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## **UNDERSTANDING JUVENILE DELINQUENCY; A SOCIO LEGAL STUDY OF CHILDREN IN CONFLICT WITH LAW.**

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### **ABSTRACT :**

India's current population is estimated to be approximately 1.45 billion, with children under the age of 18 representing roughly 28% of this total. (Ministry of statistic and programme implementation 2024). Children's legal issues warrant attention due to their vulnerability and unique needs. Addressing these issues is crucial for their development, well-being, and protection from harm. It also promotes social justice, human rights, and systemic change, ensuring their voice is heard and their rights are protected. This study examines the psycho-social factors that contribute to children's involvement in legal issues, with a specific focus on juvenile delinquency. A comprehensive review of 40 studies reveals a complex array of factors, including parenting style, social support, financial problems, environmental issues, and substance use in the family. These factors often intersect and exacerbate one another, leading to children's legal involvement. This study highlights the need for comprehensive interventions and support systems to address these underlying factors and promote children's well-being. The findings have important implications for social workers, psychiatric nursing professionals, as well as policymakers working with children in conflict with the law, emphasizing the importance of a multidisciplinary approach to prevention and intervention.

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**Keywords;** Children in conflict with law, psycho-social factors.

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### **INTRODUCTION :**

According to the United Nation Convention on the Rights of the child, a child "which means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier".

In each child, there exists a certain level of innocent instinct and capacity but how a child is brought up also determines their future. A loving supportive environment in physical, emotional, moral, as well as spiritual aspects of a child's life, makes the child develop as well as blossoms their potential. An unhealthy environment characterized by indifference, lack of guidance, and other negative factors may, however, lead some children to exhibit problem behaviors that could extend to acts of delinquency. This is a problem that has consequences in India since it cuts across the children, their families, and other communities in general. Engaging in criminal behavior can cause emotional and social upset for the families of the children, hence there is a need for social efforts to facilitate child development and avoid delinquent activities.

Data from the NCRB's CII report indicates number of reported crimes by juveniles decreased from 43,506 to 30,555 between 2013 and 2022 marking a 30% reduction in 10 years. Maharashtra & Madhya Pradesh top the charts.

#### **JUVENILE JUSTICE ACT(2000)**

A "juvenile in conflict with law" is given the meaning under the provisions of Section 2(l) of the Juvenile Justice Act, 2000, as a person nurturing not more than eighteen (18) years of age who is alleged to have been guilty of an offense.

This definition makes it safe that if anyone has the facts of committing an offence in such alleged age below eighteen years, they are treated as minors. The law tries to rehabilitate and look after the said juveniles rather than punish them. This category is exclusive so as to cater for the fact that young offenders require different treatment and focus on their reform and social re-adaptation.

#### **JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN)ACT 2015**

This Act came into force on January 15, 2016 replacing The Juvenile Justice (Care and Protection of Children) Act, 2000. The Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter "the Act") was enacted to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection and to adhere to the set of standards in the best interest of children, prescribed in The Convention on the Rights of the Child, adopted by the General Assembly of United Nations, to which the Government of India acceded on 11th December, 1992.

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### **AIMS AND OBJECTIVE:**

To provide a framework for the care, protection, treatment, development and rehabilitation of children in need of care and protection.

To protect the rights of children who are in conflict with the law and ensure that they are treated in a manner that is consistent with the principles of justice, dignity, and reformation.

To promote the rehabilitation and social reintegration of children who are in conflict with the law and to prevent them from becoming repeat offenders. To establish specialized institutions and mechanisms for the care, protection, treatment, and rehabilitation of children in need of care and protection or who come in conflict with the law (Child Welfare Committees and Juvenile Justice)

This Act classifies Children into “children in conflict with law” & “children in need of care and protection”. The Act defines:

“Child” a person who has not completed eighteen years of age;

“Children in conflict with law” is defined as a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence;

“Children in need of care and protection” is defined as a child who meets certain criteria, including being found without a home or means of subsistence, engaging in illegal labor, living on the streets or begging, residing with an abusive guardian, being at risk of drug abuse or trafficking, facing unconscionable exploitation, suffering from incurable diseases or disabilities, being a victim of armed conflict or natural disasters, or being at risk of early marriage.

#### **RECENT ISSUES OF CRIMES BY CHILDREN IN INDIA**

India is facing a rise in juvenile delinquency, particularly among 16-18 year olds, with a surge in heinous crimes like murder and gang rape. The JJPC ACT, 2015 allows for trying 16-18 year olds as adults for serious offenses. This study explores the trend of heinous crimes among older minors in India and Odisha, seeking to understand the driving factors behind this worrying phenomenon. Juvenile, Crime, JJPC Act -2015, Criminal Liability, offences, IPC & SLL Offences.

#### **CAUSES OF JUVENILE DELINQUENCY**

A number of high-profile gang rapes involving kids and the murder of a 4-year-old in Delhi are just two examples of recent horrific crimes committed by minors that have sparked intense discussion among the public, media, NGOs, and the government. Juvenile delinquency rates are rising in India in spite of efforts to enhance children's economic, educational, and health circumstances. This emphasizes how urgently professional social workers must address the psychosocial underpinnings of adolescent misbehavior. (Calabrese, R., & Adams, J. (1990). Alienation: A cause of juvenile delinquency. *Adolescence*, 25(98). And also Hirschi, T. (2017). Causes and prevention of juvenile delinquency. In *The Craft of Criminology* (pp. 105-120). Routledge. states that article "Causes and Prevention of Juvenile Delinquency" by Travis Hirschi explores the reasons behind juvenile delinquency and discusses strategies for prevention. Hirschi examines the social and environmental factors that contribute to juvenile delinquency, such as family dynamics, peer influence, and community conditions. He also discusses the importance of addressing these underlying causes through prevention programs and interventions, rather than solely relying on punishment and rehabilitation. The article aims to provide insights for researchers, practitioners, and policymakers working to reduce juvenile delinquency and promote positive youth development.

#### **EFFECTIVE INTERVENTION THAT IMPLEMENTED**

Children in conflict with the law face numerous challenges, and despite laws protecting them, implementing intervention programs can be difficult. The main obstacles include behavioral resistance from the children and their parents, making building rapport crucial. The intervention programs, which include psychosocial activities like sports, team building, and counseling, as well as education through Alternative Learning Systems, aim to provide positive support and develop knowledge and skills. However, social workers encounter challenges in implementing these programs, highlighting the need for effective strategies to address these obstacles and support the rehabilitation and reintegration of these vulnerable children (Atianzar, M. B. (2022). Intervention Programs for Child-In-Conflict with The Law (CICL): The Challenges Encountered with Its Implementation. *Educational Research International*, 11(1).) Children in conflict with the law (CICL) require comprehensive support to address their complex needs and promote successful rehabilitation. Holistic intervention programs offer a promising approach, integrating vocational training, sports, spiritual enhancement, and social skills development. These programs foster self-awareness, improve social skills, and enhance vocational abilities, ultimately facilitating reintegration into society. However, challenges such as loneliness and social problems persist, highlighting the need for ongoing support and individualized interventions. By adopting a holistic approach, we can provide CICL with the tools and support necessary for positive change and successful rehabilitation. Fabre, R. P., Barrero, H. B., Amay, G. C., Vedra, S. A., Daya, N. B., & Mansueto, S. G. (2016). Intervention Programs for Children In Conflict with the Law (CICL): Gearing Towards Sustainable Development. *American Journal of Social Sciences, Arts and Literature*, 3(3), 1-6.

#### **CONCLUSION :**

Lastly, however, in the case of rehabilitating Children in Conflict with the Law (CICL) such a child who has committed an offense, it is important to take a more integrated and as well more holistic approach in survivorship that helps such a child find his way back to society. As explained by the United Nations Children’s Fund (UNICEF), children’s community based and non – institutional care seeks not primarily to replaced children but instead tries to understand the unique need of each child. As to the specific reasons for juvenile delinquency, CICL can only be helped through education, proper counseling, and early assistance in order to help stop them from engaging in illegal activities. In the end, it is our collective obligation to guarantee that these neglected children obtain the assistance and support they require in order to blossom and maximize their potential.

#### **REFERENCES :**

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