



Juvenile Delinquency In India: A Critical Examination Of Child Rights And Legal Frameworks

Name of Author: Atul Soni

Name of Co- Author: Dr. Nimisha Mishra

Designation: Assistant Professor

Institute Affiliation: Pt. Kishori Lal Shukla Law College Rajnandgaon Chhattisgarh

Abstract

Juvenile delinquency remains a significant concern in India, where an increasing number of children are becoming involved in criminal activities. This article critically examines juvenile delinquency in the Indian context, focusing on the intersection of child rights and the legal frameworks designed to address this issue. Despite various legal reforms, particularly the Juvenile Justice (Care and Protection of Children) Act, 2015, the challenges of aligning child rights with legal responses to juvenile delinquency persist. The study explores the root causes of juvenile crime, including socio-economic factors, lack of access to education, and the breakdown of family structures. It also assesses how India's legal system both upholds and undermines the rights of children in conflict with the law, with particular attention to the adequacy of rehabilitative and restorative approaches. Through a critical evaluation of existing policies, the paper calls for an integrated child rights approach that balances the need for justice with the imperative of protecting vulnerable children. The article emphasizes the need for reforms that not only focus on punitive measures but also prioritize the rehabilitation and reintegration of juveniles into society, ensuring that their fundamental rights are upheld in every step of the legal process.

Key words: Juvenile Delinquency, Child Rights, Legal Framework, Juvenile Justice Act, Rehabilitation

Introduction

Juvenile delinquency refers to antisocial or criminal acts committed by individuals under the age of 18. In India, the issue has received increasing attention due to its implications for child rights, law enforcement, and social policy. According to the National Crime Records Bureau (NCRB), thousands of juveniles are apprehended annually for crimes ranging from petty theft to heinous offences such as rape and murder. The causes of such behaviour are complex, involving family dynamics, peer influence, socio-economic conditions, and neurobiological factors.

The cornerstone of India's juvenile justice system is the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the JJ Act, 2015)¹, which replaced the 2000 Act in response to public outrage following the Nirbhaya case². This legislation aims to strike a balance between societal interests and the constitutional rights of children.

Understanding Juvenile Delinquency

Juvenile delinquency is not merely a legal issue but also a psychological and sociological one. Juveniles differ from adults in cognitive maturity, emotional regulation, and decision-making, making it imperative for the law to treat them differently.

Legal Definition

The JJ Act, 2015 defines a "child in conflict with law" as any individual below the age of 18 who is alleged or found to have committed an offence³. The Act further differentiates between children aged 16-18 involved in heinous crimes and those below 16.

Categories of Offences

The JJ Act classifies offences committed by juveniles into three categories:

- **Petty offences** (e.g., theft, causing hurt),
- **Serious offences** (e.g., robbery, assault),
- **Heinous offences** (e.g., rape, murder).

¹ Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2, Acts of Parliament, 2016 (India).

² The Criminal Law (Amendment) Act, 2013 was passed following the December 2012 Delhi gang rape case.

³ Section 2(13), Juvenile Justice (Care and Protection of Children) Act, 2015.

For heinous offences, children aged 16 to 18 can be tried as adults, subject to a preliminary assessment by the Juvenile Justice Board (JJB)⁴.

Causes of Juvenile Delinquency

1. Family Environment

A stable and nurturing family environment is crucial for child development. Parental neglect, domestic violence, divorce, and lack of supervision significantly increase the risk of delinquent behavior. A child exposed to violence may normalize it and replicate such behavior.

2. Peer Influence

Adolescents often seek validation from their peer group, making them susceptible to external pressures. Studies have shown that association with delinquent peers strongly correlates with increased likelihood of engaging in criminal behavior⁵.

3. Socio-Economic Factors

Poverty, unemployment, and lack of access to quality education play a significant role. Children from economically backward regions are more likely to engage in criminal acts as a means of survival or rebellion against systemic inequality⁶.

4. Substance Abuse

The use of narcotics and alcohol impairs judgment and increases impulsivity. According to NCRB, a significant proportion of juvenile crimes involve substance abuse⁷.

5. Biological and Psychological Factors

Biological theories suggest that delinquent behaviour may be linked to abnormalities in the prefrontal cortex, hormonal imbalances, or genetic predispositions. Psychological theories, on the other hand, emphasize disorders such as ADHD or conduct disorder as contributing factors⁸

⁴ Section 15, JJ Act, 2015.

⁵ Siegel, Larry J., "Criminology: The Core," Cengage Learning, 2016.

⁶ NCRB Report, Crime in India, 2022.

⁷ Ibid

⁸ Raine, Adrian. "The Biological Basis of Crime." In Crime and Justice, Vol. 26. University of Chicago Press, 2000.

Evolution of Legal Frameworks in India

1. Juvenile Justice Act, 1986

This was India's first comprehensive legislation on juvenile justice. It aimed to provide care, protection, and rehabilitation to juveniles but lacked alignment with international conventions.

2. Juvenile Justice (Care and Protection of Children) Act, 2000

Enacted in accordance with the UN Convention on the Rights of the Child (UNCRC)⁹, this Act raised the age of juvenility to 18 and introduced child-friendly procedures.

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

Following public demand for stricter action post the 2012 Delhi gang rape, the JJ Act, 2015 was enacted. Key changes included:

- Provisions to try juveniles aged 16–18 as adults in heinous crimes,
- Introduction of Foster Care,
- Greater role for Child Welfare Committees (CWCs)¹⁰.

This Act reflects a balance between reformatory and deterrent principles.

Child Rights and Protection Mechanisms

1. Right to Education

The Right of Children to Free and Compulsory Education Act, 2009 guarantees free and compulsory education to children aged 6 to 14 years. Education is a critical tool in preventing delinquency by providing structure, skills, and aspirations.

2. Protection of Children from Sexual Offences (POCSO) Act, 2012

This Act criminalizes sexual offences against minors and ensures child-friendly procedures. It also complements the JJ Act in handling sexual offences by juveniles¹¹.

⁹ UN Convention on the Rights of the Child (1989), ratified by India in 1992.

¹⁰ Section 27–30, JJ Act, 2015.

¹¹ Right of Children to Free and Compulsory Education Act, 2009

3. Integrated Child Protection Scheme (ICPS)

Launched by the Ministry of Women and Child Development, the ICPS aims to build a protective environment for children in distress and conflict with law. It provides funding and institutional support for implementation of the JJ Act¹².

4. National Commission for Protection of Child Rights (NCPCR)

The NCPCR is tasked with monitoring and ensuring implementation of child rights as per constitutional and legal mandates. It advocates for policy reforms and judicial interventions when necessary¹³.

Challenges in Implementation

Despite the robust legal structure, multiple challenges remain:

1. Infrastructure Deficiency

Many Child Care Institutions (CCIs) and Observation Homes suffer from overcrowding, poor hygiene, and lack of trained staff.

2. Lack of Trained Personnel

Judicial officers, police, and social workers often lack training in child psychology and juvenile jurisprudence, leading to insensitivity in handling cases.

3. Procedural Delays

The overburdened Juvenile Justice Boards struggle with mounting caseloads, resulting in delays in inquiry and disposition.

4. Stigmatization and Reintegration

Juvenile offenders face social stigma even after rehabilitation, hampering their reintegration into society. The lack of community-based support systems aggravates the issue.

¹² Ministry of Women and Child Development, Integrated Child Protection Scheme (ICPS).

¹³ National Commission for Protection of Child Rights (NCPCR), www.ncpcr.gov.in.

Recent Judicial Developments

In a significant ruling, the Madhya Pradesh High Court held that even juveniles being tried as adults must be tried in the Children's Court as per Section 18(3) of the JJ Act, and not regular criminal courts¹⁴. This judgment reaffirms the supremacy of child-centric legal procedures over punitive criminal law statutes, including the National Investigation Agency Act.

Further, in *Shilpa Mittal v. State of NCT of Delhi*¹⁵, the Supreme Court ruled that a child cannot be tried as an adult for an offence that falls just short of being categorized as 'heinous', reaffirming the reformative intention of the JJ Act.

A Critical Analysis of the Juvenile Justice Act, 2015

While the JJ Act, 2015 reflects an intent to balance reform and deterrence, several criticisms have emerged:

- **Ambiguity in Heinous Crime Assessment:** The process for assessing whether a juvenile should be tried as an adult lacks uniform guidelines.
- **Conflict with International Norms:** Trying minors as adults contradicts India's obligations under the UNCRC.
- **Insufficient Rehabilitation Models:** The focus on legal categorization often overshadows rehabilitation and psychological counselling.

Suggestions

To make the juvenile justice system more effective:

1. **Standardized Training** for law enforcement and judiciary in juvenile laws and child psychology.
2. **Investment in Infrastructure**, particularly observation homes and rehabilitation centres.
3. **Community Involvement** to facilitate reintegration through vocational training and mentorship programs.
4. **Amendment of the JJ Act** to align fully with international standards and clarify assessment procedures.
5. **Research and Data Collection** to understand delinquency patterns and tailor interventions accordingly.

¹⁴ Madhya Pradesh High Court, 2024 SCC Online MP 213.

¹⁵ *Shilpa Mittal v. State of NCT of Delhi*, (2020) 2 SCC 787.

Conclusion

Juvenile delinquency in India must be approached not merely as a legal problem but as a symptom of broader socio-economic and psychological issues. While India has made commendable strides in building a legal framework that respects child rights, implementation gaps and societal stigma continue to hinder progress. A more holistic approach — one that integrates education, psychological support, community involvement, and legislative reform — is essential for meaningful change.

References

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