
NAVIGATING JUVENILE DELINQUENCY: RIGHTS & REHABILITATION

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ABSTRACT

Children are the future of the country. It is the duty of the society to ensure that they have a safe and friendly environment to live in. As per the statistics, Juvenile delinquency in India has emerged as a distressing social reality, with a notable surge in violent and organized crimes committed by minors. Despite legislative advancements like the Juvenile Justice (Care and Protection of Children) Act, 2015, systemic gaps persist in addressing the root causes and rehabilitating juvenile offenders. This paper critically examines juvenile delinquency as a multidimensional issue shaped by social environment, psychological distress, and institutional failures. It delves into the theoretical underpinnings of deviant youth behaviour by applying Agnew's Strain Theory, Sutherland's Differential Association Theory, and Labelling Theory each revealing how emotional strain, learned criminality, and societal stigma contribute to delinquent outcomes.

The paper takes learnings from the case laws, empirical data, and international standards such as the UN Convention on the Rights of the Child, and highlights major legal and procedural deficiencies, including the arbitrary trial of juveniles as adults, lack of trained personnel, and inadequate child-friendly infrastructure. It also underscores the psychological consequences of repeated court appearances and stigmatizing treatment.

In order to bridge these gaps, the study proposes targeted reforms such as individualized rehabilitation based on criminogenic assessments, gender-sensitive facilities, use of virtual testimonies, community-led interventions, and technological innovations in trial processes. Delinquents usually come from families where there is tension and difficulty to express sin relationships. Due to the proliferation of juvenile crime rates, necessary steps should be taken and amendments should be made in the present law to be enacted and enforced in a strict manner.

Keywords: juvenile delinquency, juvenile justice act 2015, theory, legal reform, child rights.

INTRODUCTION

“Children are not born with criminal intent; it is society that often scripts their descent into delinquency.” This haunting truth resonates deeply in today’s India, where rising crime rates reveal not only individual acts of deviance but also collective failures of families, institutions, and justice systems. Delinquency, broadly understood as behavior that violates legal or social norms, is a complex social phenomenon influenced by poverty, lack of education, trauma, and systemic neglect. It is a mirror reflecting the fissures within our society.¹

Within this broad landscape of delinquent behavior lies juvenile delinquency, offences committed by minors, those under the age of 18. These are not merely small-scale transgressions but often serious crimes, from theft and assault to murder and sexual offences. The very individuals we celebrate as the nation’s future, our children, are increasingly coming into conflict with the law, not solely out of intent, but out of neglect, marginalization, and systemic abandonment. According to the NCRB 2021, more than 32,000 juveniles were apprehended for a range of crimes, with a disturbing rise in offences like murder, rape, and theft. Behind every such statistic lies a child failed by their ecosystem failed by broken families, underfunded schools, indifferent state systems, and trauma left unaddressed.

The legal framework governing juvenile justice in India has been remarkably reformed after the enactment of the JJ Act, 2015². This landmark legislation enshrined a promise of a rehabilitative, child-protective, and child-sensitive justice system. Still, in practice, this promise frequently falters. Children are often subjected to adult-style trials, and the infrastructure for Children’s Courts remains grossly uneven across states. Judges frequently lack training in child psychology, and the discretionary power granted to courts to try children aged 16 and above as adults, without objective criteria, invites arbitrariness undermining constitutional protections under Article 14 (equality before law) and Article 21 (right to life and dignity).³

Therefore, this scholarly paper examines the complex interplay of sociological, psychological, and legal dimensions that strengthen juvenile delinquency. Drawing upon theoretical

¹ Juvenile Delinquency, Maricopa Cnty. Sup. Ct., <https://superiorcourt.maricopa.gov/departments/superior-court/juvenile/delinquency/> (last visited June 2, 2025).

² The Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, India Code (2016).

³ India Const. art. 14, 21.

frameworks such as Agnew's Strain Theory, Sutherland's Differential Association Theory, and Labelling Theory, it reveals how social learning, systemic oppression, and state responses combine to shape the trajectories of vulnerable youth. Furthermore, it critiques the judiciary's discretionary powers and infrastructural deficits that erode procedural fairness and traumatize children caught in the system.

This paper aims not only to critique but to build, offering structured, actionable recommendations ranging from individualized rehabilitation plans and enhanced state-centre coordination to improved use of technology, child-friendly courtrooms, and gender-specific interventions. Juvenile justice must cease to be a mere formality; it must become a genuine commitment, a promise that every child, no matter how lost, deserves a second chance.

THEORETICAL FRAMEWORK AND CAUSES OF JUVENILE DELINQUENCY

Understanding Juvenile Delinquency requires examining both the underlying causes and the theoretical frameworks that explain why young individuals engage in deviant or unlawful delinquent behaviors. Various, sociological, psychological, and economic theories- such as strain theory, sociological theory, labelling theory and differential association theory- offer insights into how environmental factors, peer influences, family structures, and personal experiences shape delinquent behavior. This section aims to explore these key frameworks and identify the major contributing causes- ranging from poverty and abuse to lack of education and mental health challenges- that collectively influence juvenile misconduct.

While crime is often seen as a response to various unfulfilled goals or blocked opportunities, another major factor is the inability to escape difficult or stressful situation. Teenagers, sometimes are confined in unfortunate and uncalled- or conditions, such as conservative family life or an aggressive school environment, from which escape may seem impossible.

Famous sociologist, Robert Agnew's revised Strain Theory of Delinquency⁴, wherein he strengthens this assertion by stating that *'Being in an aversive environment, then, clearly makes the individual angry. Anger, in turn, has a significant positive impact on all measures of delinquency... We would expect environmental aversion to fluctuate, and delinquency should*

⁴ Robert Agnew, A Revised Strain Theory of Delinquency, 64 Soc. Forces 151 (1985), <https://www.jstor.org/stable/2578977> (last visited May 16, 2025).

be most likely at those times that adolescents find family, school, or other environments most aversive.'

Such imposed exposure to certain situations can foster resentment, potentially leading to actions like violence, defiance toward their environment, or other forms of misbehavior. Adolescents sometimes lack the legal awareness, resources, or independence to escape these surroundings. While adults can change jobs, relocate, or pursue legal remedies at will, teenagers are generally expected to live with their families and attend school, regardless of their circumstances. If these surroundings are emotionally or physically exhausting, adolescents have very few alternatives. Emotional responses like anger, frustration or despair may arise from this sense of entrapment, which can, in turn, lead to misbehavior and a deviation from the societal norms.

Various theories have studied the impact of emotional aspect of the environment, on the teenager's delinquent behavior. Some of those shall be substantiated further. **Strain theory**, as developed in sociology and criminology, stresses the emotional consequences of living in persistently negative or oppressive environments. Unlike theories that focus solely on the inability to achieve culturally approved objectives such as financial success or social mobility. The theory also recognizes that delinquency also arises, when individuals are trapped in conditions of abuse, neglect, or systemic injustice. In such cases, it is not merely the frustration of unfulfilled aspirations but the inescapability of the ongoing sufferings that leads to deviant behavior.

As people age, they often gain greater autonomy and access to coping strategies such as leaving harmful environment, or seeking professional help which can lead to a decline in delinquent behavior. Adults may have the freedom to quit toxic relationships or pursue legal remedies, options typically unavailable to adolescents. This increased independence often correlates with reduced rates of offending in adulthood.

Indian jurisprudence has, to some extent, acknowledged such strain-based factors. In **Mukesh & Anr v. State for NCT of Delhi**⁵, which held that *'The mitigating factors which have been highlighted in the present case on the basis of the affidavits filed by the appellants pertain to the strata to which they belong, the aged parents, marital status and the young children and*

⁵ Mukesh & Anr v. State for NCT of Delhi, (2017) 6 SCC 1 (India).

the suffering they would go through. That apart, emphasis has been laid on their young age and rehabilitation’, hence the Supreme Court considered the mitigating factors like poverty, background, deprivation, recognizing that could influence young individuals’ actions. This aligns with Agnew’s insight that *‘delinquency is more likely when adolescents are located in aversive environments from which they cannot escape.’*

This idea aligns with Sutherland’s Differential Association Theory⁶, which offers a powerful lens through which juvenile delinquency can be understood as one of the products of social learning rather than just individual pathology. The central premise of this particular theory is that any criminal behavior is learned through interaction within intimate personal groups, where an individual is exposed to values and definitions that are favorable to the violation of law.

As Cressey, who later refined this theory, states, *‘A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law.’* This means that criminality does not originally stem from inherent tendencies, but from the social environments and associations a person is embedded in. Especially when it comes to juveniles, prolonged exposure to deviant behavior- often normalized within their families, peer circles, or neighborhoods- results in the internalization of these behavior as acceptable or even necessary response to life’s challenges.

‘When persons become criminals, they do so because of contacts with criminal behavior patterns and also because of isolation from anti-criminal patterns,’ explains Cressey, thus indicating that delinquency arises not from exposure to deviance but also from the absence of countervailing influences- a scenario common in many marginalized communities in India.

In India, many juveniles come from socio-economically disadvantaged backgrounds where watching crime is a part of their daily routine. Poverty-stricken neighbourhoods and hostile families often become reasons for delinquent behaviour. When children interact daily with peers or elders who justify or normalise criminal acts, they begin to believe that this is the reality and the unlawful act is legitimate and rational. This process involves not just techniques, but also justifications that make such behaviour appear acceptable or even necessary.

⁶ Donald R. Cressey, The Theory of Differential Association: An Introduction, 8 Soc. Probs. 2 (1960), <https://www.jstor.org/stable/798624> (last visited May 6, 2025).

Environments like these influence individuals to commit such deviant acts, which are often not the result of voluntary choices but are a result of excessive exposure to such traumatic social conditions. This also shows that the punitive factors alone cannot effectively address the issues of juvenile delinquency. A more collective and sustainable approach is required to transform these social conditions that cause these deviant acts. Policies must focus on rehabilitation, increased access to education, mental health support, and positive relationships that promote law-abiding conduct among the individuals.

By considering and rectifying these societal conditions that cause delinquent acts, the judiciary and society can work hand-in-hand to intervene at an early phase and remove these factors. Through a continuous collective approach, these socially unacceptable acts formed through social learning can be replaced with adaptive, lawful alternatives, enabling young individuals to re-engage with society in meaningful and responsible ways. Judicial recognition in cases like *Sheela Barse v. Union of India (1986)*⁷, held '*The nation's children are a supremely important asset. Their nurture and solicitude are our responsibility Children's pro-grammes should find a prominent part in our national plans for the development of human resources, so that our children grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skill and motivations needed by society*' putting emphasis on the importance of humane treatment and rehabilitative care for children in custodial settings will help us to focus more on the social conditioning of an individual.

There is another theoretical approach known as **Labelling Theory**, as per which delinquency is not defined solely by the act but by the societal reaction to it. When a child is caught engaging in a minor offence, such as pickpocketing, skipping school, the response of authorities, especially the police and the juvenile justice system, plays an important role in determining whether that child is seen as an offender or a delinquent individual. In India, children from marginalized communities and economically weaker urban populations are disproportionately subjected to arrest, institutionalisation, and long-term surveillance, even for minor infractions. Once a label of "juvenile delinquent" is officially attached, the child may face social exclusion, difficulties in continuing education, and reduced employment opportunities. These outcomes often push the child further into vicious cycle of crime and poverty, creating a self-fulfilling prophecy where the label contributes to future deviance.

⁷ Sheela Barse v. Union of India (1986) 3 SCC 632 (India).

Yet, as powerful as labelling theory is in explaining the **reproduction of delinquency**, it cannot fully explain the deeper causes of juvenile delinquency in India. While the impact of defining an individual is visible, particularly in urban areas and places with patrol, many young delinquents are already entrenched in hard realities- poverty, unemployment, disrupted families, and coercive peer pressure- long before any institutional label is applied. In such cases, the behaviour is less about the external judgment and more about survival, coping, or resistance to a hostile environment.

Moreover, labelling theory has limited explanatory power in the context of serious offences involving organized crime, violence, or sexual assault- where the conduct is more often deliberate and structured, rather than reactive to social stigma. Here, theories like differential association and structural strain offer more compelling explanations.

Recognising the dual forces at play- the learned behaviour through association and the social reinforcement of identity through labelling – is crucial for a holistic understanding of juvenile delinquency. As Indian courts have affirmed, the state must avoid branding a child as deviant for life. In *Sheela Barse case*, the Supreme Court emphasised human treatment, rehabilitation, and reintegration, rather than punitive responses, acknowledging that the child is more often a victim of circumstance than a wilful wrongdoer.

Thus, any effective juvenile justice framework in India must go beyond criminalization and recognize that **juvenile delinquency is both a product of social learning and social response**. Rehabilitation must aim not just to erase the label but also to transform the environment that produced the behaviour in the first place. A more balanced approach must consider both the label and the conditions that led to the act in the first place. Our judiciary has also followed the principle of not labelling an individual⁸.

PSYCHOLOGICAL PERSPECTIVE

Juvenile delinquency can be broadly understood through both psychological and sociological lenses. From a psychological standpoint, cognitive development theory suggests that delinquent behaviour may arise when a child's ability to distinguish right from wrong has not

⁸ Erach Sam Kanga v. Union of India, W.P. No. 2632 of 1978 (1979) (Bom.)

fully matured⁹. In India, where access to quality education is often unequal, many children from economically disadvantaged backgrounds lack environments that encourage healthy moral development. As a result, their actions may not stem from intentional disobedience, but rather from an underdeveloped moral understanding.

Additionally, personality disorders that lead to antisocial traits such as impulsivity, aggression, and a lack of empathy are also linked to delinquent behaviour. If these traits go unaddressed during childhood, they can develop into patterns of conflict and eventually lead to deviant acts¹⁰. In India, mental health services for children remain inadequate, especially in the rural and economically disadvantaged sections of the society. This lack of support results in widespread neglect and failure to recognise psychological issues among children. Additionally, economic hardship and family instability are major contributors to the delinquent behaviour¹¹. Children living in poverty often face hunger, poor housing, and limited parental supervision. Many are exposed to domestic violence, substance abuse, physical harm, or neglect- conditions that severely impact their emotional well-being and making them more vulnerable to peer pressure and criminal influence. The higher incidence of juvenile crime in impoverished areas is less about the communities themselves and more about the absence of mental health and social support systems. These underlying psychological and social factors are crucial to understanding juvenile delinquency in India and demand urgent attention.

CHALLENGES

The Children's Courts is empowered under the 2015 Act to conclusively determine if there is "need for trial" of the child as an adult and if they conclude that the trial as an adult isn't required, it shall conduct an inquiry as a Board and pass appropriate orders under Section 18 which includes directions to be issued to be juvenile to be sent home after suitable admonition, participate in group counseling or community service. If the Children's court decided to treat the juvenile as an adult then the child is prosecuted as per the provisions of the Criminal Procedure, Code, 1973¹². The criteria on the basis of which the ability of the offender to become

⁹ David P. Farrington, Early Developmental Prevention of Juvenile Delinquency, 142(5454) RSA J. 22 (1994), <https://www.jstor.org/stable/41376602> (last visited Apr. 12, 2025).

¹⁰ Thomas Grisso, Adolescent Offenders with Mental Disorders, 18(2) Future Child. 143 (2008), <https://www.jstor.org/stable/20179982> (last visited May 2, 2025).

¹¹ Impact of Socio-Economic Factors on Juvenile Delinquency, Eur. J. Educ. & Learning (2024), <https://www.eeet.org.uk/index.php/journal/article/download/1502/1487/1823> (last visited May 15, 2025).

¹² The Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 19(1)(i), India Code (2016); Amnesty Int'l, *Children Must Not Be Treated as Adults Under New Juvenile Justice Law* (July 31, 2014),

such a member is to be assessed have not been detailed under the 2015 Act, thus vesting the discretion of such determination in the Children's Court. This inquiry is highly subjective, and prone to arbitrariness, thereby falling foul of Article 14. When it comes to setting up a Children's court, Goa became the first state in 2004 to establish the Children's Court and get a unique statute known as Goa Children's Act, 2004. Subsequently, in 2012 Delhi instituted special courts known as Vulnerable Witness Depositions courts Kakardooma in the year 2012, at Saket in 2014 and Dwarka in 2017. In South India, the Special Court was set up in 2016 at Nampally in Hyderabad in the state of Telangana and in 2017, Bengaluru set up a Special Court. However, not all special courts in India have similar infrastructures, many are housed in court buildings and lack even a waiting room for children. Thus with the absence of Children's Courts, Sessions Courts, which are adult courts, are vested with the jurisdiction of dealing with juvenile offenders above the age of sixteen. Conducting the trial of a juvenile as an adult in a criminal court violates the juvenile's right to fair trial.

A Judge and Public Prosecutor who are specially trained in child psychology are appointed for these special courts. However, the structure proposed by the 2015 Act would, in essence, lead to trial of the child in adult courts, by persons not adequately trained in dealing with children.

Also, another challenge is that children are called repeatedly to the court to testify and these courts are also granting adjournments and the child must go back home without testifying and in many cases, a long date is issued and this results in delaying the trials. The Calcutta High Court in *Soumen Biswas @ Litan Biswas v State of West Bengal*¹³, issued several directions on this practice. The court has prohibited the granting of adjournments where a child victim is brought to the court.

In numerous cases of juvenile sexual offences, the perpetrator is either a family member or someone known to the child, which complicates the situation significantly. A particularly sensitive issue that sometimes arises before the courts is whether the accused can be permitted to marry the victim once she attains the age of majority. While this may appear to be a practical solution, it often poses serious risks to the well-being and safety of the child. The child may be silenced or dissuaded from disclosing the offence through various means - including intimidation, manipulation, and coercion. It is not uncommon for accused persons to make

<https://www.amnesty.org.in/show/news/children-must-not-be-treated-as-adults-under-new-juvenile-justice-law> (last visited Mar. 10, 2017).

¹³ *Soumen Biswas @ Litan Biswas v. State of W. Bengal*, C.R.M. (DB) 2220 of 2022 (Cal. HC).

contact with the child within court premises or outside, using threats, blackmail, or emotional pressure to suppress the complaint. In extreme cases, threats may extend to the child's family members, and instances of abduction or even murder have been reported.

Identifying child victims is inherently challenging for law enforcement agencies. Typically, the police are informed only after the commission of the offence, and in many cases, children may not even recognize that an offence has occurred, leading to underreporting. Even when offences are registered, children are often unavailable or unable to give coherent testimony in court. Particularly in cases of sexual assault, victims may struggle to articulate the abuse due to their limited understanding of bodily integrity and lack of appropriate vocabulary. Such factors frequently lead to the derailment or collapse of judicial proceedings.

The 2015 act prescribes qualifications of magistrates¹⁴, thereby ensuring that they are experienced in dealing with children, similar qualifications have not been prescribed for judges of the children's court. Being ill-equipped in juvenile psychology, the children courts, or the Sessions Court, is not adequately qualified to pass orders concerning children.

Moreover, exposing a juvenile who is yet to be found guilty to an adult criminal justice systems whose hallmark is delayed adjudication of cases is not in accordance with the 'best interest' of the juvenile¹⁵, which is enshrined under the CRC which states that treatment of children as adults is a violation of right against discrimination embodied in the statute. The 2015 Act espouses the principle of fresh start by requiring that the records of juvenile offenders be erased and this is the premise of the objective of reintegrating juvenile offenders into society. However, this provision is accompanied by a caveat which allows deviation from the rule in 'special circumstances'¹⁶. The nature of these special circumstances have not been specified, leaving an aspect so sensitive and completely open-ended. This open ended may lead to so called 'racial profiling' of the offender, on the basis of his family background, caste, community, and religion.

¹⁴ The Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 4(5), India Code (2016) requires that Magistrates be offered induction training and sensitisation on care, protection, rehabilitation, legal provisions and justice for children.

¹⁵ John W Parry, 'Transfers to Adult Court and Other Related Criminal Incompetency Matters Involving Juveniles' (2009) 33 *Mental and Physical Disability Law Reporter* 2, noting that the principle of the "best interests" of juveniles may be derived from art 3 of the *United Nations Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.

¹⁶ The Juvenile Justice (Care and Protection of Children) Act, 2015, §3(xiv).

Further, the 2015 Act exempts juvenile offenders from any disqualification which could be incurred under any law for commission of an offence under the law. However, children above the age of sixteen who have committed heinous offences are not given protection under this clause.

REFORMATIVE ACTIONS

To address the above mentioned challenge, few recommendations suggested are in the backdrop of those challenges and possible solutions in the Indian context:

1. Restricting Adjournments and promoting Virtual Testimonies

Adjournments in cases involving children should be strictly limited to instances where the child is medically unfit to attend or in case of victims being females. The Calcutta High Court iterated, *“No adjournments shall be given to either of the parties when a minor victim is brought to the Court for giving evidence, her examination is to be conducted as far as practicable on the day itself.”*¹⁷ The court further gave certain guidelines to the special courts to ensure smooth, prompt and seamless examination in terms of state of health to be given due consideration, refusal to examine or cross examine amounting to ‘professional misconduct’ and even ‘criminal contempt’ under Section 2(c) of the Contempt of Courts Act, lawyer’s strike not ground to postpone the examination of minor¹⁸.

Additionally, in cases where the child must travel long distances or across state borders, his/her evidence shall be recorded through video-conferencing following the ‘Standard Operating Procedure’ prescribed by the Apex Court in the *Re Children in Street Situations*¹⁹.

2. Aligning Court Procedures with International Child Rights Standards

Indian Juvenile Courts must adopt procedures consistent with International instruments like the UN Convention on the Rights of the Child (UNCRC)²⁰ and the Beijing Rules (United Nations Standard Minimum Rules of the Administration of Juvenile Justice). These require that juvenile trials be conducted in a child-friendly environment, ensuring the child fully

¹⁷ Soumen Biswas @ Litan Biswas v. State of West Bengal C.R.M. (DB) 2220 of 2022

¹⁸ *Ibid*

¹⁹ In *Re Children In Street Situations* SMW (C) Nos.6/2021

²⁰ The United Nations Convention on the Rights of the Child, 1989

comprehends the legal process. Thus involves simplified language, informal court settings, and trained personnel who can communicate effectively with children.

Article 12 of the UNCRC²¹ states:

- 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*
- 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.*

Thus the article stresses upon the idea that children should be given a right to express themselves freely in all matters which directly or indirectly affects them. Indian Courts need to implement these child-centric modifications, especially for children in conflict with law, to reduce intimidation and promote a rehabilitative, rather than punitive, model of justice.

3. Addressing Implementation Gaps and State–Centre Coordination

The Union and State governments must coordinate more effectively to ensure proper implementation of the JJ Act, 2015²². This includes training of Child Welfare Committees (CWCs), setting up of adequate infrastructure, and ensuring gender-sensitive facilities for girls in conflict with law. A dedicated Juvenile Justice Implementation Monitoring Authority has been established in various states such as: Punjab, Haryana, Chandigarh, Madhya Pradesh, Odisha, Bihar and Assam²³. NCPCR reports consistently highlight non-compliance and lack of infrastructure across juvenile homes and courts, especially in smaller towns. Specifically, only 19 out of 185 shelter homes maintained all the required records for each child, as mandated under the Juvenile Justice Act. A focused inspection in Odisha found that 28 child care institutions lacked essential amenities such as proper toilets, safe drinking water, and cooking

²¹ The United Nations Convention on the Rights of the Child, 1989, Article 12

²² The Juvenile Justice (Care and Protection of Children) Act, 2015.

²³ Press Information Bureau, *Fifth Regional Symposium on Child Protection, Child Safety, and Child Welfare*, Srimanta Sankaradeva Kalakshetra, Guwahati (Aug. 12, 2023).

gas stoves²⁴. As of July 2018, more than 1,300 child care institutions' in India were operating without registration under the Juvenile Justice Act, making children vulnerable to various forms of abuse. Kerala alone accounted for 1,165 unregistered CCIs, highlighting a significant compliance gap. A survey highlighted that only 46.7% of CCIs had an adequate number of caregivers per child. Over 1,000 homes lacked dormitories for children, raising concerns about sleeping arrangements and overall child safety. Similar committees should be set up in other states as well so that effective implementation of the Act take place and also for effective functioning of various institutions like Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs), and Child Care Institutions (CCIs), ensuring that children's rights are upheld throughout the juvenile justice process.

4. Early-Phase Intervention and Community Engagement

Juvenile delinquency prevention must begin at the community level through educational, recreational, and counseling-based interventions. Local schools, NGOs, and Panchayati Raj Institutions must collaborate to offer vulnerable youth access to sports, vocational training, life-skills education, and mental health counseling²⁵. Early identification of at-risk youth through teachers, Anganwadi workers, or social workers can help divert children from criminal behavior.

This aligns with the "Rehabilitation and Social Reintegration" principle under Section 3(xvi) of the JJ Act.

5. Establishment and Strengthening of "Places of Safety"

Juveniles accused of heinous crimes must be separated from those charged with petty or serious but non-heinous offences. "Places of Safety"²⁶ as defined under the JJ Act and previously under the JJ Act, 2000, should be strengthened with therapeutic interventions, vocational training, and tailored rehabilitation programs based on the "needs-responsivity" model. These

²⁴SC Finds Audit of Child Shelters 'Frightening,' The Hindu (New Delhi), Aug. 16, 2018, <https://www.thehindu.com/news/national/sc-finds-audit-of-child-shelters-frightening/article24804385.ece> (accessed May 15, 2025).

²⁵ T. Brezina, A.R. Piquero & P. Mazerolle, *Student Anger and Aggressive Behavior in School: An Initial Test of Agnew's Macro-Level Strain Theory*, 38 J. Res. Crime & Delinq. 362 (2001).

²⁶ The Juvenile Justice (Care and Protection of Children) Act, 2015, § 2(46)

institutions must not resemble jails but focus on the psychological, social, and emotional rehabilitation of juveniles.

In *Dr. Subramanian Swamy v. Raju*²⁷, the Supreme Court stressed that juveniles must be treated differently from adults, even if charged with serious crimes.

The Standing Committee on Human Resource Development recommended the creation of well-resourced “places of safety” with focus on individualized care.

6. Individualized Care Plans Based on Criminogenic Needs

Each juvenile should undergo a thorough criminogenic risk and needs assessment upon entry into the juvenile justice system. Based on this assessment, a personalized rehabilitation plan should be developed that addresses underlying causes of delinquency — such as abuse, neglect, addiction, poverty, or educational neglect. Psychologists, social workers, and trained probation officers must monitor these plans.

The “What Works” literature in criminal psychology supports this “Risk-Needs-Responsivity” (RNR) model²⁸.

This is followed in juvenile justice systems in countries like Canada and the Netherlands, which show low recidivism rates.

7. Protection from Disqualification and Preserving “Fresh Start”

Section 24 of the JJ Act allows for the erasure of criminal records of juveniles to aid reintegration. However, this must be made applicable uniformly, even to those aged 16+ who were tried for heinous offences. “Special circumstances” for deviation should be clearly defined via legislative amendment, with safeguards against subjective or discriminatory application.

Article 15 and Article 21 demand equal treatment and the right to life with dignity. Profiling based on caste, religion, or family background would violate these.

²⁷ *Dr. Subramanian Swamy v. Raju* 2014 AIR SCW 2021 (India).

²⁸ D.A. Andrews & J. Bonta, *The Psychology of Criminal Conduct* (5th ed., Anderson Publ’g 2010).

A Judicial Oversight Committee could be created to review cases where “special circumstances” are invoked to override the record-erasure provision.

8. Gender-Specific Infrastructure and Policies

Girls in conflict with law require distinct infrastructure and rehabilitative programs, including women counselors, safe homes with gender-sensitive design, menstrual hygiene facilities, and protection from exploitation. Additionally, there should be sensitization training for law enforcement and judiciary to handle cases of abuse and exploitation with empathy.

The *India Child Protection Index*²⁹ reveals that gender-specific needs are often ignored, putting girls at increased risk during institutional stay.

Article 2 and 3 of the UNCRC³⁰ emphasize:

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Thus, focusing on non-discrimination and the best interests of the child, mandating gender-sensitive juvenile justice systems.

9. Better Use of Technology to Protect Child Victims

Digital platforms should be employed for registering complaints, scheduling hearings, and recording child witness testimonies. Facial blurring, voice modulation, and pseudonym-based testimonies should be adopted during court proceedings. AI-powered risk assessment tools can also help in child protection by flagging early indicators of abuse and potential delinquency. The Delhi Vulnerable Witness Court model uses video testimony for child victims³¹. *Section*

²⁹ CCL NLSIU, Launches the India Child Rights Index (ICRI), <https://ccl.nls.ac.in/centre-for-child-and-the-law-launches-the-india-child-rights-index-icri> (last visited May 27, 2025).

³⁰ United Nations Convention on the Rights of the Child, arts. 2, 3, Nov. 20, 1989, 1577 U.N.T.S. 3.

³¹ Delhi Court, Guidelines for Recording of Evidence of Vulnerable Witnesses in Criminal Matters, <https://delhicourts.nic.in/public/Circulars/2024/> (last visited May 27, 2025).

36 of the POCSO Act³² allows for video-conferencing and child-friendly trial procedures as the section states: the Special Court may record the statement of a child through video conferencing or by utilizing single visibility mirrors or curtains or any other device.

Necessary witness protection measures including support, compensation, counselling shall be provided by the investigating agency and the District Legal Services Authority (DLSA) concerned to the minor victim and her family before, during and even after the trial, if necessary.

CONCLUSION

“As the twig is bent, so grows the tree.” Children who engage in delinquent acts are not born with criminal intent they are shaped by difficult environments, neglect, and systems that fail to protect them.

This paper has carefully explored the many causes behind juvenile delinquency in India: social pressure, emotional trauma, lack of mental health support, and legal gaps. The sociological perspective helped explain how constant exposure to suffering and crime can push a child toward deviant behavior. This is also backed by judicial recognition through cases like *Mukesh & Anr v State for NCT of Delhi*³³.

The Juvenile Justice Act, 2015, was provisioned to reform, but its implementation was ineffective. From inexperienced judges and poor infrastructure to repeated delays and the re-traumatization of victims, the justice system often fails its objective, which is to protect the children and their rights. Basic facilities are lacking in numerous child care institutions. These problems are serious, but they are not without solutions.

This paper offers targeted and practical reforms to empower and rebuild juvenile justice in India. It recommends limiting adjournments and using video testimony to reduce trauma, training judges in child psychology, and adopting child-friendly procedures per UNCRC standards. Strengthening state-centre coordination, monitoring Child Care Institutions, and creating gender-sensitive infrastructure are emphasized. It proposes early intervention, individualized rehabilitation based on the RNR model, and clear rules for “fresh start”

³² The Protection Of Children From Sexual Offences Act, 2012, § 36.

³³ *Ibid* 5

protection. “Places of Safety” with therapeutic support are urged over punitive detention. Testimony and Identity protection through technology can also be helpful, ensuring justice that positively reforms not just punishes.

As said in *Sheela Barse v Union of India*³⁴, “The nation's children are a supremely important asset”. Justice for them doesn’t just mean mere punishment; instead, it means protection, healing, and the chance to grow again. If this paper has shown anything, it is that real change is possible and it begins with listening to the child, not just the law.

³⁴ *Ibid* 7