Act establishes the definitions of terms that will be employed throughout its provisions. Below are some pertinent terminologies as outlined in the Act:

- **Child** – A person who is under the age of 18 and has not yet reached the age of majority.²⁷
- **Children in conflict with Law** –A child who is accused or discovered to have engaged in wrongdoing and has not yet reached the age of 18 years.²⁸

²⁷ Sec. 2(12) of The Juvenile Justice (Care And Protection of Children) Act, 2015 No. 2 Of 2016

²⁸ Sec. 2(13) of The Juvenile Justice (Care And Protection of Children) Act, 2015 No. 2 Of 2016

- **Children in need to care and protection** – This legislation maintained provisions from the Juvenile Justice Act of 2000 but included alterations, removals, and adjustments.²⁹
- **Best Interest of child** – The Juvenile Justice Act of 2000 did not provide a definition for this term. However, it was subsequently defined as a component of the Model Rules in 2007 and incorporated into the legislation in 2015. This term refers to the foundation for making any decision concerning the child, with the aim of ensuring the fulfillment of their fundamental rights and needs, as well as identifying their social well-being and facilitating their physical, emotional, and intellectual development.
- The legislation has also included provisions for the creation of the State Child Protection Society, District Child Protection Unit, Special Juvenile Police Unit, and Commission for Protection of Child Rights. To support the establishment of these entities, the Integrated Child Protection Scheme (ICPS) 2009 was introduced.
- The Commission for Protection of Child Rights (CPCR) has been tasked with the added duty of overseeing the enforcement of this legislation. The National Commission for Protection of Child Rights (NCPCR) is accountable for monitoring compliance with the provisions of this law.³⁰

PROHIBITION OF CHILD MARRIAGE ACT, 2006-

The Child Marriage Restraint Act of 1929 has been abolished, and the primary components of the new legislation encompass:

- Boys are required to be at least 21 years old, while girls must be at least 18 years old to marry. Any marriage involving individuals below these specified ages is considered child marriage, which is prohibited by law. Engaging in such a marriage constitutes an offense and is subject to punishment under the law.
- When declaring a marriage null and void, the court will issue an order instructing the parents and guardians to return any money, jewelry, or other gifts that were received. Additionally, the court may order the groom, parents, or guardians to provide financial support to the bride until she remarries. Furthermore, the court will determine appropriate arrangements for the custody and maintenance of any children resulting from the child marriage.

²⁹ Sec. 2(14) of The Juvenile Justice (Care And Protection of Children) Act, 2015 No. 2 Of 2016

³⁰ Sec. 109 of The Juvenile Justice (Care And Protection of Children) Act, 2015 No. 2 Of 2016

- Even if a child marriage is voided, every child born from that marriage will be considered legitimate in all respects.
- In specific situations such as when a minor is sold for marriage, or when a minor who has already been married is subsequently sold, trafficked, or exploited for immoral purposes, child marriages are to be deemed automatically null and void.
- The increase in penalties for adult males who marry a child, as well as individuals who facilitate, encourage, attend, or otherwise support child marriages, includes imprisonment for up to two years and a fine of up to one lakh rupees.

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES (POCSO)

The Protection of Children from Sexual Offences Act, 2012 (POCSO) was passed by Parliament on 22 May, 2012, and was enacted on November 14, 2012. This legislation is specifically designed to safeguard children from various forms of sexual assault, harassment, and pornography, a fact that may not be widely known. POCSO addresses sexual offenses committed against individuals under the age of 18 years.

Awareness of POCSO - Although the Protection of Children from Sexual Offences (POCSO) Act mandates that both the Central and State Governments must undertake measures to ensure widespread publicity through various media channels and provide periodic training to all stakeholders regarding the implementation of its provisions, the Act itself remains relatively obscure. The majority of child sexual abuse cases are not prosecuted under POCSO, allowing perpetrators to evade accountability despite the existence of stringent laws. Adequate indoctrination, training, and practical application by law enforcement officers and other stakeholders are still lacking, contributing to POCSO remaining largely unnoticed and ineffective in addressing child sexual abuse.

The POCSO Act of 2012 is a gender-neutral law that defines a child as any individual below the age of 18 years and aims to protect all children from sexual abuse. The Act provides a comprehensive definition of child sexual abuse, which includes various forms of misconduct such as penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, sexual harassment, using a child for pornographic purposes, and trafficking of children for sexual

exploitation. These offenses are considered "aggravated" under the Act when the abused child is mentally ill or when the abuse is perpetrated by a person in a position of trust or authority over the child. The legislation imposes severe penalties that vary depending on the seriousness of the offense, including the possibility of a maximum sentence of rigorous imprisonment for life, as well as fines.

- According to Section 27(2) of the POCSO Act, it is required that if the victim of a crime is a female child or adolescent, the medical examination must be conducted by a doctor who is also female.
- According to the POCSO Act 2012, any sexual contact involving two adolescents or between an adolescent and an adult is deemed unlawful. This is because the Act does not provide any exceptions for such encounters, making it an offense regardless of the presence of consent, the gender, marital status, or age of either the victim or the accused.
- Under the Protection of Children from Sexual Offences (POCSO) Act of 2012, the act of child marriage and the subsequent consummation of such marriage are deemed to be unlawful.

While the POCSO Act of 2012 is a commendable legislative achievement and effectively addresses various forms of sexual abuse against children, several unresolved challenges persist. It is imperative to establish a multidimensional, multi-agency team, and a multi-tier approach that includes access to psychosocial support. This comprehensive strategy aims to provide holistic care under a single umbrella for victims of child sexual abuse.³¹ In cases where a child or adolescent declines to undergo a medical examination, but a family member or investigating officer insists on it, the POCSO Act lacks clarity and does not provide explicit guidance. It is imperative to address the issue of consent in such situations promptly and decisively, as there is a pressing need for clarification.

It is imperative to provide training on the POCSO Act, 2012 to medical professionals, educators, judicial officers, lawyers, and law enforcement personnel. The primary challenges lie in research, data gathering, monitoring, and raising public awareness. Training all stakeholders is crucial for ensuring comprehensive support and justice. Additionally, urgent training is required for medical students and primary healthcare providers to conduct child-friendly interviews, structured assessments, evidence collection, prevention of sexually transmitted diseases and HIV, family counseling, and ongoing follow-up care.

³¹ Harbishettar V, Math SB. Violence against women in India: comprehensive care for survivors. *Indian j Med Res.* 2014;140:111–3. [PMC free article] [PubMed]

It is widely recognized that incidents of child sexual abuse often go unreported. Additionally, recognizing and reporting instances of child sexual abuse can be extremely challenging and deeply personal for both family members and survivors. Both survivors and their family members may experience feelings of embarrassment, shame, guilt, anger, frustration, and emotional turmoil as they grapple with the aftermath of the abuse. The fear of being re-victimized, whether through medical examinations, the criminal justice system, or interactions with ill-informed members of society, often silences them and prolongs their suffering.

INDIAN PENAL CODE (IPC) AND CODE OF CRIMINAL PROCEDURE (CR. P. C) PROVISIONS-

The Indian Penal Code contains specific provisions aimed at safeguarding the rights of children. According to **Section 82 of the Indian Penal Code**, it stipulates that "Nothing is an offence which is done by a child under seven years of age." This means that children under the age of seven cannot be held criminally liable for their actions. This provision is based on the legal principle known as *doli incapax*, which presumes that children under the age of seven lack the capacity to form criminal intent and therefore cannot be held responsible for their conduct. Similarly, **Section 83 of the Indian Penal Code** addresses the actions of children above seven and under twelve years of age who may have an immature understanding. In cases where the accused is a child between seven and twelve years old, they can only be considered capable of committing an offence if they have attained a sufficient level of maturity and understanding to comprehend the nature and consequences of their actions. This provision recognizes that children in this age group may still be developing emotionally and intellectually, and their capacity to understand the implications of their behavior must be taken into account when determining criminal responsibility.³²

Section 27 of the Code of Criminal Procedure (Cr. P. C.) stipulates that individuals under the age of 16 at the time of appearing before the court cannot be subjected to capital punishment or life imprisonment. Similarly, **Section 318** of the Cr. P. C. empowers the court to conduct an inquiry or trial if the accused lacks comprehension of the proceedings, despite not being of unsound mind. In such cases, if the trial court issues a conviction, the matter is to be transferred to the High Court along

³² Ratanlal & Dhirajlal, The Indian Penal Code 466-467(Justice K.T Thomas, M.A Rashid, LexisNexis, 33rd edition,2016)

with the relevant circumstances. The High Court then has the authority to render a decision deemed appropriate for the case.³³

CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

The legislation outlines consequences and sanctions for employing children under 14 years of age in specific occupations and processes. It also establishes regulations for working conditions, including setting work hours, ensuring weekly rest days, notifying inspectors, resolving disputes related to age, maintaining records, and more. A recent amendment in 2006 extended the coverage of the Act to include child domestic workers up to the age of 14 employed in hotels, roadside eateries (dhabas), and the entertainment sector. This expansion represents a significant stride towards completely eradicating child labor.

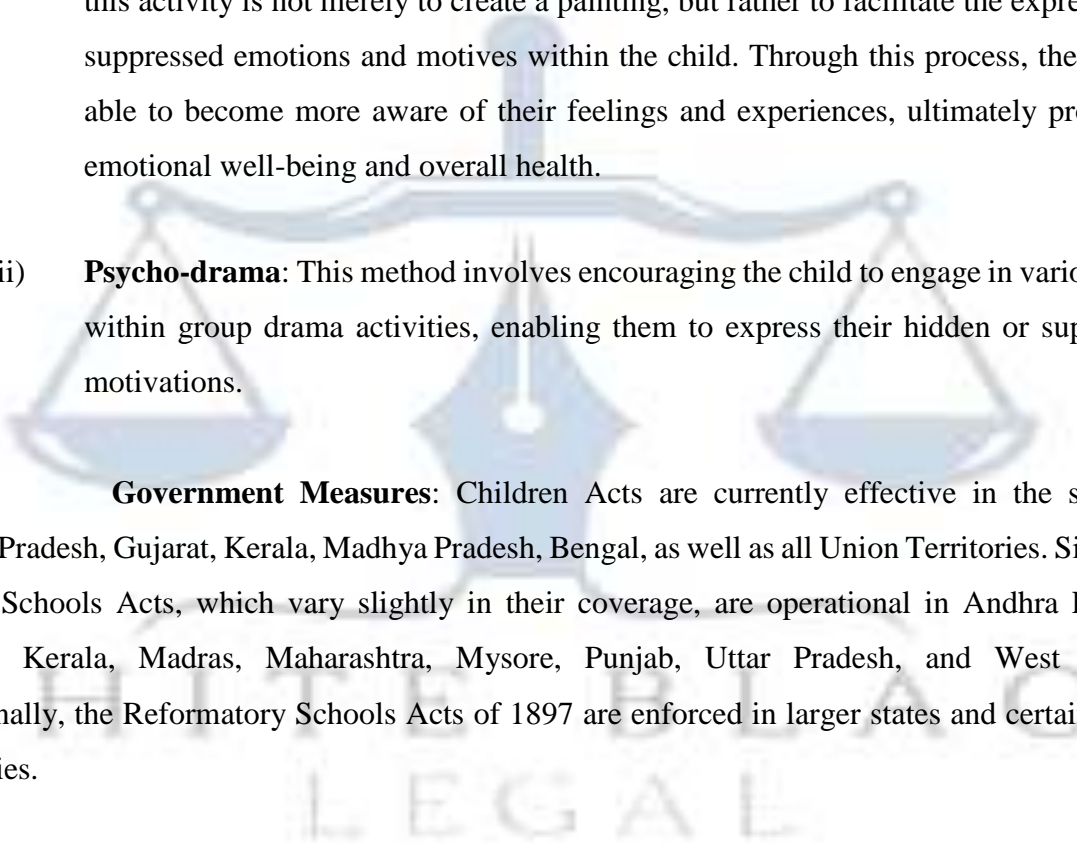
Section 17 of the Act specifies the authorized officers responsible for rescuing children from labor as outlined in the legislation. The Ministry of Labour and Employment, under the Government of India, has developed a preliminary protocol and method for conducting raids and rescuing children engaged in labor or trafficked for labor.

REFORMS OF JUVENILE DELINQUENTS-

1. Probation- Under this approach, the juvenile offender is placed under the guidance of a probation officer, tasked with overseeing their progress, assisting them in reintegrating into society, and ensuring compliance with bail conditions. This allows the delinquent not only an opportunity for self-improvement but also access to guidance and practical support to facilitate their rehabilitation.

2. Reformatory institutions- The state has established institutions like reformatory schools, certified schools, auxiliary homes, and borstal schools with the objective of rehabilitating delinquent inmates. These institutions are designed to promote comprehensive improvement in the individuals who have engaged in delinquent behavior. In contrast to these state-driven measures, psychologists employ psychological techniques to address the rehabilitation of juvenile delinquents. Some of the important ones are the following:-

³³ Code of Criminal Procedure, 1973, Section 318.

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- i) **Play therapy:** This method involves providing delinquent children with opportunities to engage in activities that allow them to express their suppressed emotions and foster the development of creative energy. Play therapy incorporates both individual and group play sessions to achieve these goals.
 - ii) **Finger painting:** In this technique, the child is provided with blank sheets of paper and various colors. The child is encouraged to paint freely using their fingers as brushes, allowing them to express themselves in their own unique way. The goal of this activity is not merely to create a painting, but rather to facilitate the expression of suppressed emotions and motives within the child. Through this process, the child is able to become more aware of their feelings and experiences, ultimately promoting emotional well-being and overall health.
 - iii) **Psycho-drama:** This method involves encouraging the child to engage in various roles within group drama activities, enabling them to express their hidden or suppressed motivations.

3. Government Measures: Children Acts are currently effective in the states of Andhra Pradesh, Gujarat, Kerala, Madhya Pradesh, Bengal, as well as all Union Territories. Similarly, Borstal Schools Acts, which vary slightly in their coverage, are operational in Andhra Pradesh, Gujarat, Kerala, Madras, Maharashtra, Mysore, Punjab, Uttar Pradesh, and West Bengal. Additionally, the Reformatory Schools Acts of 1897 are enforced in larger states and certain Union Territories.

The issue of juvenile delinquency primarily falls under the purview of State Governments, although the Central Government has taken initiative by sponsoring a care program. A total of 40 remand homes, 17 certified schools, 5 Borstal Schools, 15 Boys Clubs, and 5 Probation Hostels have been established across the country. These institutions offer formal education as well as vocational training in various trades to the inmates, including those in certified, reformatory, and borstal schools. Additionally, upon their release, some institutions provide juvenile delinquents with tools and financial assistance to help them establish themselves in the trades they have learned. Moreover, follow-up services are offered by certain institutions to support the reintegration process. In certified

schools, inmates receive training in citizenship and democratic values, and they are encouraged to participate in extracurricular activities such as sports, debates, dramas, music, and scouting.

Case work with near delinquents- In every community, there are certain children identified as potentially prone to delinquency, often referred to as pre-delinquents. These children typically exhibit a range of emotional issues, including neurosis, temper tantrums, sullenness, and timidity, which can lead to difficulties in school and social settings. Early intervention and correction of these behavioral problems are believed to reduce the likelihood of future delinquent behavior. Currently, two types of agencies are involved in addressing the needs of pre-delinquent children: child guidance clinics and visiting teacher programs. Child guidance clinics, often established by public welfare departments, provide support and intervention services for problem children referred by their parents. On the other hand, the visiting teacher program is a more recent initiative where teachers act as extension agents of the school, offering guidance and assistance to students facing behavioral challenges.

CONCLUSION

The Juvenile Justice (Care and Protection of Children) Act, 2015, represents a regressive step in the progressive approach to juvenile justice, particularly with its inclusion of prison usage in certain circumstances. The Act is further marred by contradictions and complexities, exacerbated by poorly defined and ambiguous implementing guidelines. The proliferation of various schemes, acts, and model rules aimed at facilitating the Act's implementation raises doubts about its efficacy and underscores shortcomings in empowering children and addressing their needs. The lack of clarity among the multiple bodies responsible for implementation regarding expected outcomes and goals undermines confidence in the Act. While ostensibly advocating for children's rights, the Act falls short in its execution, failing to align with the principles of the Convention on the Rights of the Child (CRC).

The primary goal of juvenile law in India is to promote rehabilitation and prevent repeat offenses among young offenders. The broader society stands to benefit greatly from a justice system focused on the rehabilitation of child offenders, facilitating their transition into responsible adulthood. While the recent approval by the cabinet to amend the Juvenile Justice Act may initially seem like a positive response to public outrage, particularly following the heinous Nirbhaya rape case, it is ultimately a short-sighted decision built on shaky foundations. Such amendments could have significant long-term implications for juvenile justice as a whole. From a humanitarian perspective, these changes

contradict both our constitutional principles advocating for juvenile rights and India's international commitments to uphold juvenile rights as endorsed by the United Nations. Subjecting children in this age group to treatment and incarceration alongside adults goes against principles of natural justice and violates their fundamental rights.

Our nation's Juvenile Justice System should implement laws and reforms that are grounded in reality and practicality, and ensure their effective enforcement through collaboration with the government, law enforcement agencies, and society. If we truly desire the well-being and success of our children, it is essential to heed the wisdom of former American social reformer, Frederick Douglass, who famously stated, "It is easier to build strong children than to repair broken men." This quote underscores the importance of investing in the upbringing and development of children, as it is easier to shape them into well-adjusted adults with strong moral and mental foundations than it is to repair the damage done to adults who have strayed from the right path. Therefore, our efforts should focus on nurturing and guiding children towards a positive future, as they hold the key to building a better society.

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