CHANGING CONTOURS OF PROTECTION AND CARE OF JUVENILES IN INDIA: A SOCIO–LEGAL STUDY OF THE RECENT TRENDS IN JUVENILE JUSTICE SYSTEM IN THE STATE OF RAJASTHAN

A thesis submitted to the

UPES

For the Award of

Doctoral Philosophy

In

Law

By

Ishan Atrey

August 2025

Supervisor

Dr. Balwinder Singh



School of Law (SOL)

UPES

Dehradun-248007: Uttarakhand, INDIA

CHANGING CONTOURS OF PROTECTION AND CARE OF JUVENILES IN INDIA: A SOCIO–LEGAL STUDY OF THE RECENT TRENDS IN JUVENILE JUSTICE SYSTEM IN THE STATE OF RAJASTHAN

A thesis submitted to the

UPES

For the Award of

Doctoral Philosophy

In

Law

By

Ishan Atrey

(SAP ID-500087065)

August 2025

Supervisor

Dr. Balwinder Singh

Sr. Associate Professo*r* School of Law

UPES



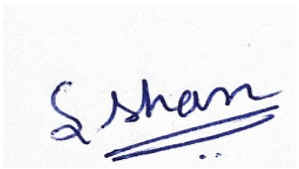
School of Law (SOL)

UPES

Dehradun-248007: Uttarakhand, INDIA

DECLARATION

I declare that the thesis entitled "**Changing Contours of Protection and Care of Juveniles in India: A Socio–Legal Study of The Recent Trends in Juvenile Justice System in The State of Rajasthan"** has been prepared by me under the guidance of **Dr. Balwinder Singh,** Sr. Associate Professor of School of Law, **UPES**. No part of this thesis has previously formed the basis for the award of any degree or fellowship.



Ishan Atrey
Research Scholar
School of Law
UPES
Dehradun – 248007, Uttarakhand
Date: 08/10/2025

CERTIFICATE

UPES
UNIVERSITY OF TOMORROW

Great Place To Work. Certified

CERTIFICATE

I certify that **Ishan Atrey** has prepared his thesis entitled **"Changing Contours of Protection and Care of Juveniles in India: A Socio–Legal Study of the Recent Trends in Juvenile Justice System in the State of Rajasthan"**, for the award of Ph.D. degree from the UPES under my guidance. He has carried out the work at the **School of Law, UPES.**

Supervisor

24/06/2025

Dr. BALWINDER SINGH
Sr. Associate Professor School of Law,
UPES
Dehradun – 248007
Uttarakhand

Energy Acres: Bidholi Via Prem Nagar, Dehradun - 248 007 (Uttarakhand), India, T: +91 135 2770137, 2776053/54/91, 2776201, M: 9997799474, F: +91 135 2776090/95
Knowledge Acres: Kandoli Via Prem Nagar, Dehradun - 248 007 (Uttarakhand), India, M: +91 8171979021/2/3, 7060111775

ADVANCED ENGINEERING I COMPUTER SCIENCE I DESIGN I BUSINESS I LAW I HEALTH SCIENCES AND TECHNOLOGY I MODERN MEDIA I LIBERAL STUDIES

Scanned with OKEN Scanner

ABSTRACT

The juvenile justice system in India has evolved through a complex interplay of legal reforms, policy transitions, and socio-cultural pressures. This research undertakes a rigorous socio-legal study of the recent trends in the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015, in the state of Rajasthan, a region that consistently ranks among the top in the country for juvenile crime rates as per the NCRB reports. The research critically evaluates the transformation of juvenile protection and care mechanisms, explores ground realities in institutional statutory and policy implementation, and analyses stakeholder engagement through both doctrinal and empirical methods. It specifically focuses on assessing the rehabilitation, reintegration, and legal responses to children in conflict with the law, while also identifying key systemic barriers that hinder effective juvenile justice delivery. The research begins with a comprehensive doctrinal review of international and national legal frameworks governing juvenile justice, including the UN Convention on the Rights of the Child (CRC), the Beijing Rules, and India's Juvenile Justice Act. Legislative milestones from 2000 to 2021 are analysed to highlight the shift in India's jurisprudence from a welfare-based approach to a more structured legal system emphasising child rights and rehabilitation. Through a critical lens, the research explores the benchmark amendments introduced in the 2015 and 2021 of the JJ Act, particularly concerning the trial of juveniles aged 16–18 involved in heinous offences, the role of Juvenile Justice Boards (JJBs), and procedural complexities in age determination. Also, the powers of JJBs in adoption, inspection of the Juvenile care centres, offences other than BNS from 3 to 7 years of punishment will now be non-cognizable, changes brought in the definition of serious offences and many more. Quantitative and qualitative methods are being employed to provide a holistic multidimensional understanding of the juvenile justice ecosystem in Rajasthan. A structured questionnaire and in-depth interviews were conducted across five major divisions of Rajasthan —Jaipur, Jodhpur, Udaipur, Kota, and Bikaner targeting 533 respondents, including juveniles, police officers, members of JJBs and Child Welfare Committees (CWCs), legal professionals, and NGO workers. Although a larger universe was envisioned, legal limitations, institutional

gatekeeping, and ethical constraints narrowed the actual sample. Nevertheless, the gathered data offers robust insights into institutional coordination, stakeholder perspectives, and juvenile experiences within the justice system.

The secondary source of data significantly revealed that Rajasthan has a disproportionately high number of juvenile crime cases, particularly involving rape (164 cases), assault on women (156 cases), and kidnapping (102 cases). The age group most implicated in these crimes is between 16–18 years, with many offenders lacking formal identification documents, leading to contested age determinations. Nearly 63% of law enforcement officers surveyed admitted to relying heavily on ossification tests, despite the known inaccuracies, due to the unavailability of reliable birth records. This raises critical concerns about misclassification of minors and subsequent legal misapplication—either unduly penalising or overly protecting individuals, depending on flawed biological assessments.

A significant portion of the research investigates the implementation gap between statutory provisions and real-world application. The study reveals that while the law mandates child-friendly procedures and holistic rehabilitation strategies, the actual practice is marred by poor coordination, insufficient infrastructure, and a lack of trained personnel compared to rural and urban areas of Rajasthan. For instance, 54.1% of law enforcement officers stated that juvenile care authorities are not effectively identifying or addressing the root causes of delinquency. CWCs and JJBs operate in silos, often failing to integrate efforts with police, NGO's, and educational institutions, that leads to an assumptions that "Juvenile justice necessitates collaboration among government agencies, educational institutions, law enforcement, courts, social workers, and NGO's were proven statistically with appropriate construction of hypotheses. Interviews with NGO workers and juvenile care staff highlighted the importance of collaborative interventions such as trauma counselling, vocational training, and mentorship programs. One NGO-led initiative in Jaipur offering training in tailoring and small-scale manufacturing resulted in a 30% reduction in recidivism among its participants, underlining the transformative potential of community engagement. Despite this, such success stories remain isolated due to lack of systemic support and policy scaling. Similarly, schools,

which could serve as key institutions in early identification and behavioral correction, are largely absent from the juvenile justice framework. Limited collaboration between educational institutions and justice stakeholders has hindered preventive interventions that could curb juvenile involvement in crime.

On the rehabilitation front, the research presents mixed findings. About 76.8% of juveniles reported feeling prepared for reintegration into society after completing their detention on the juvenile care homes, while 23.2% did not, citing emotional distress, lack of vocational skills, and social stigma. Moreover, 67% stated they would not reoffend, whereas 33% were unsure or admitted that they might, revealing persistent gaps in behavioural transformation. The underlying reasons range from economic deprivation, lack of family support, and peer pressure to the absence of sustained post-release monitoring.

The study specialises in operational disparities between urban and rural juvenile justice infrastructure. Rural juveniles, in particular, face compounded barriers—ranging from scarce legal aid services to dilapidated rehabilitation homes with inadequate staff and basic facilities. This geographic disparity underscores the need for a rights-based, equitable distribution of resources, particularly targeting underserved regions. Infrastructure deficits in rural areas include the absence of trauma counselling rooms, vocational training spaces, and separate cells for Child in conflict the law and children in need of care and protection, which compromises both the dignity and the legal rights of juveniles.

The research also analyses the socio-psychological dimensions of juvenile delinquency using criminological theories such as Merton's Strain Theory and Sutherland's Differential Association Theory. Many juveniles displayed behaviour indicative of identity crises, social alienation, and impulsivity—traits that, when unaddressed, become criminogenic factors. These theoretical frameworks helped correlate field data with macro-sociological crime patterns, further validating the empirical observations.

Another striking conclusion of the study is the under utilisation of technology and digital platforms. While digitisation could improve case tracking, inter-agency communication, and access to stakeholder training resources, most institutions in Rajasthan's juvenile justice system continue to operate manually.

Integrating digital solutions such as real-time case updates, stakeholder dashboards, and e-learning modules for JJB and CWC members is strongly recommended to streamline service delivery and reduce procedural delays. The thesis concludes by advocating for systemic reforms, including institutionalising partnerships between JJBs, CWCs, NGO's, and educational institutions Formalizing these relationships through legal frameworks and MoUs could improve communication, clarify roles, and foster collective accountability. Increased government funding, targeted capacity building, and the establishment of centralised data systems are also essential for enhancing the responsiveness and inclusivity of the juvenile justice system.

Conclusively, the thesis argues that juvenile offenders are not merely perpetrators but often the outcome of systemic failures. A rehabilitative model anchored in empathy, collaboration, and equity is crucial for realising the constitutional promise of justice for all children. The findings underscore the urgent need for evidence-based policymaking, continuous stakeholder training, mainstreaming of restorative justice principles and most importantly, a strong parental relationship with the child would play a very significant role in curbing the issue of juvenile delinquency. Only through such comprehensive reforms can India hope to build a juvenile justice system that punishes deviance, heals trauma, empowers transformation, and fosters long-term societal reintegration.

ACKNOWLEDGEMENT

I am pleased to submit a thesis on **"Changing Contours of Protection and Care of Juveniles in India: A Socio–Legal Study of The Recent Trends In Juvenile Justice System In The State of Rajasthan"** for the award of **Doctor of Philosophy (Law)** from the **UPES.** This thesis would never have succeeded without the cooperation and guidance from all the respective field experts.

I take this opportunity to thank my research supervisor, **Dr. Balwinder Singh,** who has helped me achieve my desired goal in every respect.

I am very thankful to **Dr. Abhishek Sinha,** Dean of the School of Law, and **Dr. Shikha Dimri,** Research Coordinator, for their sincere support in completing this work. Also, I would like to thank Dr. Rakesh Sharma and Dr. Bindu Sharma for their support and guidance.

I am also thankful to all the Staff and Non-Teaching staff of the **School of Law, UPES, Dehradun,** who have extended full cooperation from their inner core of the heart to fulfil my requirements.

I also thank **Dr. Pooja,** Faculty Lecturer, **IIM Rohtak, and Mr. Surinder Sharma, in-charge Place of Safety, Bikaner (Rajasthan), for their constant support and guidance**.

Lastly, I would like to extend my thanks to my parents **Shri Devender Prakash Sharma (Former District and Sessions Judge), Smt. Sarika Sharma,** and my wife **Mrs. Priyanka Sharma,** my brother **Mr. Shashank Atrey**, **his wife Mrs. Falguni Sharma and Mr. Aniket Atrey** without their support the work would not have been completed & boosted my moral in completion of the research work.

Ishan Atrey
Research Scholar
School of Law
UPES
Dehradun – 248007, Uttarakhand
Date:

Table of Contents

Declaration…… III
Certificate……...IV
Abstract……...……V
Acknowledgement……..……IX
List of Tables……..……XVII
List of Figures……...……..XVIII
List of Cases……XX
Table of Annexures……..……..XXI
Table of Abbreviation……....XXII

CHAPTER 1: INTRODUCTION……..…1

1.1 INTRODUCTION TO CHILD IN CONFLICT WITH LAW 1

1.1.1 Defining Child in Conflict with Law 2

1.1.2 Child in Conflict with Law vis-à-vis Constitution of India 4

1.2 REPERCUSSIONS TO CONTROL CHILD IN CONFLICT WITH LAW 6

1.2.1 Reasons for Child in Conflict with Law 6

1.2.2 Judiciary and Child in Conflict with Law 9

1.2.3 Effects of a Child in Conflict with Law 10

1.2.4 Recidivism in Child in Conflict with Law 10

1.2.5 Child in Conflict with the Law as a Problem. 11

1.3 LITERATURE REVIEW 13

1.4 SCOPE OF THE RESEARCH… 45

1.5 SIGNIFICANCE OF STUDY 47

1.6 STATEMENT OF THE PROBLEM 49

1.7 STUDY AREA 51

1.8 HYPOTHESES 52

1.9 RESEARCH OBJECTIVES 52

1.10 RESEARCH QUESTIONS 53

1.11 RESEARCH METHODOLOGY 53

1.11.1 Tools of Primary Data collection……..58

1.12 LIMITATION OF STUDY 62

CHAPTER 2: HISTORY AND DEVELOPMENT OF JUVENILE JUSTICE 65

2.1 INTRODUCTION 65

2.2 IMPORTANCE OF HISTORICAL CONCEPT OF CHILD IN CONFLICT WITH LAW 66

2.3 EVOLUTION OF JUVENILE JUSTICE IN INDIA 68

2.3.1 Pre-Constitutional Era 69

2.3.2 Post-constitutional Development *72*
2.4 RECENT DEVELOPMENTS **79**
2.4.1 Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021 ..... *80*
2.4.2 Preventive Programs *81*
2.5 VARIOUS POLICIES IN INDIA **82**
2.5.1 National Policy for Children, 2013 ..... *82*
2.6 POLICIES IN RAJASTHAN **86**
2.6.1 The National Policy for Children 1974 ..... *89*
2.6.2 National Charter for Children, 2003 ..... *90*
2.6.3 National Plan for Children (NPC) 2016 ..... *90*
2.6.4 Integrated Child Protection Scheme *92*
2.7 THEORETICAL AND EMPIRICAL INSIGHTS **94**
2.7.1 Integration of Theoretical Frameworks *94*
2.8 CONCLUSION **97**

CHAPTER 3: LAWS RELATED TO CHILD IN CONFLICT WITH LAW AND JUDICIAL TRENDS IN INDIA **100**

3.1. INTRODUCTION **100**
3.2. IDEA OF DOLI INCAPAX **102**
3.3. GLOBAL PERSPECTIVE ON CHILD IN CONFLICT WITH LAW **103**
3.3.1 Standard Minimum Rules for the Administration of Juvenile Justice of the UN *104*
3.3.2 Convention on the Rights of the Child *105*
3.3.3 United Nations Rules for the Protection of Juveniles Deprived of Their Liberty *106*
3.3.4 Riyadh Guidelines for the Prevention of Child in Conflict with Law *107*
3.4. CONSTITUTION OVER CHILD IN CONFLICT WITH LAW 108
3.4.1 India's constitutional provisions regarding juveniles encompass *109*
3.5 CENTRAL STATUTES **110**
3.5.1. The Probation of Offenders Act, 1958 ..... *110*
3.5.2 The Children Act, 1960 ..... *111*
3.5.3 Juvenile Justice Act, 1986 ..... *111*
3.5.4 The Juvenile Justice Act(care and Protection of Children) Act,2000 ..... *112*
3.5.5 The Child Labour (Prohibition and Regulation) Act,1986 ..... *114*
3.5.6 The National Policy for Children,1974 ..... *114*
3.5.7 The Immoral Traffic (Prevention) Act, 1956 ..... *115*
3.5.8. Prohibition of Child Marriage Act, 2006 ..... *115*
3.5.9 The Right to Education *116*
3.5.10 The Protection of Children from Sexual Offences *116*
3.5.11 JJ (Care and protection of Children) Amendment Act 2006 & 2011 ..... *117*
3.5.12. The Juvenile Justice (Care and Protection of Children) Act, 2015 ..... *117*

3.6. GOVERNMENT POLICIES OVER CHILD IN CONFLICT WITH LAW ..... .125

3.6.1 Addressing the Problems 126

3.7 ROLE OF JUDICIARY TO CONTROL CHILD IN CONFLICT WITH THE LAW ……..... 127

3.8 CONCLUSION 131

CHAPTER 4: ANALYSIS OF JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 AND JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) AMENDMENT ACT, 2021 ……135

4.1 INTRODUCTION 135

4.2 FEATURES OF JJ ACT, 2015 136

4.2.1 Overview of the Act 137

4.2.2 Procedure vis a vis Child in conflict with law..... 138

4.2.3 Basic guidelines for the safety and well-being of the children… 140

4.2.4 Juvenile encounters with the law 143

4.2.5 Children requiring protection and care… 145

4.2.6 Juvenile Justice Boards……145

4.3 ADOPTION OF CHILDREN IN NEED OF CARE & PROTECTION 150

4.4 LANDMARK CASES..... 151

4.5 LACUNAS IN THE ACT 156

4.6 THE JUVENILE JUSTICE PROTECTION & CARE FOR CHILD AMENDMENT ACT, 2021..... 157

4.6.1 Committee on the protection of children…..... 159

4.6.2 Powers of the Magistrate…..... 160

4.6.3 Essential provisions Juvenile Justice Act, 2021… 160

4.7 COMPARISON BETWEEN JJ ACT, 2015 AND JJ ACT, 2021 ..... .161

4.8 CONCLUSION..... .163

CHAPTER 5: INDIAN PENAL CODE VIS-A-VIS JUVENILE JUSTICE: A CRITICAL ANALYSIS…… 165

5.1 INTRODUCTION..... 165

5.2 CULPABILITY AGE DISCRIMINATION UNDER BHARATIYA NYAYA SANHITA & JUVENILE JUSTICE ACT: 168

5.3 BHARATIYA NYAYA SANHITA & CHILD IN CONFLICT WITH LAW..... 168

5.3.1 Determination of liability of child in India 169

5.3.2 Defence of Infancy…..... 169

5.3.3 Sec.20 of Bharatiya Nyaya Sanhita,2023… 170

5.3.4 Sec.21 of Bharatiya Nyaya Sanhita,2023… 170

5.4 JUVENILE JUSTICE (CARE AND PROTECTION) ACT, 2000 171
5.4.1 Principal provisions of the Act 171
5.4.2 Child in conflict with the Law 171
5.4.3 Orders issued against Juveniles 172
5.4.4 Prohibition of Orders against Juveniles 173
5.4.5 Child in need of Care and Protection 173
5.4.6 Protection Measures 174
5.5 JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 174
5.6 PROCEDURE OF DEALING WITH JUVENILE IN JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 176
5.7 WHETHER THE AGE OF JUVENILITY IN BNS SHOULD BE CONSIDERED MORE EFFECTIVE THAN THE AGE IN THE JJ ACT, 2015 177
5.7.1 Effect of Juvenile Justice on the Bail 178
5.7.2 Effects of JJ Act on the penalisation of heinous crimes 179
5.8 EFFECTIVENESS OF LATEST AMENDMENTS 181
5.8.1. The Changes proposed by the New Amendment Bill, 2021 182
5.9 CONCLUSION 185
CHAPTER 6: SIGNIFICANCE OF NGO IN COMBATING CHILD IN CONFLICT WITH LAW 186
6.1 INTRODUCTION 186
6.1.1 NGO's formation and growth 189
6.1.2 The Function of NGO's 193
6.2 BENEFITS OF NGO IN SOCIETY WELFARE 195
6.3 PROMINENT NGO's IN INDIA 202
6.4 NGO'S IN RAJASTHAN TO REHABILITATE JUVENILES 204
6.5 VARIOUS INITIATIVES BY NGO'S FOR REDUCING CHILD IN CONFLICT WITH LAW 206
6.6 CONCLUSION 208
CHAPTER 7: INTERPRETATION & ANALYSIS OF DATA 211
7.1 INTRODUCTION 211
7.2 HYPOTHESES ANALYSIS 212
7.3 DATA PRESENTTAION 216
7.3.1 Group 1: Juveniles 216
7.3.2 Group 2: Juvenile Care Staff 217
7.3.3. Group 3: Judges, Lawyers, and Policemen 217
Summary of Findings 218
7.4 DEMOGRAPHIC PROFILE OF RESPONDENTS 218

7.5 THEMATIC ANALYSIS (FOR QUALITATIVE DATA) **223**
Theme 1: Rajasthan's Ranking 4th in Child in Conflict with Law *224*
7.5.1. Rajasthan's Position in Child in Conflict with Law Statistics *225*
Theme 2: Identifying and Analysing Gaps in Legislative Frameworks and Amendments for Juvenile Rights Protection *229*
7.5.2 Effectiveness of Recent Amendments in the JJ Act on Child Welfare and Reformation according to Judges, lawyers, and policemen. *229*
Theme 3: Evaluating the Effectiveness of Vocational Training Programs as a Reformatory Mechanism for Juveniles… 230
Theme 4: Analysing Recidivism Tendency among Released Juvenile Delinquents ***231***
7.6 STATISTICAL ANALYSIS (FOR QUANTITATIVE DATA) **233**
7.6.1 Impact of Social Organisations on Policy Decisions Regarding Juveniles *233*
7.6.2 Factors Contributing to Child in Conflict with Law *234*
7.6.3 Influence of Parent-Child Communication Gap on Child in Conflict with Law *236*
7.6.4 Efforts by Authorities to Address the Causes of Child in Conflict with Law *236*
7.6.5 Effectiveness of Government Schemes in Protecting Juvenile Rights *237*
7.6.6 Role of NGO's and Social Organisations in Reforming Juveniles *238*
7.6.7 Measures to Reduce Child in Conflict with Law *240*
7.6.8. Analysis of the Statistical Data *242*
7.7 INTERVIEW FROM JUVENILE **242**
7.7.1 Interview with a 13-Year-Old Boy (Involved in a Family Feud) *242*
7.7.2 Interview with a 15-Year-Old Boy (Defending His Sister's Honour) *243*
7.7.3. Interview with a 15-Year-Old Girl (Domestic Violence and Retaliation) *245*
7.7.4. Additional Insights on Peer Influence and Economic Pressures *246*
7.7.5. Interview with one of the Superintendent of Police of Rajasthan *247*
7.7.6. Interview with the Principal Magistrate of Juvenile Justice Board Rajasthan *248*
7.8 KEY FINDINGS AND INTERPRETATION **250**
7.8.1 Gender and Age Distribution *250*
7.8.2 Perceptions on Child in Conflict with Law in Rajasthan *251*
7.8.3 Effectiveness of Legislative Amendments and Government Schemes *251*
7.8.4 Factors Contributing to Child in Conflict with Law *252*
7.8.5 Measures to Reduce Child in Conflict with Law *252*
7.8.6 Support from NGO's and Social Organisations *252*
7.8.7 Summary of Key Interpretations *253*
7.9 DISCUSSION **253**
7.9.1 Shift towards Rehabilitation over Punishment *254*
7.9.2. Parental care, Peer Pressure and socio-economic factor *254*
7.9.3 Challenges in Implementing Government Schemes and the Role of NGO's *255*

7.10 IMPLICATION OF FINDINGS **255**
7.10.1 Strengthening Family Interventions *256*
7.10.2 Rehabilitation through Education and Vocational Training *256*
7.10.3 Addressing Peer Pressure *256*
7.10.4 Increasing Awareness of Government Schemes *257*
7.11 LIMITATION OF DATA ANALYSIS **257**
7.11.1 Sample Size and Representation… *258*
7.11.2 Geographical Limitations *258*
7.11.3 Response Bias *259*
7.11.4 Nature of the Data: Qualitative v. Quantitative… *259*
7.11.5 Limitation of Secondary Data… *259*
7.11.6 Temporal Constraints *260*
7.11.7 study limitations and challenges *260*
7.12 CONCLUSION……... 262
CHAPTER-8 CONCLUSION & SUGGESTION **263**
8.1 INTRODUCTION **263**
8.2 RESEARCH OBJECTIVES AND RESEARCH QUESTIONS: EVALUATION AND RESPONSES **266**
8.2.1 Research objectives *266*
8.2.2 Research Questions *270*
8.3 WHY RAJASTHAN WAS CHOSEN AS THE RESEARCH AREA **277**
8.3.1 High Rate of Juvenile Crime in Rajasthan *277*
8.3.2 Uniqueness of the Geographical and Socioeconomic Environment *277*
8.3.3 Exploring Perceptions of Stakeholders and Grass Root Experiences…… 278
8.3.4 Organisational Issues in Juvenile Justice *279*
8.3.5 Demographic and Institutional portrayal *279*
8.4 EXPLORATION OF MAJOR CAUSES OF CHILD IN CONFLICT WITH LAW **279**
8.4.1 From the Juveniles' Point of View *279*
8.4.2 Judges' and Lawyers' Perception *280*
8.4.3 Proposed Solutions the Judges' and Lawyers' Points of View *281*
8.4.4 Solution From the Staff of Juvenile Care *283*
8.4.5 Solutions from the Perspective of Juvenile Care Staff *283*
8.5 KEY FINDINGS AND SYNTHESIS **285**
8.5.1 Addressing the Research Questions *285*
8.5.2 Overarching Themes Emerging from the Research *286*
8.5.3 Synthesis of Findings *287*
8.6 STAKEHOLDERS SYNERGY **288**
8.7 INSIGHTS IN SYSTEMATIC AND WEAKNESS **292**

8.7.1 Systemic Strengths *292*
8.7.2 Systemic Weaknesses *293*
8.8 IMPLICATIONS FOR PRACTICE AND POLICY **294**
8.9 RECOMMENDATIONS **297**
BIBLIOGRAPHY **303**
LIST OF PUBLICATION……..... **326**
ANNEXURE 1.1 ..... **327**
ANNEXURE 1.2 ..... **328**
ANNEXURE 1.3 ..... **331**
ANNEXURE 1.4 ..... **333**
ANNEXURE 1.5 ..... **335**

List of Tables

Table:1 Description of Dependent and Independent variables..... 52
Table:2 Research Objectives, Indicators, Methodologies, and Stakeholder Question Matrix for Juvenile Justice Assessment 54
Table 3 Rates of Crime in Large States (2020) 60
Table 4 Major offences committed by juveniles in Rajasthan 60
Table 5 The rising prominence of NGO's..... 192
Table 6 Law Enforcement Responses District wise 223

List of Figures

Figure 1.1 Rates of Crime in Large States (2020)..... 60
Figure 1.2 Major offences committed by juveniles in Rajasthan 2020…… 61
Figure 7.1 Gender among juvenile in Rajasthan 218
Figure 7.2 Age gap among juvenile in Rajasthan 219
Figure 7.3 Districts classification among juveniles..... 219
Figure 7.4 Gender distribution among juvenile care staff..... 220
Figure 7.5 Age distribution among juvenile care staff..... 220
Figure 7.6 District distribution among juvenile care staff..... 220
Figure 7.7 Gender distribution among judges/police/lawyer 221
Figure 7.8 Age distribution among judges/lawyers/policemen 221
Figure 7.9 Stakeholders in survey group (judges/lawyers/policemen)..... 222
Figure 7.10 District distribution among judges/ lawyers/policemen..... 222
Figure 7.11 Opinion of judges / lawyers / policemen on Rajasthan with highest number of juvenile delinquents 224
Figure 7.12 Opinion of Juvenile care staff on Rajasthan with highest number of juvenile delinquents..... 224
Figure 7.13 Child in Conflict with Law from 2015-2022 225
Figure 7.14 State wise Offence Committed under JJ Act-2022 227
Figure 7.15 Child in Conflict with Law in Rajasthan 2022 227
Figure 7.16 NCRB Data on Juvenile Offences in 2022 228
Figure 7.17 Number of Juvenile Delinquent from 2015-2022..... 228
Figure 7.18 Opinion of judges/lawyers/policemen on recent amendment in the juvenile justice act 229
Figure 7.19 Participation of juveniles in recreational programs..... 230
Figure 7.20 Participation of juveniles in educational programs..... 230
Figure 7.21 Conduction of recreational activities by juvenile care staff.…..... 231
Figure 7.22 Opinion of juvenile deter to commit any offence after leaving juvenile home 232
Figure 7.23 Opinion of juvenile prepared for life outside the juvenile home... 232
Figure 7.24 Opinion of juvenile on receiving support and guidance from social organisation / NGO 233

Figure 7.25 Opinion of juvenile on social organisation or NGO's play significant role in juvenile behaviour… 234
Figure 7.26 Factors causing Child in Conflict with Law according to judges / lawyers/ policemen….....234
Figure 7.27 Factors causing Child in Conflict with Law according to juvenile care staff… 235
Figure 7.28 Factors causing Child in Conflict with Law as per Juveniles.....235
Figure 7.29 Opinion of juvenile on good relationship with parents.....236
Figure 7.30 Opinion of judges /lawyers /policemen on whether authorities are working the causes of delinquency….....236
Figure 7.31 Government Schemes Preventing Violations of Juvenile Rights according to judges / lawyers/ policemen….....237
Figure 7.32 Awareness regarding government scheme among juveniles.....238
Figure 7.33 Response of juveniles on receiving support and guidance from social organisation or NGO's 238
Figure 7.34 response of juvenile care staff on weather NGO's play a significant role in bringing positive change 239
Figure 7.35 Responses of juveniles on problems being addressed by staff.....239
Figure 7.36 Opinion of Juvenile care staff on interaction with juveniles.....240
Figure 7.37 Measures to Reduce Child in Conflict with Law according to judges / policemen / lawyers.....240
Figure 7.38 Measures to Reduce Child in Conflict with Law according to juvenile care staff… 241

List of Cases

1. Bholu v. The Central Bureau of Investigation (CR No. 2366 of 2018 (High Court of Punjab and Haryana))
2. Gopinath Ghosh v. State of West Bengal (Supreme Court August 19, 1947).
3. Gurpreet Singh v. State of Punjab (AIR 2006 SC 191);
4. Harii Ram v. State of Rajasthan and Others, Cr.Appeal No 907 of 2009
5. Hiralal Mallick v. State of Bihar, AIR 1978 SCR (1) 301.
6. Jitendra Singh & Babboo Singh v. the State of UP, AIR 2016 SC Cr 50
7. Juvenile x v. State Of Madhya Pradesh Cr. Ap No. 818 of 2024
8. Moti v. State, 1981 Cri LJ 45.
9. Mukesh v. State (NCT of Delhi) ((2017) 2 Supreme Court Cases (Cri) 673)
10. Nangu @ Ram Kumar v. State of Uttar Pradesh 2006 (46) ACC 187 (All.).
11. Narayan Sharma v. State of Madhya Pradesh., ILR 2012 MP 796
12. Nuruddin v. State of Himachal Pradesh, 1984 Cri LJ 1712
13. Parvathy v. Supt. Corporation Relief Centre, 2002(1) ALJ (Cri) 316 (Ker)
14. Prakash v. State of Rajasthan (2006 Cr LJ 1373 (Raj.))
15. Rajinder v. the State of UP (2006 (46) ACC 187 (All.))
16. Ryan Augustine Pinto v. State of Haryana, AIR 2017 SCC P&H 3063
17. Sampurna Behura v. Union of India (2018) 4 SCC 433
18. Sampurna Behura v. Union of India, Writ Petition (Civil) No. 473 of 2005.
19. Samuel Behrua v. Union of India, Writ Petition (Civil) No. 473 of 2005
20. Sanjay Chaurasia v. State of U.P , (2006) 55 ACC 480
21. SC Legal Aid Committee v. Union of India, AIR (1989) SC 1278
22. Shahaab Ali (Minor) v. State of Uttar Pradesh (2020 CriLJ 4479)
23. Sheela Barse v. Union of India, AIR 1986 (SC) 1773
24. Shilpa Mittal v. The State of NCT Delhi (AIR 2020 SC 405)
25. Shubham @ Bablu Suryavanshi v. State of Maharashtra, (Bail App. No. 2282/2021), (Bombay High Court)
26. Subramanian Swamy v. Raju, 2014 (8) SCC 390
27. Vinod Katara v. State of Uttar Pradesh (9 2022 LiveLaw (SC) 757)

Table of Annexures

1.1 Letter of Authorisation for data collection..... 327
1.2 Consent form for Interview Participation…..... 328
1.3 Questions from Juveniles 331
1.4 Questions from NGO's & Juvenile Care staff… 333
1.5 Questions from Judges/Police Officer/ Lawyers 335

Table of Abbreviations

Acronym	Full Form
AIR	All India Reporter
BBA	Bachpan Bachao Andolan
BNS	Bhartiya Nyaya Sanhita
CARA	Central Adoption Resource Authority
CJ	Chief Justice
CMM	Chief Metropolitan Magistrate
CNCP	Children in Need of Care and Protection
CRC	Convention on the Rights of the Child
CrPC	Criminal Procedure Code
CWC	Child Welfare Committee
DAIRRC	Drug Abuse Information Rehabilitation and Research Centre
DBIRRC	Drug Abuse Information Rehabilitation and Research Centre
ICPS	Integrated Child Protection Scheme
IPC	Indian Penal Code
JJ Act	Juvenile Justice Act
JJBA	Juvenile Justice Board Act
JJB	Juvenile Justice Board
LO	Legal Officer
MWCD	Ministry of Women and Child Development
NCPCR	National Commission for Protection of Child Rights
NCRB	National Crime Records Bureau
NGO	Non-Governmental Organisation
OHCHR	Office of the High Commissioner for Human Rights
POCSO	Protection of Children from Sexual Offences
PPP	Public-private partnerships
RBKS	Rajasthan Bal Kalyan Samiti

SAA	Specialized Adoption Agency
SARA	State Adoption Resource Agency
SC	Supreme Court
SC/ST	Scheduled Castes/Scheduled Tribes
SCPCR	State Commission for Protection of Child Rights
Sec.	Section
SJPU	Special Juvenile Police Unit
UN	United Nations

Chapter 1: INTRODUCTION

1.1 INTRODUCTION TO CHILD IN CONFLICT WITH LAW

The ubiquitous impact of familial dysfunction, characterised by various forms of abuse, neglect, substance misuse, marital violence, and instability, significantly affects the lives of numerous individuals, with a special emphasis on adolescents. The future of a country lies in the hands of youth. Unfortunately, due to specific societal changes, these future stakeholders are not raised in a proper environment, due to which they are involved in unethical activities that lead to the Child in Conflict with the Law (Juvenile Delinquency in Rajasthan, 2019). Child in Conflict with Law is an alarming situation that may hinder the development of the Nation. Children affect any country's planning, growth, development, research, and welfare. Still, unfortunately, Child in Conflict with Law precludes the Nation from achieving all of these imperative objectives.

Furthermore, various stakeholders like parents, guardians, society, and individuals are responsible for ensuring that their adolescents are raised in a healthy sociocultural environment to transform into law-abiding citizens who are morally upright, physically strong, and mentally aware of the rights necessary for proper development. The state must give every child equitable development of the possibilities throughout their maturation to combat inequality and uphold social justice. It is expected of juveniles to exhibit virtues and sound traits, as well as to be docile and courteous. Nevertheless, many children disregard the established social and legal duty for various reasons. These children are primarily engaged in criminal activity, referred to as juvenile offences or Child in Conflict with Law. Because of their mental immaturity, emotional instability, delicate and susceptible age, frail physical condition, susceptibility to vices and violence, and inability to care for themselves, children necessitate special care, protection, treatment, and compassionate attention to develop their character into well-rounded individual. The human rights of children require the provision of well-directed and safeguarded protection against their exploitation through neglect and deprivation, both morally and materially. A juvenile who does an act that the law deems to be violative of the law is deemed delinquent, declared by the proper adjudicating

authority, and is said to be a delinquent juvenile, as per the existing Juvenile Protection Laws. Delinquent behaviour in India is limited to acts committed by any child, either a boy or a girl, up to the age of eighteen and committed any offence that is considered an offence under the penal laws of the nation. Penal laws were emphasised to put a check on two types of conduct towards minors:

- The first includes offences committed against adults; in this category, heinous offences such as Culpable Homicide, sexual offences, fraud, dacoity, etc.
- The second includes offences categorised as petty or serious, like children run away, being unruly or uncontrollably absent, etc.

A common understanding of juvenile justice is that it is a legal alternative to the current treatment system for juvenile offenders and an idea of justice and equity. Protection, healing, and reintegration with care and rehabilitation are the main priorities in this case. As a result, the Juvenile Justice Act of 2015 seeks to establish accessible environments for children and efficient processes for the development, protection, growth, and rehabilitation of juvenile offenders. Moreover, the effective implementation of juvenile laws involves addressing the fundamental social issues that contribute to delinquency, such as poverty, family dysfunction, or lack of educational opportunities. When these issues are not effectively addressed, juveniles may remain trapped in an environment that perpetuates delinquent behaviour without the necessary support systems and resources to break the cycle.

1.1.1 Defining Child in Conflict with Law

The idea of Child in Conflict with Law dates back to ancient times. Instances of juvenile evil tendencies may be found in the famous epic "The Mahabharata," when Duryodhan devises a scheme to poison the all-powerful Bhim to destroy him. However, his sinister scheme was ultimately foiled. Because of an ingrained social control mechanism, a youngster had little opportunity to go wrong in those days, notwithstanding such rare occurrences (KRITHIKA, 2017). To some degree, the antisocial elements could not penetrate the strong fabric of society. As adolescent delinquency occurs in all communities, regardless of how sophisticated or simple, there is consequently no specific law

to deal with it. In many developing countries, like India, Child in Conflict with the Law is a relatively infrequent but constantly growing problem.

Furthermore, the fact that the percentage of adolescents committing all recorded crimes in the nation has climbed is even more concerning. According to many surveys, socioeconomic and psychological factors are the most common and interconnected elements contributing to delinquency. Behaviour, or rather misbehaviour, or a departure from socially acceptable norms or conduct, is generally understood to constitute delinquency. Child in Conflict with Law is the term used to describe children and adolescents who exhibit antisocial or criminal behaviour unacceptable to society, and for which the public interest justifies punishment or corrective action. An individual who regularly violates the law, particularly one accused of vandalism or disruptive behaviour, is referred to as a Child in Conflict with the Law. Whereas delinquency is associated with juveniles committing crimes, criminality can result in adult arrest and conviction. Thus, those offences committed by adults and punishable are denoted as juvenile crimes when committed by children. Word Delinquency has been derived from delinquent, a Latin term which means to omit. Romans used this term to describe when someone doesn't complete the task or responsibility assigned to them. William Caxton first used the term "delinquent" in 1484 BC to refer to someone who has committed customary offences (Loeber & Farrington, 2012). Crime and antisocial behaviour committed by minors (often those under the age of 18) who break the law is known as Child in Conflict with Law. This behaviour includes theft, vandalism, drug abuse, and violence. It is a complex issue with multiple causes. Some factors contributing to Child in Conflict with Law include poverty, family dysfunction, mental health problems, substance abuse, peer pressure, and a lack of positive role models. Many criminal careers are rooted in childhood, and Child in Conflict with Law is a bridge to adult offences. Juvenile offender cases constitute a significant topic that is raising concern across the globe; even in affluent nations, they inevitably rise. Behaviour that goes against social norms and values is another description of a Child in Conflict with the Law. This concept heavily emphasizes societal rules and values, even if it acknowledges that not all delinquent behaviour is criminal. According to this definition, juveniles who

engage in behaviour that is considered unacceptable by society, such as skipping school or using drugs, can be regarded as delinquent. A wayward and disobedient adolescent exhibits behaviours such as running away from home and school, proving resistant to parental and teacher authority, lacking discipline, and consistently engaging in actions that harm both themselves and others, causing distress and unhappiness.

Additionally, based on their unique characteristics or the psychological dynamics of their personalities, psychologists have divided juvenile offenders into five groups: mentally challenged, displaying psychotic tendencies, acting neurotically, impacted by situational circumstances, or influenced by cultural influences (O'Neil, 2005).

A third definition of Child in Conflict with Law is behaviour that harms the individual or society. This definition emphasises the consequences of delinquent behaviour and highlights the importance of protecting the well-being of individuals and the community. According to this definition, juveniles who engage in behaviour that harms themselves or others, such as violence or theft, can be considered delinquent.

1.1.2 Child in Conflict with Law vis-à-vis Constitution of India

India's constitutional framers' vision was to prepare a binding and robust set of provisions to secure an environment for children. Yet, it is inadequate as it causes humiliation and exploitation of Juveniles, which can be observed at a record increase in the last decade. The majority of Indian children, according to the National Policy for Children, do not receive the appropriate care or live in a safe and secure environment that is essential for their development (Fundamental Rights of a Child in India, 2024). In the proper implementation of constitutional obligations enshrined under Art.39(e),39(f), 41, 42, 45 and 47 by enforcing basic Fundamental rights through Art.14, 15(3), 17, 21, 23 and 24 can go a long way in turning a large number of neglected children from society into Law abiding citizens of the society. The fundamental realisation of social justice lies in balancing its scales in the realm of juvenile justice concerning neglected children.

The "*Rights of the Child*" convention has established these rights as fundamental rights of juveniles. India enacted a national policy on children in 1974 to fulfil the aforementioned rights for its children. According to the National Policy for Children, the Constitution guarantees sufficient facilities for juveniles, both before and after birth and during their formative years, to ensure their full physical, mental, and social development (Bhakhry, 2006). In line with the National Policy for Children, the Indian government assumed responsibility for children's welfare by giving them equal opportunities for growth and protection throughout their formative years; this would aid in achieving the more general goals of lowering inequality and guaranteeing social justice. (Basu, 2021).

The aforementioned indicates that a variety of causes contribute to Child in Conflict with Law in the Indian setting, and that efforts to avoid and curtail these delinquent behaviours can have positive social effects. After all, children are the country's future and its embodiment. Global agreement on providing extra care to children in conflict with the law has been articulated by even more notable international examples, such as the United Nations Convention on the Rights of the Child (1989) and the Beijing Rules (1985), which set minimum standards for the administration of juvenile justice (CRY).

The government and society have recently begun to pay attention to children and their issues. We discover that the younger generation in the 21st century is quite far from living a decent life. However, the growing number of young people engaging in unethical behaviour is of greater concern to society. Though there are many interpretations of what is meant by "Child in Conflict with Law," in general, it refers to a wide range of behaviours by juveniles and teenagers that are not acceptable to society and for which the public interest justifies the use of some form of discipline, punishment, prevention, or other corrective measures (Soumen, 2019). The term "juvenile" refers to a legal classification formed within the context of culture and social custom, which should be acknowledged clearly.

1.2 REPERCUSSIONS TO CONTROL CHILD IN CONFLICT WITH LAW

Preventive and intervention programs can help address adolescent delinquency. These initiatives may encompass job training, education, mentorship, and counselling services for young people who are considered to be at risk. In addition to offering young people constructive alternatives to criminal behaviour, early intervention and prevention can assist in addressing the underlying causes of children's conflict with the law (Debroy, 2023). Furthermore, it is crucial to guarantee that minors involved in illicit activities face the consequences of their conduct and receive assistance and direction to help them change their ways of living (Khan, 2018). Several factors influence successful outcomes for adolescent offenders in treatment.

One crucial element is the participation of family members and other wholesome role models in rehabilitation. Another aspect is utilising evidence-based initiatives that have been demonstrated to successfully lower rates (Kumari, 2004). Ultimately, encouraging recovery and reducing recidivism can be accomplished by applying alternative strategies like restorative justice.

Furthermore, the efficacy of punishment and rehabilitation in treating juvenile offenders is a complicated matter that necessitates carefully weighing the juvenile justice principles and the underlying reasons for delinquency. While punishment is necessary in some instances, it is clear that rehabilitation is an essential component of reducing Child in Conflict with Law (Moti v. State, 1981).

1.2.1 Reasons for Child in Conflict with Law-

- *Parental Conflict:* Parents in continued conflict, unfortunately, end up harming their children and engaging in disturbing behaviour. When there is tension or hostility in a relationship between parents, it harms a child's emotional and mental peace. Constant arguing, separations, divorces, or even remarrying can create an atmosphere that holds stress, anxiety, and insecurity for children.

  In this emotional whirlwind, the children are left helpless to express themselves. For this reason, they may result in delinquency as a form of communication to express their emotions or for people to give them attention. In this context, it

should be remembered that beneath these behaviours lies a struggling youngster trying to survive a trying time, usually at a loss for what to do and who to turn to for help (M.Priyamvada, 2003).

- *Instability in Nuclear Families*: When families are unstable, it can have a significant impact on young individuals and their behaviour. When there is no consistency and support at home, it is an environment that makes it hard for children to develop emotionally and socially. In such difficult circumstances, children might not get the care and guidance they require from their parents, which can make them feel neglected and isolated.

  Many young people seek acceptance and approval outside their homes as they grapple with these emotions. All too often, this need for belonging may lead them into risky or delinquent behaviour. It is important to remember that behind such behaviour are young people struggling to find their place in the world, often amidst demanding home environments (Agarwal D. , 2017).
- *Poverty*: Financial difficulties can have a profound effect on the development and well-being of a child. When parents experience economic instability, children tend to find it more challenging to obtain fundamental needs such as clothing, food and a secure place to live. They have also lost access to quality education and the opportunity to grow socially and personally.
- *Sex Indulgence*: Involving in sexual activity at a young age can expose juveniles to various risks and consequences. It may lead to them participating in illegal or inappropriate behaviours for their age, resulting in delinquent acts. If juveniles are involved in sexual activities that violate the law, they can face legal consequences and be labelled as juvenile delinquents. Juveniles who engage in sexual indulgence may become targets of sexual exploitation or victimisation. Involvement in illegal or unsafe sexual activities can expose them to individuals who take advantage of their vulnerability, leading to further involvement in delinquent behaviour or victimisation (Reis, Surkan, & Atkins, 2023).
- *Unemployment*: Unemployment often leads to financial difficulties within families, resulting in increased stress, poverty, and limited access to basic needs. These economic strains can create an environment where juveniles may resort to delinquent activities to fulfil their material needs or desires (Belwal A. B., 2016). Unemployment can limit educational and personal development

opportunities for adults and young people. Lack of access to quality education, vocational training, and positive role models can negatively impact adolescents' aspirations and prospects. Their lack of hope and optimism about their future can contribute to engaging in delinquent behaviour as an expression of frustration or a way out of their situation.

- *Lack of effective implementation of juvenile laws:* When laws about Child in Conflict with Law are not enforced effectively, their deterrent effect diminishes. Potential consequences for delinquent behaviour may be perceived as lenient or unlikely to occur, reducing the perceived risk and encouraging juveniles to engage in delinquent acts without fear of significant repercussions (Akshaya, 2022). Effective implementation of juvenile laws ensures juveniles are held accountable for their actions. When there is a lack of accountability, juveniles may feel impunity, believing they can engage in delinquent behaviours without facing legal consequences (Anand, 2021). This can further embolden them to continue or escalate their delinquent activities.
- *Illiteracy*: Illiteracy often results in limited access to education, vocational training, and skill development. Without these opportunities, juveniles may feel trapped in a cycle of poverty and hopelessness, leading them to engage in delinquent behaviours as a means to escape their circumstances or seek immediate gratification (Acharjee, 2021). Critical thinking, problem-solving, and decision-making abilities can be hampered by illiteracy. Juveniles with limited literacy may need help making informed choices, assessing the consequences of their actions, and finding constructive ways to address challenges. This can make them more susceptible to impulsive and delinquent behaviour.
- *The influence of media*: Media, particularly in the form of movies, television shows, video games, and online content, often depict violence, criminal behaviour, and antisocial activities. Juveniles who are consistently exposed to such content may become desensitised to violence and develop a distorted perception of acceptable behaviour (Baishya, 2020), leading them to imitate or glorify delinquent acts. Media portrayals can reinforce negative stereotypes and glamorize deviant behaviour. When juveniles consistently see criminal

behaviour glorified or portrayed as heroic, they may be more inclined to engage in similar acts, seeking validation or a sense of identity.

1.2.2 Judiciary and Child in Conflict with Law

The handling of Child in Conflict with Law cases may vary by jurisdiction, but in many cases, minors who commit offences may be subject to different legal processes than adults. This can include Children's courts and juvenile Justice Boards, which focus on rehabilitation and treatment rather than punishment, or diversion programs, which aim to keep minors out of the criminal justice system altogether (Mears, Kuch, & Lindsey, 2016). However, some serious offences may result in minors being tried as adults and facing similar legal consequences as adult offenders. Providing children with positive alternatives to criminal behaviour may reduce the incidence of Child in Conflict with Law and promote positive social and emotional development (Bharadwaj). The juvenile justice system is based on principles designed to ensure that young people who come into contact with the Judicial process are treated fairly and justly. These principles include the presumption of innocence, due process, and proportionality. The presumption of innocence means that young people are presumed innocent until proven guilty. Juveniles must be granted the right to legal representation and the chance to defend themselves to comply with due process. As the offender's age, maturity, and background are considered, proportionality guarantees that the punishment is appropriate for the offence (Gauri Pillai, 2017). The judiciary prioritises the welfare and protection of young people engaged in delinquent behaviour. The public's safety and the child's best interests must be considered in juvenile court proceedings. When deciding on relevant interventions or dispositions, the judiciary considers the juvenile's circumstances, age, and mental capacity, among other things. The judiciary guarantees juveniles engaged in delinquent activity their legal rights and due process protections. The rights to a fair trial, legal representation, and the opportunity to face accusers are among the values juvenile courts uphold. The court is essential when protecting minors' rights inside the legal system (Kannan, 2018).

1.2.3 Effects of a Child in Conflict with Law

Juvenile criminality can have detrimental long-term effects. When minors commit crimes, they may be subject to probation, children's homes or other juvenile detention centres, among other legal repercussions. They may also face social and emotional consequences, such as a damaged reputation, difficulty finding employment or education opportunities in the future, and strained relationships with family and peers. Child in Conflict with Law is a persistent issue that affects millions of young people worldwide. The Juvenile Justice system aims to prevent, respond to, and treat juvenile crime to promote rehabilitation and reduce recidivism. This study explores the effectiveness of rehabilitation and punishment in treating juvenile offenders by examining the available literature. It is necessary to understand the benefits of rehabilitation, the limitations of punishment, and the factors contributing to successful outcomes in treating juvenile offenders.

Concerns about juvenile misbehaviour are on the rise in many nations. An estimated 10 million youth worldwide are incarcerated, according to estimates from the World Health Organisation (WHO), and an even higher number are connected to the criminal justice system in some capacity (unicef.org, 2024). Achieving a balance between rehabilitation and punishment is how the juvenile justice system tries to deal with this problem. Growing research has shown that rehabilitation programs, as opposed to conventional forms of punishment, are more successful in lowering the recidivism rates of juvenile offenders.

A child in Conflict with the Law can negatively affect individuals and society. Young people who engage in criminal behaviour are at risk of developing a criminal record, which can limit their future opportunities for employment, education, and other areas of life. They may also face social stigma and discrimination. Child in Conflict with Law can also increase crime rates, strain law enforcement resources, and have economic costs (Nuruddin v. State of Himachal Pradesh, 1984).

1.2.4 Recidivism in Child in Conflict with Law

The juvenile justice system places a high priority on rehabilitation. Recidivism means that a person commits an offence after being released from detention.

Research also indicates that by tracing the root causes of delinquency, such as mental health disorders, peer pressure, substance misuse, and a lack of education or work experience, and in all these factors rehabilitation programs can lower recidivism rates. Rehabilitation programs are designed to assist young people in making life more positive and bringing changes in minor. Typically, they combine counselling, education, job training, and other forms of support. Rehabilitating adolescents to make them productive members of society and lower their risk of reoffending is the aim of rehabilitation (Singh A. , 2018).

While punishment is a necessary component of any justice system, there are limitations to its effectiveness. Punishment alone does not address the underlying causes of delinquency, such as mental health issues or substance abuse. Additionally, punishment can have negative consequences, such as increased aggression and a greater likelihood of reoffending (The Times Of India, 2023). Punishment can also lead to stigmatization and exclusion from society, further exacerbating the problems that led to delinquency in the first place.

1.2.5 Child in Conflict with the Law as a Problem

The state of Rajasthan in India is not exempt from the global social issue of Child in Conflict with Law. Rajasthan is home to more than 77 million people and is India's most densely populated state in terms of territory. The state is well-known for its vivid colors, medieval forts, palaces, and rich cultural legacy. However, Rajasthan has the problem of adolescent delinquency, just like many other Indian states (Gehlot, 2023). Criminal activity committed by minors under the age of eighteen is referred to as Child in Conflict with Law. Peer pressure, substance misuse, family problems, poverty, and illiteracy are just a few of the many variables that affect this complicated issue. Understanding the type and severity of Child in Conflict with Law in Rajasthan, and the steps the state government and other stakeholders have taken to address the issue, is crucial in this regard.

Child in Conflict with Law is a social problem that has been present for centuries and continues to affect many societies worldwide. It refers to the criminal behaviour of minors who are below the age of 18 years. Child in Conflict with

Law can take various forms, such as theft, vandalism, drug use, and violent crimes. It's a complicated issue that is impacted by several things, including peer pressure, substance misuse, family problems, poverty, and a lack of knowledge (R.N. Choudhary, 2019). A committed and dedicated child-friendly environment is necessary for the development of children. Child in Conflict with Law can be defined as a term for law perpetrators' violations, offences and crimes by young persons and children below the age of 18 years. Moreover, youth are the country's future citizens, and if they are indulged in criminal activities, then it would simultaneously affect the country's development. Every person in their youth always wants to do anything beyond the limits. While doing such things, he loses his sense of sensibility and enters the world of unscrupulous activities. The legislature's implied duty is to enact specific laws to reduce Juvenile activities.

Many states have enacted their own Juvenile rules, and there have been separate rules for individual states on the same subject. Various parties have called for a nationwide uniform children's law. However, this was denied on the pretext that the matter fell under the state list under the provisions of the Seventh Schedule of the Constitution. Since the subject was included in the state list, the judiciary had to act as a silent spectator. Nevertheless, in its various decisions, the judiciary emphasized the need for a uniform law on children through parliamentary legislation so that there should be overall uniformity with multiple requirements relating to children throughout the national territory (Sheela Barse v. Union of India, 1986).

The impact of Child in Conflict with Law on society is significant, as it affects the lives of the victims, their families, and the community at large. Child in Conflict with Law can lead to a cycle of crime, poverty, and social exclusion, which can have lasting effects on the individual and society as a whole. As a result, it is critical to comprehend adolescent delinquency’s causes, consequences, and character. Child in Conflict with Law is a complex and multifaceted phenomenon that can be defined differently. The most common definition of Child in Conflict with Law is the criminal behaviour of minors who are below the age of 18 years. However, this definition does not capture

the full range of behaviours that can be considered delinquent, such as substance abuse, truancy, and other forms of misconduct.

In 1986, the Juvenile Justice Act was ultimately introduced in response to demands from the courts and many stakeholders. Furthermore, on October 2, 1987, this statute was enacted. This law was passed to protect children's rights (Kumari, 2004) in compliance with the terms of international treaties. The prevention and treatment of Child in Conflict with Law was the foundation of the Juvenile Justice Act of 1986. Furthermore, utilising the juvenile justice system offered a framework for child-friendly treatment, protection, and rehabilitation instead of relying solely on the criminal justice approach. The Children Act of 1960 superseded this statute. Except for the states of Jammu and Kashmir, the basic legislation established a standard law for youth that was applicable throughout the nation. As was previously said, before this law was passed, every state had its own legal system, and the various state-authorised systems treated adolescents differently. Regarding how it approached children, the Juvenile Justice Act of 1986 was more treatment-focused and humanistic. One could say that besides social legislation, it was also about addressing problems and treating young people, intending to provide rehabilitation, development, treatment, care and protection to young people (Sukhram, 2020).

1.3 LITERATURE REVIEW

1.3.1. In this book (Kumari, 2004), the author has analysed India's current juvenile justice mechanism. The chapters scrutinise the historical evolution, contemporary structure, and operational dynamics of India's juvenile justice framework, focusing on the merits and demerits of the Juvenile System. Through meticulous examination, Kumari identifies several obstacles impeding the efficacy of India's juvenile justice system and proffers recommendations for its enhancement. The research commences by delineating the historical trajectory of juvenile justice in India, tracing its evolution amidst shifting societal paradigms and legislative amendments. Kumari elucidates the multifaceted nature and structural intricacies of India's juvenile justice system, elucidating its legal framework, administrative apparatus, and institutional hierarchies. Within this exposition, the author scrutinizes the Juvenile Justice

(Care and Protection of Children) Act, 2000, and the Model Rules 2006, evaluating their efficacy in addressing substantive issues within the juvenile justice domain.

A critical facet of Kumari's analysis pertains to examining statistical data concerning the implementation of juvenile justice legislation in India. Through empirical scrutiny, Kumari discerns trends, patterns, and lacunae in executing juvenile justice policies, delineating disparities, and deficiencies in implementation across diverse geographical and sociopolitical contexts. Additionally, Kumari identifies fragmentation within the juvenile justice apparatus, pinpointing systemic inefficiencies and institutional dissonance hindering the seamless operation of the juvenile justice framework. Moreover, Kumari's discourse delves into the judicial dimension of India's juvenile justice landscape, particularly scrutinising the adjudicative processes within the High Courts. Through empirical analysis of judicial precedents and case law, Kumari highlights pertinent legal issues and jurisprudential trends shaping the contours of juvenile justice jurisprudence. Furthermore, the author examines the efficacy of judicial interventions and the quality of legal representation afforded to juvenile offenders within the judicial domain.

However, despite the comprehensive nature of Kumari's analysis, certain lacunae and gaps in the research are discernible. Firstly, the text fails to adequately expound upon the factors contributing to the lack of implementation of statutory provisions related to juvenile justice, thus leaving a critical aspect unaddressed. Secondly, the latest amendments to the Juvenile Justice Act have not been sufficiently discussed, overlooking contemporary legislative developments shaping the juvenile justice landscape. Additionally, the historical backdrop of juvenile rights in India remains conspicuously absent from the discourse, thereby detracting from the contextual richness of the analysis.

It provides a nuanced understanding of the dynamics of juvenile justice in India, offering insights into its evolution, operation, and challenges. While the discourse engenders valuable discourse on the subject, addressing the identified lacunae would enrich the comprehensiveness and scholarly rigour of the

analysis, facilitating a more holistic understanding of India's juvenile justice paradigm.

1.3.2. In this book, (Pandey, 2019) the author provides a detailed analysis of the Juvenile Justice Act, 2015, and the Juvenile Justice Rules, 2016. The book explores the legal, philosophical, and policy aspects of child rights and protection in India. It covers the historical background of child rights in India and discusses the current status of juvenile rights.

The text is structured around the ten chapters of the Juvenile Justice Act, 2015, providing an in-depth examination of each section. Additionally, it discusses the Adoption Regulations, 2017, issued by the Central Adoption Resource Authority, and includes a discussion on The Juvenile Justice (Care and Protection of Children) Amendment Bill, 2018, in the appendix. The book also extensively covers Supreme Court and High Court cases related to juvenile justice.

However, the research has some gaps. Firstly, it lacks primary data collection, limiting the analysis's depth. Secondly, the study is more descriptive, lacking theoretical engagement and conceptual innovation. Lastly, the book does not discuss statutory provisions directly related to juvenile rights, which could provide a more comprehensive understanding of the legal framework governing juvenile justice in India.

1.3.3. In this research paper (Kohli & Mittal, 2015), The researcher's study investigates the rise in Child in Conflict with Law across India, noting a troubling trend of escalating crime rates among individuals under 18. This includes offences ranging from theft to more severe crimes like murder, smuggling, and sexual offences. Despite this alarming trend, the study highlights a significant gap in addressing juvenile violence, with a predominant focus on punishment rather than prevention or intervention strategies.

Defined as individuals below the age of 18, juveniles' increasing involvement in crime is deemed a national concern, necessitating a shift towards preventive measures and interventions to foster responsible, law-abiding citizens. The statutory framework governing Child in Conflict with Law primarily focuses on

protecting, rehabilitating, and treating juvenile offenders, acknowledging the diverse factors influencing their criminal behaviour.

Juvenile offenders are typically placed in juvenile homes where they receive various services, including healthcare, education, and vocational training, aimed at facilitating their reintegration into society post-sentence completion. However, recent cases involving juveniles in serious crimes like murder and gang rape underscore the complexity of addressing Child in Conflict with Law. Despite the comprehensive analysis, the study identifies several gaps, including the limited sample size used for research, which potentially affects the generalizability of findings. Moreover, the study lacks extensive discussion on legislative aspects related to juvenile justice, indicating a need for further exploration of legal frameworks and reforms. Additionally, reliance on secondary data sources over primary data suggests a potential imbalance in the research methodology.

1.3.4. The present study (Sahmey, 2013), focuses on adolescents aged 15-18, highlighting their vulnerability to engaging in various offences such as theft, murder, rape, smoking, and drinking. It underscores the adolescent stage's biological and psychological changes, including developing self-consciousness, asserting identity, and seeking social integration. However, juveniles often lack maturity to discern right from wrong, leading them to reject societal norms and form their own, reflecting an unstable personality.

Child in Conflict with Law is attributed to multidimensional factors, including family dynamics and societal influences. Empirical research suggests that proper supervision, education, and training at home and school can deter children from criminal behaviour. Parents and teachers play crucial roles in a child's character development, potentially reducing delinquency incidents.

The Juvenile Justice (Care and Protection of Children) Act, 2000, addresses Child in Conflict with Law by providing care, protection, and rehabilitation for juveniles in conflict with the law or in need of care and protection. It emphasizes child-friendly approaches and rehabilitation through various juvenile care institutions and recognizes bodies like Juvenile Justice Boards and Child Welfare Committees.

However, the study has gaps. Firstly, interviews were conducted with a limited number of respondents, potentially limiting the study's breadth and depth. Secondly, the latest amendments to the Juvenile Justice Act are not discussed, indicating a lack of updated legislative analysis. Lastly, the study fails to propose solutions for reducing Child in Conflict with Law, representing a missed opportunity for actionable recommendations.

1.3.5. The Author in this Research paper (Tiwari S., 2019) has explained that child in conflict with law are the most important determinant of the growth of any Country. They are also the factors that will determine the future of a Nation, and they are also torchbearers of our society. The civilisation of men rests upon the children. Therefore, it could be easily anticipated that the country's future is at peril where the children have started getting involved in heinous offences. Unfortunately, there has been an unprecedented increase in the number of crimes committed by children in most countries globally, and India is one of these countries. In India, the crime rate of offences committed by children had been increasing at an alarming rate, disturbing and fatalistic to society's interest; therefore, it is the need of the hour to find the elucidation to end the menace of Child in Conflict with Law. The research aims to study who is a juvenile, what is a Child in Conflict with Law means, the causes, and the reasons behind the increasing rates of Child in Conflict with Law, particularly in India, which has been discussed in this research, supplemented with various statistical data collected from official sources. Th research also contains different Acts and legislation related to juvenile delinquencies in India. The researcher concluded that Peer Pressure, Poverty and lack of proper implementation of statutory provision are the major causes of Child in Conflict with Law.The research identifies the gap as the research was more descriptive and also during examination of Legislations latest Amended Legislation of Juvenile Justice Act,2015 has not been examined.

1.3.6. In this book (Kumawat, 2020), In order to reduce the likelihood of future criminal activity among young people, the conversation about crime prevention includes a variety of approaches, with a focus on the identification and treatment of juvenile offenders. Due to its relevance in addressing and preventing juvenile

criminal conduct, Child in Conflict with Law research holds a central place in criminological investigations. Even though these studies are being conducted all over the world, differences in methods, beliefs, and understandings of Child in Conflict with Law still exist, therefore in-depth investigation is required to fully understand its relevance today. The fact that modern society is dynamic emphasizes how urgent it is to do comprehensive study, with a special emphasis on assessing the modern juvenile justice systems. Because Child in Conflict with Law is complex, it calls for careful empirical research, particularly when it comes to people under the age of 18, who are considered minors or juveniles by legal and social systems. While minors are supposed to follow social norms, they might violate behavioural expectations, which makes them considered delinquents in legal situations. Legislative actions designed to protect minors from harm while recognizing the unique characteristics of teenage behaviour have been prompted by the prevalence of juvenile offences and victimization. Juvenile criminals' developmental stage lessens their guilt despite legal protections, so specific care is required. This study provides an in-depth analysis of the Juvenile Justice (Care and Protection of Children) Act of 2015, demonstrating its effectiveness and applicability in the contemporary context. It also makes recommendations for future amendments that would enhance the Act's emphasis on the development and empowerment of children. Despite the importance of these studies, there are still significant gaps in knowledge. For example, children under the age of 16 are not included in the sample, and there are no practical solutions to deal with Child in Conflict with Law. The factors that have been identified are theoretical rather than applied.

1.3.7 The Author in his book (Sen, 2018) The adage "today's children are tomorrow's citizens" underscores the profound societal responsibility to nurture and guide youth towards positive development. Failure to impart proper education and cultural values may lead to deviant behaviour and Child in Conflict with Law, which poses significant challenges to social order. The escalating prevalence of social problems correlates with the rapid socioeconomic transformation driven by economic growth, urbanization, and

industrialization, prompting a critical examination of the underlying causes and potential remedies.

A study titled "Family Environment, Emotional Intelligence, and Aggression among Juvenile Delinquents" was conducted in Jaipur to explore and compare these variables between juvenile delinquents and non-delinquents. The sample comprised 300 male subjects aged 12-18, with 150 delinquents and an equal number as non-delinquents. The delinquents were drawn from State Observation Homes in Jaipur, while non-delinquents were selected from various urban, rural, and semi-urban locales. Data collection involved self-developed interview schedules and standardized psychological scales assessing family environment, aggression, and emotional intelligence.

Key findings of the study include:

⇒ Predominance of juvenile delinquents in the 14-16 age bracket.

⇒ Higher representation of delinquents from rural areas.

⇒ Majority of delinquents hailed from families with a monthly income of 5,000-10,000.

⇒ Most delinquents had three or more siblings, with fathers often employed as daily wage laborers and mothers as homemakers.

⇒ Substance use was prevalent among family members of delinquents.

⇒ Significant disparities were observed between delinquents and non-delinquents regarding family environment, emotional intelligence, and aggression levels, with non-delinquents exhibiting more favourable attributes.

Notable gaps in the research includes, Exclusion of female juveniles from the study cohort, Absence of proposed solutions to mitigate Child in Conflict with Law & Failure to address statutory provisions pertinent to juvenile justice and delinquency prevention.

These findings underscore the imperative for gender-inclusive research methodologies and the development of holistic interventions addressing the multifaceted determinants of Child in Conflict with Law. Additionally, efforts must be directed towards aligning legislative frameworks with empirical evidence to enhance juvenile justice systems' efficacy and promote the well-being of future generations. Addressing these gaps is essential for advancing

understanding and fostering proactive measures to combat Child in Conflict with Law and promote positive youth development.

1.3.8 The Author (Baishya, 2020) expressed that, Children represent society's future and energy, making them an essential part of its fabric. Child in Conflict with Law presents a serious challenge to the social and cultural order of nations in the midst of the fast changes brought about by modernity and urbanization. Antisocial behaviour in children is a hallmark of Child in Conflict with Law, which involves a breakdown in values and social cohesiveness. Over time, people have continued to utilize psychoactive substances including alcohol, cocaine, opium, and cannabis for a variety of reasons, such as enjoyment or release from tension. That being said, drug misuse has become alarmingly commonplace worldwide in recent years, especially among young people. According to research, young people who are delinquent frequently show signs of substance addiction, including to alcohol, narcotics, cigarettes, gutkha, and dendrites. Furthermore, a strong association has been shown between delinquency and strained parental relationships, highlighting the critical role that families play in forming the values and behaviour of their children. Curiosity, peer pressure, conflict in the family, parental neglect, financial problems, and experimenting are some of the factors that lead to adolescent substance misuse.

Taking a diversified approach that goes beyond legal frameworks is necessary to address Child in Conflict with Law. In order to effectively prevent and rehabilitate, family, community, and school support are considered to be crucial. Juveniles frequently imitate their families' substance use patterns, making families the major educators of moral values, social standards, and conduct. As a result, children who grow up in dysfunctional families are more susceptible to engaging in delinquent behaviour, which negatively impacts their mental health and capacity to adjust to society.

By utilizing education's capacity to change behaviour, educational initiatives become a powerful tool for reducing adolescent substance misuse. Understanding the importance of early effects, mothers are viewed as a child's "first school," and schools are viewed as a child's "second mother," in forming

their attitudes and behaviour. Filling gaps require comprehensive research methodologies and the development of holistic interventions that transcend punitive measures, fostering environments conducive to juvenile well-being and positive development.

Despite these insights, notable gaps persist in existing research:

(a) Descriptive tendencies characterize the study, warranting a deeper analytical approach.

(b) The limited sample size undermines the robustness of findings, necessitating broader sampling for enhanced generalizability.

(c) Strategies for reducing recidivism among juveniles remain unaddressed, signaling a need for interventions targeting reintegration and rehabilitation.

1.3.9. The Author's findings in his book (M.Priyamvada, 2003) show 's that released delinquents face many problems in reintegration into society. Soon after their release from the correctional Institution, the released delinquents come back to the fold of their family to renew their relationship, but their family members consider them as a burden. The near relatives show their hatred and extend a cold welcome for the released delinquents. On the whole, the community, which is responsible for providing care and protection for these unfortunate Juveniles, shows its unwillingness to accept them by labeling them as delinquents. Hence, the public's general attitude towards the released delinquent must be changed to achieve the objective of successful reintegration. The major objective for imparting vocational training programs in the correctional Institution is to train the inmates with specialized skills, which would help them secure job placement after their release. The study results reveal that most of the respondents cannot obtain employment in society. Hence, the purpose of imparting vocational training is petered to the need and the opportunities available. Society must consider outdated vocational training; programs must be replaced by modern service-oriented training programs focusing on the best interest of the released delinquents. The researcher had certain gaps the as no causes of Child in Conflict with Law has been discussed**,** even the research is descriptive and the study included more Secondary data more for research

1.3.10. The Researcher in this Research Paper (Saleem, 2020), The National Children's Policy of 1974 emphasised that children are important resources for the country's development. Their development and safety are of utmost importance, necessitating close monitoring. From helpless beings, they can become fully developed humans with moral, ethical, mental, and spiritual abilities with the proper upbringing. The upbringing of young people has a profound effect on their development, as social factors, media and technology exposure mould their brains. However, there are serious issues when young people participate in illegal activities and display delinquent conduct. Studies show that delinquency peaks in adolescence and then tends to decline with age, with youths being more likely to commit traditional crimes. Even though a large number of offenders eventually stop committing crimes, they are nevertheless stigmatised by their criminal records.

Research has found various lacunas in this research, and that is, the descriptive nature of the study limits its depth and fails to offer comprehensive insights. Detailed exploration of the causes of Child in Conflict with Law is lacking, leaving critical factors unaddressed. The research does not propose methods or strategies to control children in conflict with the law effectively, and it lacks an opportunity to provide actionable recommendations for intervention and prevention efforts.

1.3.11. The researcher's (Shukla, 2018) broad explanation of the legal treatment of juveniles under eighteen who commit crimes is highlighted in this study. Juveniles are not regarded as having a guilty mind because of their young age. As such, under some parts of the Indian Penal Code and Code of Criminal Procedure, they are eligible for rehabilitation rather than punishment. The degree of the offence committed determines the appropriate rehabilitation plan. This study examines how Child in Conflict with Law cases lead to rehabilitation plans, including property crimes, serious crimes, minor infractions, bodily injury, and addiction. The Juvenile Justice Acts of 1986, 2000, 2001, 2014, and 2015 are among the legislative initiatives to address juvenile criminality. These acts safeguard juveniles from delinquency and determine appropriate sentencing considerations based on their age and the nature and gravity of there

offences. Notably, these statutes focus on preventing Child in Conflict with Law rather than on punitive measures.

Research has found various lacunas in this research, which predominantly offers descriptive analysis without delving deeply into the underlying factors contributing to Child in Conflict with Law, limiting its analytical depth. While offences are extensively discussed, the underlying factors leading to Child in Conflict with Law are not adequately addressed, representing a significant gap in the research. Addressing these gaps would enhance the paper's comprehensiveness and provide a more nuanced understanding of the complex issues surrounding Child in Conflict with Law and its legal treatment.

1.3.12. In this research paper (Surong & Lyngdoh, 2020)**,** the author notes that child conflict with the law is a worldwide problem, and emphasises how serious the problem is in Meghalaya, especially in Shillong. To stop the rise of Child in Conflict with Law, preventative interventions are the main focus of the research, which attempts to clarify the origins and effects of this behaviour. Twenty-six respondents were sampled for the study, which used an exploratory research methodology. The respondents included educators from juvenile care institutions, college professors, community leaders, and law enforcement staff. Only eighteen people, mostly teachers and eleven police officers, participated in the survey. The methods of data collection included thematic analysis and the use of a semi-structured questionnaire.

Peer pressure, emotional and psychological changes during adolescence, financial instability, pressures from family and the environment, and the use of social media are some of the elements that the study finds cause adolescent delinquency. Interestingly, education has a significant role in influencing how young people form their moral principles and worldviews. Thus, through awareness campaigns, role-playing games, and counselling sessions, schools play a critical role in supporting the positive behavioural development of young people by giving them tools for resolving conflict and encouraging introspection. Notwithstanding the research's accomplishments, several gaps remain. First, the small number of respondents raises questions about the study's representativeness and generalizability. In addition, although the study explores

the causes of juvenile criminality, it does not thoroughly examine the pertinent statutes that regulate juvenile justice in Meghalaya. Closing these gaps would improve the research's overall comprehensiveness and provide a firmer grasp of the complex issues related to adolescent delinquency in the area.

1.3.13. The Researcher in this paper (Sharma, Dhillon, & Bano, 2009), examines delinquency which refers to criminal activity by those under the age of eighteen, as a serious problem that has to be examined in terms of its present state and its root causes. This research aims to investigate how juveniles' educational, familial, and economic circumstances affect their likelihood of engaging in criminal activity. According to research, there is a substantial correlation between the prevalence of adolescent delinquency and factors including low family income, familial structure (nuclear, joint, or homeless), and insufficient parental supervision. It is noteworthy that teens between the ages of 16 and 18 are particularly vulnerable to delinquent behaviour, which is frequently fueled by peer pressure and unfavourable influences.

Legal provisions about juvenile criminal culpability were introduced with the introduction of the Indian Penal Code, 1860. Children under the age of seven are completely immune under section 82 of the Code, whereas children between the ages of seven and twelve are partially immune under section 83. However, under the Code, minors over the age of 12 are handled as adults. The Reformatory School Act of 1897 was passed, creating reformatory schools for children under 15 years, in response to the adverse effects of keeping juvenile offenders in ordinary jails. To combat Child in Conflict with Law, later laws were passed, including the Children Act of 1960 and state-specific child offender statutes.

Despite legislative efforts, juvenile crime rates persist, with poverty emerging as a significant contributing factor. However, analysis spanning 2003-2015 reveals that not only low income but also educational deficiencies and inadequate supervision predispose children to delinquent behaviour. Gaps in the research include its descriptive nature, which limits analytical depth, and the absence of proposed solutions to mitigate Child in Conflict with Law. Addressing these shortcomings would bolster the research's utility in informing

policy and intervention strategies to curb Child in Conflict with Law and promote positive youth development.

1.3.14. The Researcher (Agarwal D., 2017) points out that Serious acts that constitute Child in Conflict with Law represent a serious threat to global societal order, with a growing trend of young people being involved in violent crimes seen in India and other nations. Legislative and judicial authorities have amended juvenile justice statutes to address the changing definition of Child in Conflict with Law in response to this alarming trend. This essay examines the reasons behind adolescent criminality from the viewpoints of academics and professionals in many disciplines.

An alarming rise in adolescent delinquency is shown by statistical data from official sources, especially in cases of egregious violations. As a result, legislation changes have been enacted to require juvenile offenders to stand trial as adults to address Child in Conflict with Law. To properly tackle the problem, strong steps are recommended for enforcing the Child in Conflict with Law legislation, guaranteeing all-encompassing resolutions. Furthermore, it is believed that observation homes, special homes, safety homes, and shelter homes need to be closely inspected to stop young people from committing significant crimes while receiving institutional care. To address Child in Conflict with Law, rehabilitation and reformative strategies emphasising community involvement and awareness must be prioritised. It is noted that community involvement—especially through registered residential associations—is crucial for reporting cases of adolescent delinquency and supporting attempts at rehabilitation. Critics point out that the study is descriptive, has no empirical depth, and ignores the most recent 2015 revision to the Juvenile Justice Act, which could impact its application and usefulness in addressing modern issues.

1.3.15. In this Article, (Singh & Bhandari, 2017) when someone under eighteen engages in criminal activity, it is referred to as a Child in Conflict with Law, which calls for a thorough examination of the state of these offences today. To shed light on the elements that contribute to adolescent offenders' criminal behaviour, this study aims to investigate the educational, familial, and economic

backgrounds of such individuals. The results show that insufficient parental supervision, family structure (nuclear, combined, or homeless), and familial financial instability are the main factors contributing to the rise in adolescent criminality. Notably, teens between the ages of 16 and 18 are found to be the main offenders, with their actions affected by unfavourable peer relationships and external circumstances.

One research limitation is that the study only looks at young people between the ages of 16 and 18 years, which may mean that it ignores younger offenders who might also behave in a delinquent manner. Further evidence of the need for new empirical approaches to improve analytical depth and validity comes from the descriptive nature of the research, which also restricts its scientific rigor.

Ultimately, developing successful intervention techniques depends on a knowledge of the many processes that contribute to Child in Conflict with Law. Policymakers and stakeholders can design targeted interventions to reduce the prevalence of Child in Conflict with Law and foster good youth development by filling in gaps in research methods and expanding the area of analysis.

1.3.16. The present study (Sharma B., 1982) delves into the social context of juvenile delinquents before and during their institutionalization in certified schools for correction, rehabilitation, and treatment. It primarily focuses on understanding the inmates' familial and peer group circumstances prior to placement in these facilities, as well as the social environment they encounter within the institution itself. The research draws on information provided by the inmates and supervisory staff at the certified schools.

The study aims to assess whether juvenile delinquents come from unique familial and peer group backgrounds and whether exposure to certain conditions within certified schools influences them to abandon delinquent behaviour. By examining these factors, the research seeks to shed light on the effectiveness of correctional programs and the need for potential improvements in their content and structure. The study's findings are significant as they may inform efforts to enhance correctional programs and interventions for juvenile delinquents. Moreover, studies of this nature can prompt systematic evaluations of the efficacy of juvenile detention facilities, including their ability to address varying

degrees of delinquent behaviour among inmates. The study is presented as a modest endeavour to elucidate the social context of inmates in certified care homes, hoping to uncover new insights into Child in Conflict with Law.

However, specific gaps in the research have been identified. Firstly, there is a lack of information regarding reformation activities undertaken at the reformation homes for juvenile delinquents. Secondly, the study is predominantly descriptive, potentially limiting its analytical depth. Finally, the researcher does not provide concrete suggestions for mitigating Child in Conflict with Law based on the study's findings, leaving room for further exploration and actionable recommendations in future research endeavors.

1.3.17. In this book (Sharma S., 2020) the author highlights the pervasive issue of Child in Conflict with Law, emphasising the crucial role of parents, guardians, teachers, and society in shaping children into law-abiding citizens. They underscore the state's need to address this problem through specific legal provisions to deter children from engaging in delinquent behaviour. Various factors contribute to Child in Conflict with Law, including poverty, illiteracy, societal changes, and political reasons, with the family and society being central to the issue.

As future stakeholders in the country, children must imbibe positive values and understanding to become responsible citizens. However, recent trends show a concerning increase in juvenile offences, exacerbated by teenage addiction to alcohol, drugs, and smoking, as well as easy access to digital content, including adult material, among adolescents. While the government has established juvenile justice boards and child welfare committees and implemented various programs and policies, the efforts remain insufficient. Media reports frequently highlight juvenile offenders, indicating the global nature of the Child in Conflict with Law problem. The author stresses the importance of addressing childhood issues to prevent children from coming into Conflict with the Law.

However, gaps in the research are identified. Firstly, the study's scope is limited to children aged 11-15, excluding older adolescents who may also be affected by Child in Conflict with Law. Secondly, reliance on secondary data suggests a potential lack of primary research and firsthand insights. Furthermore, the

research fails to propose solutions to mitigate Child in Conflict with Law or discuss relevant provisions of the Indian Penal Code, leaving room for further exploration and recommendations in future studies.

1.3.18. The Author (Shailja, Tiwari, Dubey, & Verma, 2022) explores the alarming problem of adolescent delinquency in India, emphasising the effects it has on the country's society and economy. Individuals who commit crimes before attaining adulthood are classified as juvenile delinquents. India, like many other nations, has seen a sharp increase in adolescent criminality, with grave repercussions because of its dense population and emphasis on development.

Several social, economic, and familial variables, such as insufficient parental supervision, peer pressure, poverty, unemployment, lack of access to school, substance misuse, family strife, and the influence of foreign cultures and social media, cause children to come into Conflict with the Law. Urbanisation and industrialisation are growing rapidly, which worsens this situation by taking young people's focus away from important activities and raising delinquency rates.

The study's primary goal is to examine these characteristics and their effects on families, society, and the country. Information was gathered by analysing secondary sources such as books, journals, magazines, and newspapers. However, the research is primarily descriptive rather than offering a comprehensive analysis or recommendations for reducing adolescent delinquency.

Furthermore, the study's small sample size may impact the applicability of its conclusions. Notwithstanding these drawbacks, the paper highlights how urgently India needs to address Child in Conflict with Law. It stresses the value of community support, education, parental supervision, and government engagement in reducing this social ill.

1.3.19. The Researcher (Soumen, 2019) indicates that the country's youth face substantial obstacles due to juvenile criminality, a serious problem in India, especially in places like Delhi. Understanding delinquent behaviour in children, which is characterised as deviating from appropriate social behaviour and

frequently displaying actions deemed detrimental to society or oneself, is the goal of this study. Methodologically, a questionnaire-based technique was used to survey sixty juvenile offenders living in juvenile facilities in Delhi between the ages of sixteen and eighteen.

With an analysis of its causes and recommendations for eradication, the research aims to investigate adolescent delinquency via a psychological lens. The fact that juvenile facilities in Delhi were used for the sample selection highlights the study's emphasis on identifying psychological variables that underlie delinquent behaviour and finding ways to address them in society. Interestingly, young people who commit significant crimes frequently do so as a reaction to perceived injustices, which can result in psychological distress and further criminal behaviour. According to most respondents, poverty is the primary social issue in Delhi, followed by unemployment and illiteracy. These findings point to a widespread concern for law and order. It is widely believed that there is an increase in juvenile criminality, as evidenced by the majority of respondents who reported seeing more young people going to jail. Juvenile behaviour has not altered much despite an increase in jail rates; stealing and violence are common among criminals.

Nonetheless, the analysis points out significant gaps in the literature and available intervention techniques. The first point that draws attention to the necessity for thorough preventive measures is the lack of specific options for dealing with children in Conflict with the Law. Furthermore, because the questionnaire is open-ended, young people are less able to communicate complex opinions and may miss important details about their needs and experiences. Additionally, the dearth of research on rehabilitative initiatives in observation homes raises questions about the effectiveness of current interventions.

In summary, although our research illuminates the psychological aspects of Child in Conflict with Law in Delhi, there are still significant gaps in our knowledge and ability to handle the problem. The ultimate goal of future research should be to create evidence-based interventions and rehabilitation programs specifically designed to meet the requirements of juvenile offenders in India.

1.3.20. The Author (Prajapati, 2019) focuses on Child in Conflict with Law in Kota, Rajasthan, a well-known educational centre that draws thousands of students yearly to prepare for competitive exams. The study aims to pinpoint the root causes, criminal behaviours, and intervention strategies for Child in Conflict with Law in the Kota district. Data were gathered through semi-structured interviews with psychologists, physicians, police officers, and administrators of rehabilitation centres, as well as a self-made questionnaire and checklist. A sample of approximately 100 participants—psychologists, police officers, parents, and hostel wardens—was obtained through purposeful sampling.

Adolescent delinquent behaviours in Kota include petty theft, forgery, property damage, harassment, bullying, sexual offences, robbery, drug trafficking, and absenteeism. Child in Conflict with Law is linked to several elements in the study, including peer pressure, school environment, media exposure, familial effects, academic success, geographic considerations, personality features, and genetic predispositions.

Based on analysis, therapies including yoga, meditation, motivational seminars, counselling, and group therapy are essential ways to reduce Child in Conflict with Law, in addition to parental supervision. Moreover, migration, internet addiction, unstable socioeconomic conditions, urbanization, differences in the lifestyles of rural and urban areas, parental neglect, substance abuse, poverty, broken relationships, peer pressure, orphanage, family violence, neighborhood dynamics, and familial criminality are all identified by the research as significant causes of delinquency.

Nonetheless, the research has several significant shortcomings. To begin with, if primary data is all that is used, then analysis cannot fully explore secondary sources for insights. In addition, the suggested preventive interventions are not very detailed, and they would need to be improved further to address the complicated nature of adolescent delinquency properly. Furthermore, excluding the opinions of teachers and concentrating just on pupils preparing for competitive exams may leave out other groups of young people who are particularly susceptible.

The study offers significant perspectives on Child in Conflict with Law in Kota, Rajasthan; yet, conspicuous deficiencies exist in research methodology and intervention approaches. To establish comprehensive methods for combating Child in Conflict with Law in the region, future studies should entail secondary data sources, improve preventive measures, include varied perspectives, and expand the focus beyond competitive exam students.

1.3.21. The Author (Kannan, 2018) explains that anxiety disorders, mood disorders, drug misuse, and urban violence are among the many conditions that are linked to delinquent and disruptive behaviours, which include many forms of hostility and violence. Delinquency has become more common worldwide, especially among girls. Thus, it is important to comprehend the main reasons behind it in adolescence and other stages of life.

Data from 2011 in Rajasthan indicated a startling ammount of incidents involving young criminals, including culpable homicide, attempted murder, and rape. In addition to a unique facility in Ajmer, the state runs correctional houses throughout its regions. According to government figures, the number of juvenile offences under the Indian Penal Code has increased significantly over the previous ten years, with rape and kidnapping of women leading the way.

Treatment and education for substance misuse, family counselling, youth mentorship, parenting classes, educational support, and adolescent sheltering are examples of preventive methods. It is emphasised that education is essential for promoting democratic and social cohesion values, economic progress, national production, and social upliftment. One crucial element that predicts delinquency is peer pressure, particularly from antisocial peers, and one critical way to prevent delinquency is through appropriate parenting. Effective methods for combating adolescent delinquency include community-based treatments such as social activities, training, foster care, guidance, counselling, and community development. Nonetheless, there are some significant gaps in the studies. First off, the lack of secondary data restricts the scope of the research and leaves out important information from previously published works. Additionally, while preventive services are discussed, the research lacks

specificity in effectively proposing actionable solutions to mitigate children in conflict with the law.

In conclusion, more research is required to incorporate secondary data sources and develop targeted interventions that are specifically designed to address the complex underlying factors contributing to Child in Conflict with Law in Rajasthan, even though the study highlights the alarming rise in Child in Conflict with Law and suggests various preventive measures.

1.3.22. In this Research paper (Reeta & Singh, 2020), Child in Conflict with Law represents a significant concern globally, with a noticeable increase in violent crimes committed by youths in India since 2015. This research explores the correlation between broken family structures and Child in Conflict with Law, focusing on how disrupted family dynamics contribute to delinquent behaviours in children. It highlights the impact of inadequate communication and family structure on a child's engagement in illegal activities, emphasizing the influence of factors such as decision-making processes and overall family dynamics. The study underscores that various family structures, including single-parent families and stepfamilies, can contribute to Child in Conflict with Law.

Particularly, single-mother families are associated with a higher incidence of delinquent children compared to two-parent families. The absence of fathers from children's lives is identified as a significant factor contributing to adverse effects on children's well-being, including increased rates of juvenile crime, mental distress, eating disorders, teenage suicide, and exploitation. The nurturing of children also plays a pivotal role in shaping their behaviour, with factors like structured meal times and homework monitoring significantly impacting emotional stability. Strong parent-child bonds have been shown to mitigate delinquent behaviour in children. Community involvement and awareness are deemed crucial in addressing Child in Conflict with Law. Preventive measures in juvenile justice administration are emphasized, with informed individuals playing a key role in rehabilitating abandoned children and those facing challenging circumstances. The research suggests leveraging informal networks to report cases of adolescent deviant behaviour or situations

where parents struggle to manage their children effectively. Families are recognised as vital agents in social regulation and socialization, necessitating their active engagement in protective interventions to address Child in Conflict with Law effectively. However, several gaps exist in the research, including the limited age range of juveniles studied (16-18 years), the absence of secondary data utilization, and the oversight of statutory provisions related to juvenile justice. These gaps indicate areas for further exploration and the need for a comprehensive approach to understanding and addressing Child in Conflict with Law in India.

1.3.23 The Report (Kadam, Bhume, & Jagtap, 2023) presents a field-oriented exploration into the actual conditions of juvenile justice institutions, based on visits to Dongri's Observation Homes in Mumbai and supplemented by an online survey. What makes this study particularly engaging is its on-the-ground account of the children's living environment, the facilities offered, and the daily functioning of these homes—something often missing in purely legal analyses. The researchers observe several shortcomings: poor hygiene, inadequate safety measures during vocational training, lack of segregation between first-time and repeat offenders, and minimal psychological or educational support. The spaces meant to be child-friendly and rehabilitative seemed, in parts, neglected and even intimidating. From a human rights lens, the absence of infrastructure that nurtures dignity and psychological recovery is deeply concerning. The accompanying survey highlights public opinions, pointing to lack of education and poverty as the main drivers behind juvenile crime, while also showing broad support for reformative interventions like counselling and skill development. While the report adds value through its ground-level insights, it misses the opportunity to engage with broader frameworks such as the UNCRC or comparative practices in juvenile rehabilitation across jurisdictions. Moreover, the absence of voices from the children themselves, their families, or child rights activists creates a notable gap in representation. There's also limited analytical depth in how the survey findings are interpreted—statistical tools are not applied, and the demographic profiles of respondents are not discussed. Still, as a documentation of what is—rather than what ought to be—the report provides

a raw and compelling picture of institutional realities. It is particularly useful for researchers who are examining how the law on paper translates (or fails to translate) into protection and care for children in conflict with law.

1.3.24. The Researcher (Poonia & Ritu, 2024) offers a thoughtful overview of how India's approach to juvenile delinquency has evolved over time. It takes the reader through early colonial laws like the Apprentice Act of 1850 and the Reformatory School Acts, leading up to more contemporary legislation including the Juvenile Justice Acts of 2000 and 2015. What stands out in this work is how it situates these legal shifts within broader societal concerns—especially the public reaction to cases like the 2012 Delhi gang rape, which played a key role in triggering reforms. The authors do well to highlight the growing concerns around crimes committed by adolescents aged 16 to 18, and how the law has adapted to allow for a more nuanced approach that sometimes includes trying them as adults for heinous crimes. The research work is primarily doctrinal and historical in nature, explaining the intentions behind the legal provisions and the structures like Juvenile Justice Boards and Child Welfare Committees. However, one feels that it would have been even stronger if it had included some engagement with real-world implementation challenges or voices from the field—such as case studies, institutional data, or reflections from professionals working in juvenile justice. Also, while the legal developments are laid out clearly, there is little discussion on whether these laws have been successful in reducing recidivism or protecting children's rights in practice. Overall, research is a helpful legislative roadmap and lays a solid foundation for anyone studying the subject, though it leaves ample scope for deeper, more practice-oriented research that links legal intent with lived experiences on the ground.

1.3.25. The research (Yadav, 2023) is a well-crafted and intellectually engaging exploration of the structural and social underpinnings of juvenile delinquency in the Indian context. Author did a sincere attempt to go beyond surface-level legal discussions and instead look at the issue from multiple, interlinked angles—sociological, psychological, legal, and cultural. The author thoughtfully begins by tracing the theoretical roots of juvenile delinquency,

drawing from both classical thinkers like Beccaria and Bentham, as well as modern voices such as Hirschi, Agnew, and Sutherland. These frameworks aren't just name-dropped—they are contextualized meaningfully to help the reader understand how ideas like weak social bonds, strain theory, or peer learning can translate into real-life juvenile behavior, especially in environments marked by poverty, broken families, discrimination, or marginalization.

What makes this work especially relevant is its Indian grounding. The research sensitively engages with local realities—how caste-based exclusion, gender norms, unemployment, lack of educational opportunities, and urban dislocation converge to push some children into conflict with the law. The discussion on the Juvenile Justice (Care and Protection of Children) Act, 2015 is detailed and accessible, highlighting the Act's attempt to balance protection with accountability. The author doesn't stop at a legal analysis, but goes further to explore a wide range of prevention and rehabilitation measures—ranging from community-based programs and mental health counselling to vocational training and restorative justice. It is clear that the author is advocating for a more compassionate, reformative approach to juvenile justice that takes into account a child's capacity to change if given the right environment and support.

That said, the research's biggest strength—its comprehensive scope—is also where its limitations lie. It remains largely theoretical and literature-driven, without incorporating fieldwork, lived experiences, or voices from the ground. One wishes there were interviews with social workers, former juvenile offenders, or even insights from rehabilitation homes that could bring the narrative to life. Moreover, while the research flags crucial research gaps—like the need to study gender-specific trends, rural-urban differences, and technology's influence on delinquency—it does not dive into them with the depth they deserve. Still, as a research scholar the author had found this work immensely helpful in shaping my understanding of the broader framework within which juvenile justice operates in India. It sets a strong conceptual foundation and, more importantly, leaves space for further research that is rooted in people's lived realities rather than policy texts alone.

1.3.26. The Researcher (Kangda, 2024) offers a grounded and sensitive understanding of how juvenile delinquency is evolving in the Indian context. It was a effort by the researcher to move beyond black-letter law and focus on the lived social realities that often go unnoticed in policy circles. The research begins by mapping out the typical causes of Child in conflict with law—poverty, broken families, peer influence, lack of education, and exposure to violence—but it doesn't stop at listing them. It draws connections between these factors and the fast-changing nature of Indian society, especially urbanization and the influence of digital spaces on young minds. The discussion on the Juvenile Justice (Care and Protection of Children) Act, 2015 is both informative and practical, clearly laying out the roles of institutions like the Juvenile Justice Boards and Child Welfare Committees in protecting the rights and dignity of children in conflict with the law.

What stood out to the researcher in particular is the balanced approach of her towards acknowledging the present progressive legal framework, while also being honest about the on-ground challenges in the Child in conflict with law: overcrowded juvenile homes, delays in case processing, lack of mental health services, and limited reintegration support. These aren't just bureaucratic hurdles; they reflect deeper structural and societal issues that we need to address if we genuinely want rehabilitation over punishment. The author advocates for a more restorative, community-based model of justice—one that sees young offenders not as threats, but as children who need guidance, support, and second chances. That said, the research does remain mostly theoretical, and it could have been enriched by empirical insights—maybe narratives from those working within the system, or even voices of juveniles themselves. Issues like caste-based exclusion, gendered vulnerabilities, and regional disparities are mentioned but not deeply examined.

1.3.27 The Research (Pattnaik & Mishra, 2021) provides a broad yet informative examination of the juvenile justice landscape in India, placed in contrast with systems in other jurisdictions like the United States, United Kingdom, Germany, and New Zealand. What personally resonated the researcher in this research was the genuine effort to explore not only the legal

provisions but also the underlying causes of juvenile behaviour, such as broken family structures, socio-economic hardships, lack of guidance, and peer pressure. The authors take a legislative-historical approach by comparing the Juvenile Justice Act of 2000 with the reformed 2015 Act in India, emphasising how the infamous 2012 Nirbhaya case acted as a catalyst for demanding tougher laws against juveniles committing heinous crimes. They rightly point out the shift in public sentiment and policy that led to allowing juveniles aged 16–18 to be tried as adults in certain cases. The paper outlines the provisions of the new Act, including the establishment of JJBs, CWCs, and mechanisms for rehabilitation such as foster care, adoption, and observation homes. The comparative study brings out stark differences—especially the punitive orientation in the U.S. where even minors as young as 10 can face adult sentences in some states, contrasting sharply with New Zealand's and Germany's rehabilitative and diversionary models focused on education and reintegration.

However, while the research is successful in laying out legislative frameworks across jurisdictions, it tends to remain on the surface when it comes to engaging with the actual impact of these laws. It does not delve into how these provisions are functioning in practice, either in India or abroad. There is no primary data, stakeholder testimony, or reference to rehabilitation outcomes in Indian institutions such as observation homes or shelter homes. Issues like caste, regional disparity, mental health needs of juvenile offenders, and gendered aspects of delinquency are either entirely overlooked or only briefly mentioned. Also, while the comparative section is helpful, it sometimes reads more like a listing of laws than a critical engagement with whether those international models are contextually relevant or adaptable to India. In short, the paper sets a strong foundation but leaves ample space for deeper research that could combine legal analysis with empirical insights, especially from the ground level. For my doctoral work, which seeks to explore not just the evolution of juvenile justice law but also the lived experiences of children within the system, this paper serves as a useful legislative reference point. The research showed an importance of balancing doctrinal research with field realities, and of critically

engaging with not just what the law says, but how it translates—or fails to translate—into justice for children in vulnerable situations.

1.3.28. The researcher (Nagar & Kumar, 2022), delves into the intricate relationship between dysfunctional family environments and the rising trend of Child in conflict with law in the Indian context. Focusing primarily on the Delhi region, the study utilizes a qualitative methodology, drawing insights from in-depth interviews and focus group discussions with juvenile delinquents aged 12–18, their families, and social workers. The researchers employed purposive sampling to gather subjective data, enabling them to explore the psychosocial underpinnings of criminal behavior among juveniles. The author reviews extensive Indian and global literature to identify how various forms of dysfunction—including domestic violence, parental neglect, substance abuse, poverty, broken family structures, and lack of communication—contribute to the emergence of delinquent tendencies in children.

The study categorizes dysfunction into key forms such as physical, emotional, and sexual abuse; neglect of basic needs; persistent parental conflict; financial stress; parental substance abuse; trauma; mental illness; and generational conflict. A consistent pattern emerged wherein children from dysfunctional households displayed emotional vulnerability, lack of supervision, and exposure to deviant peer groups—factors that collectively pushed them toward criminal behavior. Particularly notable was the higher rate of delinquency among juveniles from single-parent households or those lacking an active father figure. The absence of stable adult guidance, inconsistent disciplinary styles, and the breakdown of moral boundaries within the home environment were cited as prominent risk factors. Additionally, the paper highlights the increased criminal involvement of adolescents in urban areas like Delhi, often in response to emotional neglect and peer influence. The role of socio-economic challenges, such as poverty and unemployment, further aggravated family dysfunction, fostering resentment and rebellion among youth.

The findings draw attention to the alarming rise in juvenile crimes in India, particularly in the 16–18 age group. Citing NCRB data, the paper notes a rise in violent crimes including murder, rape, and assault. It also acknowledges the

impact of the 2012 Delhi gang rape in transforming public perception and legislative response toward juvenile offenders. In terms of solutions, the authors advocate for holistic interventions, including early counselling, family therapy, better parenting education, gender-sensitive community outreach, and strengthening of legal and policy frameworks. They emphasize the need for promoting social awareness, positive role modelling, and reformative over punitive measures. NGO's, schools, and community-level actors are encouraged to play more proactive roles in preventive programs.

Despite the richness of the study, several research gaps are evident. Firstly, the geographical focus on Delhi limits the applicability of findings across India's diverse regions. Comparative data from rural, tribal, or other urban contexts is missing, which could have provided a more comprehensive view. Secondly, the research is solely qualitative in nature. While interviews and discussions offer depth, the absence of statistical or quantitative analysis restricts generalizability. Thirdly, the research lacks gender-disaggregated analysis. The differing experiences, motivations, or vulnerabilities of male and female juveniles are not explored, despite their relevance in understanding delinquency patterns. Moreover, although family is the central focus, the study does not sufficiently examine the role of educational institutions, NGO's, or juvenile homes in preventing or managing delinquency. The institutional response remains largely peripheral.

Another important limitation is the lack of longitudinal analysis. The study does not track juvenile behavior or rehabilitation outcomes over time, which limits the ability to assess the long-term effectiveness of interventions. Theoretical grounding is also limited; while the findings are empirically rich, they are not situated within established criminological theories such as social learning theory or strain theory, which could have deepened the analytical framework. Furthermore, there is little engagement with existing national policies or laws such as the Juvenile Justice Act, Integrated Child Protection Scheme, or State Action Plans. A critical assessment of whether these frameworks are addressing family dysfunction or merely managing its consequences is absent. Finally, while cultural values are identified as contributing factors, the study does not

explore culturally sensitive or community-specific models for reform and rehabilitation.

In conclusion, the paper makes a significant contribution to understanding the role of family dysfunction in shaping juvenile behavior, especially in urban Indian settings. It brings forth crucial qualitative insights into the lived experiences of delinquent youth and their familial circumstances. However, for a more comprehensive understanding, future research must address the existing gaps by incorporating broader regional comparisons, statistical validation, gender perspectives, theoretical frameworks, and policy analyses. Such multi-layered inquiry would better inform legal, institutional, and social interventions aimed at mitigating juvenile crime and fostering rehabilitative justice.

1.3.29 The author (Raturi & Rastogi, 2022), undertakes a comprehensive exploration of the causes, theories, and legal responses surrounding juvenile delinquency in India. At the outset, the authors establish that juvenile delinquency is a complex and multifactorial social problem, characterized by the participation of minors in behaviors that violate legal and moral codes of society. Drawing on various scholarly sources, the paper asserts that delinquent behavior in juveniles stems from a mixture of personal, familial, and societal conditions. These include, but are not limited to, poor parenting, family conflict, inadequate supervision, broken homes, poverty, school dropout, and exposure to criminal environments. The study emphasizes the importance of early identification and intervention to prevent the development of delinquent tendencies among vulnerable youth.

The theoretical framework of the research paper spans several classical and contemporary criminological perspectives. It reviews eight major theories—classical, biological, psychobiological, psychological, sociological, social process, conflict, and emergent (including feminist and postmodern)—and introduces a ninth, interdisciplinary theory that merges various viewpoints. Each theory is explained in relation to its relevance to juvenile conduct. For instance, classical theory assumes that juveniles, like adults, weigh risks and rewards before acting, while biological theories link behavior to heredity, brain chemistry, or physiological ailments such as hearing or vision problems. The

psychobiological and psychological theories focus on internal conflicts, personality disorders, or emotional disturbances that contribute to deviant behavior. The sociological theories, especially Merton's strain theory and Cohen's subcultural theory, provide insights into how socio-economic status and the failure to meet societal standards may breed frustration and lead to criminal activity. Social process theories such as labeling and control theory explore the role of social interactions and stigmatization. Conflict theory addresses structural inequalities that criminalize the underprivileged, while emergent perspectives such as feminist criminology highlight the gendered dimensions of crime and justice.

In addition to theoretical exposition, the paper presents a brief empirical trend analysis of juvenile crime in India between 1994 and 2018. It notes an increase in serious and violent crimes by juveniles, though recent school dropout data shows a decrease, potentially signaling improvements in education-based interventions. The paper discusses how poverty and unemployment are directly linked to juvenile offending and how marginalized communities are more susceptible to criminalization. It reiterates the principle that juvenile justice must balance the need to protect society with the rehabilitative needs of young offenders. The legal framework examined includes the evolution of India's Juvenile Justice (Care and Protection of Children) Act—from the 1986 version to the current 2015 Act—and the incorporation of international standards such as the United Nations Convention on the Rights of the Child and the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

Despite its wide-ranging analysis, one of the significant limitation is the lack of empirical data used for the research or few case studies directly collected or analysed. The research was more relied over the secondary data rather than original field research including the survey data and interviews with stakeholders such as child in conflict with law, law enforcement authorities, or juvenile welfare workers. Moreover, the research was deficit as researcher failed to do impact analysis of the juveniles making the gender, region, or caste as a determining factor, as these factors are having a significance value in the Indian socio-legal context. Also, one additional gap the research is having is the lack of

implementation of the provisions of the Juvenile Justice Act in India—such as less staffs in the institutions, lack of infrastructure, and inconsistent judicial interpretations. The researcher also failed to draw attention whether education could be an important factor to reduce the child in conflict with law.

1.3.30. The researcher (Chauhan, Shukla, Ankesh, & Sharma, 2022) explained multifaceted issue of children committing offences within the Indian socio-legal context. Child in conflict with law is a phenomenon where individuals of less than 18 years engage in unscrupulous activities that contravenes legal and moral norms of the society. Such behavior is often the result of developmental, psychological, and social turbulence during tender age. It is emphasised that delinquency can range from petty misbehavior to serious criminal offences like robbery, assault, and even rape. The research also traces out how juveniles often fall into substance abuse and antisocial behavior due to underlying psychiatric problems or lack of supportive environments. The psychological instability, mood swings, and identity crises experienced during adolescence are highlighted as contributing factors.

The authors define juveniles under global and domestic l legal frameworks, citing the JJ Act, 2015 and the UN Convention on the Rights of the Child. The "claim of juvenility" is discussed at length, including its controversial nature in Indian jurisprudence. Several landmark judgments—such as Kulai Ibrahim v. State of Coimbatore, Deoki Nandan Dayma v. State of U.P., and Satbir Singh v. State of Haryana—are analyzed to demonstrate the legal complexities in determining juvenility during criminal trials. The research affirms that a juvenile's age at the time of the offence, and not at the time of apprehension, is legally significant.

The author classifies acts of delinquency broadly and includes behaviors such as running away from home, sexual offences, truancy, frequent use of vulgar language, and uncontrollable aggression. The authors trace the evolution of India's juvenile justice legislation from the Children Act of 1960 to the present-day Juvenile Justice Act of 2015. The shift from viewing juveniles as merely delinquent to recognizing them as either "in conflict with law" or "in need of care and protection" reflects a more rehabilitative orientation. Legislative

developments are placed in a historical context, including India's obligations under the UNCRC and the influence of international practices like the Philippines' juvenile framework.

Causes of delinquency are discussed under four broad categories: individual, familial, mental health, and substance dependency. Low IQ, lack of education, impulsivity, and aggression are noted as individual risk factors. Familial causes include neglect, abuse, parental conflict, and criminal tendencies within the household. The research underscores that children who lack emotional bonding with their parents are more likely to exhibit antisocial behavior. Mental health issues like conduct disorders and lack of empathy are cited, though the authors acknowledge the diagnostic limitations in children. Substance abuse is both a cause and consequence of delinquent behavior, aggravating psychological disturbances and impulsive tendencies.

The prevention section of the research is one of its most robust contributions. The authors present a layered strategy involving both individual-level and environmental-level interventions. At the individual level, clinical programs involving psychiatrists and psychologists, educational interventions promoting moral values, mental hygiene practices, and recreational programs like sports and arts are discussed. These aim to correct behavior through early diagnosis and value-based education. Environmental programs include community engagement, responsible media portrayal, positive family environments, and removal of inferiority complexes in children. The research highlights that prevention is more effective when started early and with parental involvement, and that youth mentoring and structured after-school activities can redirect vulnerable adolescents.

Lastly the researcher reaffirms that while delinquency among children may not be completely eradicated, early intervention and rehabilitation-oriented policies can contain its growth. The role of the state in creating a protective and nurturing environment for children is emphasized, as is the need for social acceptance and reintegration of juvenile offenders.

Despite its comprehensive coverage, the paper shows several research gaps. First, it lacks empirical data or primary field research. There is no statistical validation or survey-based insight to support the identified causes or efficacy of

preventive strategies. Second, while the legal framework is well-covered, the implementation challenges of existing laws—such as the functioning of Juvenile Justice Boards, infrastructure of observation homes, or staff training—are not critically analyzed. Third, gender-specific analysis is missing; the research does not explore whether causes and patterns of delinquency differ between boys and girls. Fourth, though mental health is discussed, no clinical data or case studies are used to illustrate the psychological profiles of delinquents. Fifth, the impact of digital exposure, cybercrime, and online behavior on delinquency in children is absent, which is a growing concern in modern society. Lastly, author advocates community participation and media responsibility, there is no discussion on the role of NGO's, schools, and police as institutional stakeholders in prevention and rehabilitation.

1.3.31 The Author (Abhishek & Balamurugan, 2024) presented a compelling statistical overview of delinquency among children across India, relying on secondary data extracted from NCRB for the years 2017 to 2021. Author has the objective is to identify the trends shown in the juvenile crime by mapping offences across age brackets, types of crime, educational background, gender, and living arrangements. A clear pattern emerges from their findings: adolescent boys aged 16 to 18 years constitute the largest share of juvenile offenders, particularly in crimes related to theft, bodily harm, and sexual offences. An important contribution of the study is its focus on both BNS (Bharatiya Nyaya Sanhita) and SLL (Special and Local Laws) violations. It notes a significant increase in juvenile involvement in areas such as drug trafficking, alcohol-related offences, and infractions under child welfare legislation. Through tabulated data and visuals, the research illustrates the growing complexity of delinquency. The authors emphasize that factors like poor school performance, lack of family supervision, peer pressure, and exposure to criminal settings often contribute to this behavioural shift in youth.

The study also highlights how socio-demographic aspects correlate with crime. Most offenders were reported to live with their families rather than in state-run shelters, contradicting popular assumptions that institutionalization is the primary setting for deviant behaviour. Moreover, a notable proportion of

juvenile offenders had not completed secondary education, suggesting that education—or lack thereof—plays a crucial role in either deterring or enabling delinquency.

While the statistical depth of the paper is commendable, it leaves certain areas underexplored. The study primarily depends on secondary quantitative data and does not incorporate any field-level qualitative research such as interviews with juveniles, family members, or correctional staff. Consequently, the emotional, psychological, and social dimensions behind these crimes remain unaddressed. Nor does the paper reflect on how policies like the Juvenile Justice (Care and Protection of Children) Act, 2015 are faring in practical terms or whether state rehabilitation programmes are achieving desired outcomes.

Additionally, the study falls short of offering targeted policy suggestions. While it identifies which states show high juvenile crime rates—like Madhya Pradesh and Delhi—it does not propose location-specific reforms or assess variations between urban and rural regions. Institutional responses, including the roles of the police, NGO's, and Juvenile Justice Boards, are only briefly mentioned, leaving a gap in understanding the ecosystem that handles juvenile crime.

In conclusion, the paper serves as a valuable resource for grasping the broad statistical landscape of child in conflict with law in India. However, for a more nuanced understanding of causes and solutions, future research must integrate voices from the ground, evaluate intervention frameworks, and explore region-specific socio-legal dynamics. This layered approach will ensure that policy and rehabilitation measures are rooted in lived realities rather than limited to statistical trends.

1.4 SCOPE OF THE RESEARCH

The present study is socio-legal in nature and is primarily confined to analyzing the juvenile justice framework as implemented within the territorial boundaries of Rajasthan, India. The study focuses exclusively on children in conflict with the law, and investigates the legal protections, rehabilitative mechanisms, institutional practices, and systemic challenges affecting their welfare and reintegration into mainstream society.

Geographically, the scope is delimited to five major urban centers in Rajasthan—Jaipur, Jodhpur, Udaipur, Kota, and Bikaner. These divisions were purposively selected based on their high rates of delinquency among adolescents, robust institutional presence (such as Juvenile Justice Boards, Child Welfare Committees, Special Juvenile Police Units, and NGO's), and logistical feasibility for data collection and stakeholder access. Although this urban focus enables detailed insights into institutional operations and rehabilitation processes, the findings may not be fully generalisable to rural and tribal districts of Rajasthan, which may present distinct socio-legal realities and cultural dynamics. Thematically, the research examines the evolution and efficacy of India's juvenile justice framework, with a particular focus on the Juvenile Justice (Care and Protection of Children) Act, 2015, and its 2021 Amendment. The study explores key themes such as rehabilitation, recidivism, institutional coordination among stakeholders (judiciary, police, NGO's), and the influence of socio-economic factors on delinquency. An emphasis is placed on understanding how gaps in coordination, legislative enforcement, and resource limitations impact the future reintegration of juveniles into society. Comparative insights are drawn selectively from constitutional mandates, international child rights conventions, and best practices, but the study does not engage in extensive cross-country comparative analysis.

Jurisdictionally, the study engages with statutory frameworks such as the Juvenile Justice Act, the Indian Penal Code, constitutional provisions, and relevant national policies for child protection and rehabilitation. The research does not, however, extend to adult criminal justice systems, family law adjudications (such as custody or guardianship matters), or specialized juvenile issues such as adoption, which are separately governed under ancillary statutes and regulations. Methodologically, the research adopts a combination of doctrinal and empirical approaches. The doctrinal component involves a critical review of statutes, judicial precedents, policy documents, and secondary academic literature, while the empirical component is based on fieldwork involving structured questionnaires, interviews, and case studies with key stakeholders—juveniles, care home staff, judicial officers, police personnel, and

NGO workers. The study remains exploratory and explanatory; it does not aim to test causal relationships through experimental or quasi-experimental designs. Furthermore, the study focuses on understanding systemic challenges rather than proposing or implementing new policy interventions during the research period. While recommendations for reform are proposed based on findings, the research does not attempt to pilot or empirically evaluate the effectiveness of such interventions within its time frame.

The study also consciously excludes issues like children in need of care and protection (CNCPs) unless they overlap with the condition of being a child in conflict with the law. Similarly, specific vulnerable groups such as tribal children, street children, or differently-abled children are not separately analysed unless they fall within the core sample population. By delimiting its scope in this manner, the research endeavours to maintain depth and focus, contributing a comprehensive yet contextually grounded assessment of juvenile justice systems in urban Rajasthan.

1.5 SIGNIFICANCE OF STUDY

The present study holds considerable significance in the contemporary discourse on juvenile justice, particularly given the increasing visibility of children in conflict with the law within India's criminal justice system. Rajasthan, chosen as the focal point of this research, consistently reports one of the highest rates of delinquency in the children within the country, necessitating a focused investigation into the effectiveness of legislative frameworks, institutional mechanisms, and rehabilitative measures implemented to address the issue. In this context, the study contributes to a deeper understanding of systemic strengths and weaknesses, while offering insights into possible pathways for reform and policy enhancement.

From a doctrinal perspective, the study enriches legal scholarship by critically engaging with the Juvenile Justice (Care and Protection of Children) Act, 2015, its 2021 Amendment, and related constitutional mandates. It situates the legal framework within broader socio-legal realities, examining how theoretical rights translate—or fail to translate—into practical protections for juveniles. By systematically analysing judicial interpretations, statutory innovations, and

administrative practices, the research adds to existing academic knowledge on child rights and juvenile welfare jurisprudence in India.

The study's empirical dimension further enhances its significance. By incorporating field-based data from diverse stakeholders such as juveniles, care home staff, police officers, judicial officers, and NGO workers, it offers a grounded, real-world understanding of the juvenile justice system's operational dynamics.

This multi-stakeholder approach provides a comprehensive picture of the challenges and opportunities faced at various levels of juvenile justice administration, including rehabilitation, reintegration, and recidivism management. Importantly, the study foregrounds the lived experiences of children in conflict with law, thus bringing much-needed voice and agency to a population often marginalised within legal and academic narratives.

In addition, the study addresses a crucial but often overlooked dimension—the impact of inter-agency collaboration (or the lack thereof) on juvenile rehabilitation outcomes. By highlighting the institutional disconnects between the judiciary, police, NGO's, and social workers, it underscores the need for a more integrated and coordinated juvenile justice ecosystem. Identifying gaps is valuable for academic discourse and policymakers and practitioners seeking to enhance system responsiveness and reduce repeat offences among juveniles.

Another significant contribution lies in the study's conscious engagement with the socio-economic determinants of delinquency. It situates juvenile crime within the larger matrix of poverty, family instability, illiteracy, peer influence, and systemic neglect, thereby advocating for a holistic understanding of delinquency that transcends narrow legalistic interpretations. The findings stress the importance of addressing structural inequalities and investing in preventive and rehabilitative social interventions.

Moreover, by limiting its scope to Rajasthan, the study offers region-specific insights that can be leveraged by state-level policymakers, NGO's, and child rights activists to tailor interventions according to local needs. Although urban-centric in its primary data collection, the study acknowledges its limitations and paves the way for future research extending to rural and tribal contexts, thus

contributing to an evolving academic dialogue on inclusivity and equity in juvenile justice reforms.

In a nutshell, this research aspires to bridge the gap between law and lived reality, theory and practice, highlighting the urgent need for child-centric, rights-based, and contextually sensitive approaches to juvenile justice. Its findings and recommendations seek to inspire academic inquiry, institutional introspection, and meaningful reforms for ensuring the dignity, protection, and future reintegration of children in conflict with the law.

1.6 STATEMENT OF THE PROBLEM

Globally, Child in Conflict with the Law is a widespread social issue affecting society to differing degrees. It represents an infringement on social morals, rules, and ethics, which is frequently more noticeable in younger people. Many cultures, geographical areas, and groups have distinct causes, types, and levels of Child in Conflict with Law. From an international perspective, the issue of minor delinquents and criminality emphasises how universal this situation is.

It has been seen that on various occasions, Humans get involved in unscrupulous activities and start affecting their life even after various initiatives have been taken by the authorities to stop them. Child in Conflict with Law is not left untouched from this philosophy; even after the authorities have started various programs, still minor offenders get attracted towards the criminal world. Also, it's necessary to find out the factors that promote a child to commit offences (Parihar, 2013).

The law enforcement agencies have all seen considerable changes in order to prevent delinquency among minors. Minor's and adults' illegal conduct laws have changed substantially over time, suggesting an even more refined approach to dealing with criminal attitudes. The idea was taken from the Western model to replace the antiquated phrase "juvenile delinquent" with " juvenile in conflict with the law " in the recent legal framework reforms.

The prevalence of child misbehaviour has been directly affected by a change in family dynamics. The past surveys and research have pointed out that one of the major factors leading a child to engage in delinquent activities is the socio-economic factors, which leads a child to commit offences of Pickpocketing and

petty theft. Such activities depict the interest of minors towards such unscrupulous activities where they can fulfil their economic needs through such offences. According to these findings, broad initiatives are required to address the underlying reasons for Child in Conflict with Law and prevent the juveniles who need assistance (Acharjee, 2021). The extraordinary increases in the cases of child sexual assault in modern societies poses a threat to the welfare of society.

The fact that a large number of women are involved in such crimes is alarming and emphasises how serious the issue is. The ubiquitous consumption of drugs and alcohol worsens the problem by reducing moral standards in children as well as adults. Various studies have pointed out that initial usage of Substance misuse often leads to a long association with them, and it is the first step for a child to become involved in criminal activity. The fact that mental health conditions frequently appear as criminal tendencies in both adults and children demonstrates the intricate psychological underpinnings of criminal behaviour. Several studies have clarified the psychological foundations of criminal behaviour in various sociocultural contexts, offering insight into the complex interplay of factors contributing to delinquency.

The issue of Child in Conflict with Law is widespread, cross-border, and impacts cultures all over the world. The way society defines delinquent behaviour has significant ramifications since it determines who gets labelled as delinquent based on cultural definitions and views. As a result, the definition of behaviour as delinquent depends on cultural norms and standards that establish the limits of what constitutes appropriate and inappropriate behaviour.

Jaipur: The incidence of juveniles in conflict with the law in Rajasthan remains a major issue, according to new data released by the National Crime Records Bureau (NCRB). In terms of juvenile-committed crimes, Rajasthan is ranked fourth in the country. A significant rise from the 2,203 cases reported in 2015 to 2,273 cases in 2016, according to State records, involved juvenile offenders. Concerningly, 76 minors in all were connected to cases involving horrific crimes like murder, and 83 of them were connected to cases involving attempted murder (Rate of Juvenile Delinquency, 2016). Although it has been revealed from the law enforcement reports that 159 Juveniles were accused of rape, while

86 juveniles were found to have been involved in sexual assault instances. This concerning trend highlights the pressing need for efficient interventions to address adolescent delinquency. Even while the State has various detention facilities made for child offenders to rehabilitate them, there is a conspicuous dearth of programs that direct these individuals toward positive career pathways. And so, the problem is exacerbated when a large number of young people who are released from these facilities return with more advanced criminal abilities. Furthermore, there have been reports of adolescents breaking out of correctional homes, mainly in Jaipur, which highlights flaws in the current system.

In addition, authorities have seen that lesser-known organised gangs are recruiting juveniles as a way to avoid raising the attention of intelligence units. Due to their minority status, these youngsters are frequently released after being arrested. This recruiting tactic makes law enforcement's efforts to stop adolescent crime even more difficult. For example, 87 minors were found to be involved in kidnapping and abduction crimes by the Rajasthan police. Furthermore, according to data from the National Crime Records Bureau, 469 minors were charged with theft and 84 with robbery. These results highlight the complexity of adolescent misbehaviour and the difficulties law enforcement faces in resolving this diverse problem.

1.7 STUDY AREA

The study area selection is crucial for assessing crime levels using the chosen methodology. Rajasthan, situated in the country's northwestern part, is the largest state by area, covering 342,239 square kilometres or 10.4% of the total national territory. Over recent decades, Rajasthan has witnessed a significant increase in its literacy rate. In 1991, the state's literacy rate stood at 38.55% (with 54.99 % among males and 20.44 % among females). By 2001, the literacy rate had surged to 60.41% (with 75.7 % among males and 43.85% among females), marking one of the most substantial literacy rate improvements in India, particularly notable for its 23 per cent increase in female literacy. According to the 2011 Census, Rajasthan boasted a literacy rate of 67.06% (with 80.51% among males and 52.66 % among females). While Rajasthan's literacy

rate falls below the national average of 74.04 %, and its female literacy rate is the lowest in the country, the state has garnered acclaim for its efforts and accomplishments in enhancing literacy rates. Consequently, Rajasthan is chosen as the study area due to its suitability for data collection, given its status as the researcher's home state. Specifically in Rajasthan, focus on 5 Major **divisions- Jaipur, Bikaner, Udaipur, Jodhpur and Kota**

1.8 HYPOTHESES:

For the present research, the following hypotheses were constructed:

Juvenile Justice lacks collaboration between government agencies, educational institutions, law enforcement, the courts, social workers, and NGOs.

Description of Variables- Hypothesis involves various variables, so it has been segregated to explain dependent and independent variables in the hypotheses.

Table:1 Description of Dependent and Independent variables

Dependent Variable (DV)	Implementation of Juvenile Justice Act, 2015
Independent Variables (IV)	Involvement of Government Agencies
Dependent Variable (DV)	Implementation of Juvenile Justice Act, 2015
Independent Variables (IV)	Involvement of Social Stakeholders
Dependent Variable (DV)	Released Juvenile
Independent Variables (IV)	Recidivism

1.9 RESEARCH OBJECTIVES:

1) To know the lacunas in our Legislative enactments that make the Juveniles suffer and face challenges.
2) To analyse whether the existing statutory laws and the Latest Amendment in the Juvenile Justice Act,2021 in India are enough to protect Juveniles' rights.
3) To assess the impact of vocational training programs as a reformative mechanism amongst Juveniles.
4) To find out the tendency of recidivism among released delinquent

1.10 RESEARCH QUESTIONS:

1) Whether social organisations have successfully brought about a change in policy decisions regarding Juveniles?
2) Whether authorities are working upon the reasons to know why a child becomes delinquent?
3) whether the efforts of Government schemes have reached the desired target to prevent the rights of Juvenile?
4) Whether the role and importance of various social organisations, including NGO's, in bringing change in Juveniles are appropriately done?
5) Whether the latest amendments made by the Legislature in the Juvenile Justice Act to protect the interests of the child are sufficient?
6) Whether the Communication gap between the Child and Parents is the cause of Child in Conflict with Law?

1.11 RESEARCH METHODOLOGY:

The method of data collection starts after a research problem has been defined and the method of research methodology is chosen. Data are defined as facts, figures etc. Data are all the relevant materials, past and present, serving as the basis for study and analysis. Without the analysis of factual data, no specific inferences can be drawn on the questions under study. Inferences based on imagination or guesswork cannot answer research questions correctly. For this study, the data were collected from primary and secondary sources.

In this case descriptive research methodology has been adopted for this study. This design is also well suited for this research since it enables gathering of recent information as to the status of the juvenile justice system in Rajasthan, achievements, challenges, and recommendations.

This study adopts a descriptive research methodology to align closely with its objective of assessing existing laws, examining their enforcement, and identifying the factors contributing to Child in Conflict with Law (Vashistha, 2024). Through this approach, the study gathers detailed evidence about these elements without altering the variables.

Descriptive research is particularly beneficial in examining phenomena over time, providing insights into the current state of the juvenile justice system in India.

Table:2 Research Objectives, Indicators, Methodologies, and Stakeholder Question Matrix for Juvenile Justice Assessment

Objectives	Indicators	Methods and Tools	Questions Asked
R.O.1 To know the lacunas in our Legislative enactments that make the Juveniles suffer and face challenges.	• Enforcement of Law • Availability of Resources • Medical Assistance • Implication	• Quantitative and Qualitative • Literature Review & Primary Data Collection	Questions asked from Juveniles- • 'Are your problems attended to by staff?, • 'Do you feel secure in this facility? • 'Do you have medical care?
R.O.2 To analyse whether the existing statutory laws and the Latest Amendment in the Juvenile Justice Act,2021 in India are enough to protect Juveniles' rights.	• Implementation of Amended Law • Reformation and Re-integration • After care • Measures of Compliance	• Quantitative and Qualitative • Literature Review & Primary Data Collection	Questions Asked from Law Enforcement Authorities- Whether the recent amendments in the Juvenile Justice Act have sufficiently provided for the welfare and reformation of juveniles
R.O.3 To assess the impact of vocational training programs as a reformative mechanism amongst Juveniles	• Reformation & Social Integration. • Participation of Child in conflict with Law • Accessibility & Quality of Programs • Recidivism	• Quantitative and Qualitative • Primary Data Collection	Questions asked from Juveniles, NGO's and Juvenile Care Staff – • "Do you participate in recreation programs?", • "Do you participate in education programs?" • "Would you commit any

			offence after leaving Juvenile homes"? • "Whether Juvenile care staff conduct any activities for juveniles, if yes than how many activities are conducted by them"? • "Have social organisations, including NGOs, brought positive changes in juveniles?"
R.O.4 To find out the frequency of recidivism among released delinquents.	• Recidivism Rate • Preparedness for Life • Counselling from Juvenile Care Staff & NGO's • Outcome Correlation between preparation and reduced Recidivism	• Qualitative • Literature Review & Primary Data Collection	Questions from Juvenile- • "Do you refrain from committing any offence after you leave the juvenile home?" • "Do you think you are being equipped for life outside?".

- **Universe** – Universe is an area upon which the survey relating to the empirical problem taken up for the study is to be conducted. It would have been ideal to study the operation of law about child in conflict with law in the entire State of Rajasthan. Still, due to the paucity of time and resources, the study would be confined to the city of Jaipur, Bikaner, Kota and Udaipur City are selected in the state of Rajasthan as the state is divided in to these Divisional Head Quarters and all of them covers the maximum part of the state, these divisions are covering the most populated cities and maximum offences by Juveniles are committed in these divisions of Rajasthan. Here, various child care institutions' officials and other government officials dealing with juvenile matters will be examined. Each divisional headquarters encompasses of multiple districts, tehsils, and villages; therefore, the data has been presented at the divisional level, collecting data from the stakeholders accordingly. This approach ensures a comprehensive representation of regional demographics, infrastructure, and governance frameworks.

- **Selected research approach**- This study employs a qualitative and quantitative research approach to unveil and dissect the legal principles and social norms concerning juvenile justice in Rajasthan. Such an approach is very practical for revealing stakeholders' subjective perceptions of the system, including juveniles, legal personnel, and social workers, and assessing the efficacy of legislative interventions. It is used because it is explanatory and allows sufficient depth and scope to consider how the Juvenile Justice Act and its amendments are currently being interpreted in the context of Rajasthan. It permits the application of interviews and observation, both of which are crucial for the extraction of the subtleties of the juvenile justice system. Moreover, it helps understand the meaning of basic and subordinate legislation, the judgments of courts, and the legislature's changes and evaluate the effect they create (Tyagi, 2016).

  Taking into consideration the experience of stakeholders, the research provides not only a theoretical analysis of the problem but also an understanding of the functioning of the juvenile justice system in Rajasthan, India.

Moreover, the quantitative research approach helped to analyse the pattern of delinquency among children in Rajasthan, taking age, nature of offence and demographic correlation as a factor. Through qualitative research approach structured surveys has been conducted and descriptive statistics has been used in analysing recidivism rates, distribution and type of offence and such could not be captured independently by the qualitative approach.

- **Sample selection** – For the present study, the researcher will opt for the **'Stratified Random Sampling Technique'** for choosing the sample because in this sampling, the universe is known, and it is possible to select a sample by taking sub-samples usually proportional to the size of the significant elements of subdivisions in the universe. Stratified random sampling divides the target population into distinct subgroups, each representing a different stakeholder within the juvenile justice system (Miller, 1958). Within each subgroup, respondents are then selected randomly to ensure adequate representation across all categories. This study used the Stratified Random Sampling technique to capture the diversity of stakeholders involved in juvenile justice in Rajasthan, including police officers, juvenile detainees, childcare staff, magistrates, advocates, and NGO's. This approach allows for a dimensional structure that includes various subgroups, ensuring comprehensive coverage to obtain a wide range of perspectives.
- Rajasthan was selected as the focus of this research due to notable trends in juvenile crime within the state. From 2015 to 2022, data from the NCRB reveals a 39.01% increase in juvenile crime expenditure in Rajasthan, signaling a concerning rise in Child in Conflict with Law. The state consistently ranks among the top three in India for juvenile offences, with 3,063 cases reported in 2022 alone. This troubling trend underscores an increasing involvement of youth in high-risk criminal activities, including theft, burglary, and assault. Studying Rajasthan thus offers essential insights into the juvenile justice landscape and highlights the urgent need for effective interventions in a region where challenges are both significant and complex.

  From the universe so chosen, the city of Jaipur, Bikaner**,** Udaipur, Jodhpur and Kota, the sample of **2100** respondents consist of-

⇒ **Police Officers dealing with Juveniles-100 (20 from all Districts)**

⇒ **Juveniles- 1250(Observation homes from all Districts)**

⇒ **The staff of Child Care Institutions-250**

⇒ **Principal Magistrate of JJB & Advocates-450**

⇒ **Staff of NGO's-50 (from all Districts)**

1.11.1 Tools of Primary Data collection**:** For this study, the requisite information is to be obtained from the respondents with the help of various methods like Interview Schedules and Observation techniques.

- *Interview Schedule*: The interview schedules used for the present study will be structured and closed-ended. It includes at least 10-15 open ended questions. Interview was conducted of people who deals with juveniles in the juvenile justice system: policemen, staff of the child care institutions, Magistrates of the Juvenile Justice Boards, Juveniles and NGO's. The interview provided a general overview of the respondents over the implementation of Juvenile Justice Act,2015 provisions and whether the juveniles are adequately reformed in the juvenile care homes.
- *Questionnaire Method*: The Questionnaire method has been used with a set of 10-15 close ended question asked from the respondents from the selected universe. The questionnaire was in consonance with the research objectives as to questions dealing with the implementation of juvenile justice act provisions, conduction of vocational activities, counselling sessions conducted by the authorities, whether child in conflict with law are adequately reformed to reintegrate them to society and factors that motivate juvenile towards criminality, and the results of the inquiry in these interview schedules had to be framed with great care and caution.
- A purposive sampling method was used to select the study areas, which included five divisions across Rajasthan: Jaipur, Bikaner, Udaipur, Jodhpur and Kota. Random sampling has been used in these places, to get to the specified respondents

- *Observation Method*: Observational research is qualitative, where the target respondent/subject is observed and analysed in their natural/real-world setting. Observational research is used when researcher wants to directly observe the situation with their own eyes to reduce bias. When the goal is to evaluate an ongoing behaviour process, event, or situation; or when physical outcomes can be readily seen. Observational research typically provides qualitative data as the researcher observes in their natural setting.

  Observational research output is sometimes followed by a quantitative survey to support specific behaviours/ observations, correlate, and derive meaningful insights. This Research Observational method is chosen to closely observe various child care institutions and see Juvenile Delinquents, interview them, and understand the Situations from their end and observe the surroundings from where they are coming.
- *Case Studies*: Several case studies of juvenile delinquents were examined to witness how multiple socio-economic factors, family relations, and institutional approaches interact and influence youth offenders (Prasad, 2022). The use of case studies when carrying out this research made the study more real and highly educational since it gives a detailed analysis of each case. This approach helped in identifying behaviour trends and also about the applicability of laws as well as institutions.
- **Secondary Data Collection**: The secondary data will be collected from statistics of pendency of cases in various Juvenile Courts that are pending from the National Judicial Data Grid (NJDG), Research Articles, Books, National Crime Records Bureau, and reports from various government offices of the Rajasthan government and NGO's.
- *Official Reports and Statistics:* Essential conclusions about the current state of juvenile crime in Rajasthan were drawn from statistical data provided by the National Crime Records Bureau (NCRB). Analysis of NCRB reports from 2018, 2019, and 2020 revealed that Rajasthan consistently reported some of the highest figures in juvenile crime, accounting for 8.5% of all juvenile offences in India in 2020, with 2,386 cases recorded.

Table:3 Statistical Data obtained from NCRB Reports (2018-2020)

	Name of State	**2018**	**2019**	**2020**	**Rate of Total Crime by Juveniles (2020)**
1.	Maharashtra	5880	5189	4079	11.3%
2.	Madhya Pradesh	5232	5522	4819	16.8%
3.	Tamil Nadu	2304	2686	3394	16.4%
4.	Rajasthan	2068	2397	2386	8.5%

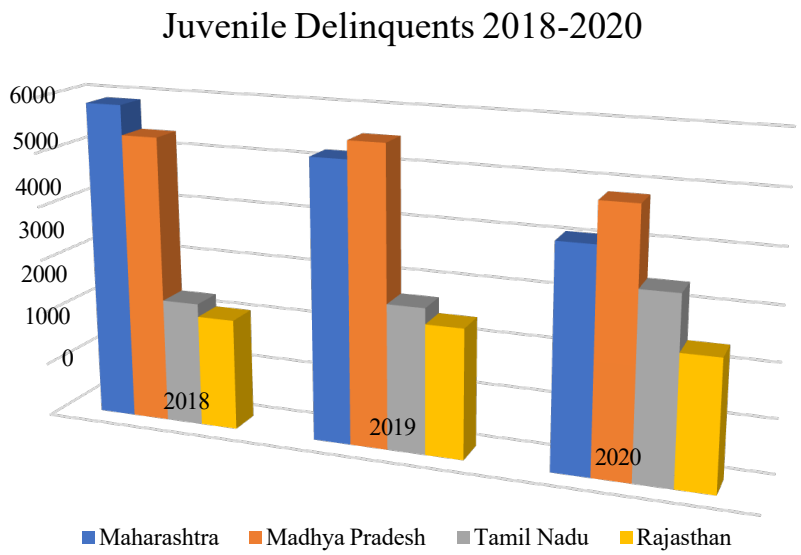


Figure: 1.1 Rates of Crime in Large States (2020)

Table: 4 Major offences committed by juveniles in Rajasthan

Offences	*No. of cases*
Murder	50 cases
Rape	164 cases
Assault on women	156 cases
Kidnapping	102 cases

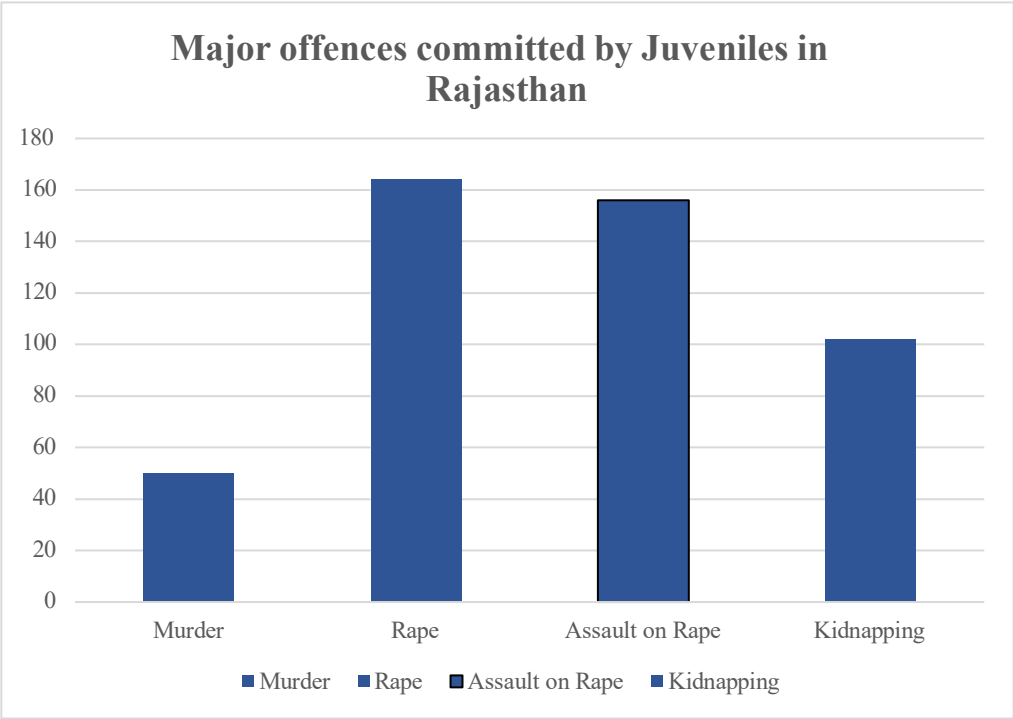


Figure 1.2 Major offences committed by juveniles in Rajasthan below- 2020

According to the NCRB reports for 2020 and 2022:

⇒ In 2020, there were 29,768 cases of Child in Conflict with Law reported across India. Rajasthan accounted for 9.8% of the national total in 2021, with 2,757 cases.

⇒ In 2022, juvenile crime rates rose to 30,555 cases nationwide, with Rajasthan contributing 3,063 cases, securing its position among the top three states for juvenile offences (*Fig.7.16*).

⇒ Common offences included hurt, theft, and rape, with Rajasthan ranking second in the country for sexual offences.

- *Legislative Documents and Judicial Precedents:* The Indian juvenile justice system is governed by the Juvenile Justice (Care and Protection of Children) Act of 2015, with amendments added in 2021. These laws focus on child reform and protection, incorporating provisions to distinguish juvenile offenders from adult offenders. The 2021 amendments permit more stringent measures for serious offences.

  However, achieving a balance between justice and protection-rehabilitation remains challenging due to implementation issues, such as insufficient

vocational training and psychological support in Rajasthan's High Court and Juvenile Justice Boards.

- *Reports from Non-Governmental Organisations (NGO's):* The examination of the reports of non-governmental organisations was useful in the discussion of the rehabilitation and reintegration of juveniles (Luthra, 2023). Various Non-Governmental Organisations (NGO's) have engaged the youth in conflict with the law and their input has described the shortcomings to this study in offering adequate care and protection.
- *Scholarly Literature:* Existing academic research and books on Child in Conflict with Law, such as "The Juvenile Justice System in India. Another work that formed the basis of the theoretical framework of this study was "From Welfare to Rights", published in the social sciences (Agew, 2005). This work also offers historical and cross-national insights into the developmental pattern of the juvenile justice system in India over time.
- **Data Analysis Methods:** After the collection of the data, it was subjected to various forms of analysis:
- *Descriptive Statistics:* Quantitative data arising from the interviews were summed up using descriptive statistics. It included frequency distributions and percentage calculations, which assisted in presenting the magnitude of different types of offences, the socio-economic status of the juvenile offenders and the institutional intervention measures in regard to these offences.
- *Content Analysis:* Qualitative data included interviews with the children, judges, police, NGO, juveniles and case studies, and content analysis of interviews was done to analyse for themes (W., 2020). This technique was useful in sorting the responses regarding causes of delinquency, institutional issues and rehabilitation programs' effectiveness.

1.12 LIMITATION OF STUDY

- One significant limitation was the restricted geographical reach of the study. Due to administrative non-cooperation, notably from juvenile authorities and judicial officers in Udaipur, data collection in this region was not permitted, resulting in an uneven representation of stakeholder experiences. Consequently,

the findings may not fully capture the nuanced differences across all regions of Rajasthan.

- Furthermore, the sampling design was confined to five divisions—Jaipur, Jodhpur, Udaipur, Kota, and Bikaner. Out of these divisions, no data has been received from Udaipur divisions from the respondents citing various reasons. Although these places were selected based on high juvenile crime rates and availability of juvenile justice institutions, this focus introduces an inherent urban bias into the study. The research was conducted in rural areas also but still due to socio-legal dynamics and institutional challenges may vary considerably, limits the generalizability of findings related to recidivism, rehabilitation, and systemic efficacy across the entire universe.
- The sample size fell considerably short of the projected 2,100 participants, with only 533 respondents ultimately contributing. This shortfall was primarily due to practical challenges such as the statutory release of juveniles on bail within 24 hours, the transitory nature of juveniles in care homes, and institutional delays in obtaining permissions. Additionally, a considerable number of potential respondents, particularly juveniles, were either illiterate or reluctant to participate due to fear of exposure, affecting the reliability and comprehensiveness of the data.
- Compounding by the subject's sensitive nature, institutional hesitance created further roadblocks. Judges, police officers, and lawyers—especially in cities like Jaipur, Kota, and Jodhpur—were reluctant to engage in the survey, often citing concerns over professional repercussions. As a result, the study may underrepresent the perspectives of key stakeholders directly involved in the adjudication and rehabilitation of juveniles.
- Time constraints also posed challenges. The six-month window allocated for data collection proved insufficient, particularly considering the bureaucratic procedures and ethical clearances required for interacting with minors and accessing institutional spaces. These procedural bottlenecks limited the researcher’s ability to conduct repeated visits or follow-up interviews, thereby restricting the depth of empirical engagement.
- Despite these challenges, the study endeavoured to maintain ethical rigour and methodological integrity, and it offers a grounded perspective on the structural

and social complexities inherent in addressing delinquency among minors in Rajasthan. Future research that expands the duration of fieldwork, builds stronger institutional partnerships, and includes a geographically diverse sample covering rural and tribal districts could help overcome these limitations and deepen our understanding of this crucial domain.

CHAPTER 2: HISTORY AND DEVELOPMENT OF JUVENILE JUSTICE

2.1 INTRODUCTION

The foundation upon which the future of every nation is built is comprised of its children. They become the country's leaders, the builders of national riches, and the people who look out for and protect the human community of the land during their time in power.

These children develop at different rates and have different perspectives on the world. Despite this, children improve their capacity for abstract thought and the ability to establish their viewpoints on social and political issues. In addition, children gain the ability to plan for the long term and formulate goals. More than that, there is a propensity to evaluate oneself in comparison to others. The desire to have a separate identity and independence from their parents is strong. At this point in life, peer approval and influence cannot be overstated. In addition, they have strong beliefs around romantic and sexual relationships, as well as a desire for love and long-term partnerships (Joshi, 2020). In India, the fact of crimes committed by juveniles is a harsh reality. To define a juvenile as a young individual who has not yet reached the age at which he can be held accountable for his criminal conduct in the same manner as an adult if he is found guilty of such activities.

The terms "juvenile" and "minor" are not interchangeable; there is a distinction. However, in everyday English, we use both phrases interchangeably; however, in legal terminology, the terms "juvenile" and "minor" are used in separate contexts with different requirements. The phrase "juvenile" refers to a young individual alleged to have committed a criminal offence. In contrast, the term "minor" refers to a person who is either "legally competent" or "a majority of a person" (McCauley, 2022).

Therefore, a juvenile is a child accused of doing specific acts or omissions that are considered a criminal offence and are determined to be an offence. Over the course of the past several years, juveniles have been implicated in a number of the most heinous crimes, including gang rape and murder for example. It is not true that all criminals come forth at a young age.

Delinquency is reasonably foreseeable in the early years of some children's lives, even though the factors that lead to criminal behaviours in youngsters are complex and challenging to pinpoint. In a similar vein, antisocial behaviour that manifests itself as delinquency in adolescents is likely to anticipate criminal behaviour in adults. However, it is self-evident that early issue conduct should not be ignored for two reasons: it is predictive of later, more major difficulties, and if it is addressed, even modest interventions may help minimise future delinquency.

2.2 IMPORTANCE OF HISTORICAL CONCEPT OF CHILD IN CONFLICT WITH LAW

Delinquency among young people is not a recent problem; in fact, there is evidence that young people have participated in illegal acts throughout the course of history. Nevertheless, the idea that Child in Conflict with Law is a unique social problem is a comparatively new development in the field of social science. During the 19th century, there was a growing worry regarding the growing number of children and young people who were being arrested and transported to adult jails. This was a trend that was observed throughout time. (May)

As a consequence of this, the United States of America established its first juvenile reformatory in the year 1825. This was followed by the establishment of other countries that had institutions that were comparable to those of the United States. Researchers began their quest to understand the factors that lead to delinquent behaviour in young people around the beginning of the 20th century, which marked the start of the scientific study of Child in Conflict with Law (McCord, Wisdom, & Crowe, 2001).

During this period, various theories of delinquency were developed. One of these theories was the social disorganisation hypothesis, which centred on the role of social and environmental circumstances in determining delinquents' behaviour (Kumar, 2024). In the middle of the twenty-first century, there is a trend toward a further rehabilitative method to juvenile justice. This approach emphasised resolving the underlying reasons of delinquent behaviour and reintegrating young offenders into society. This resulted in the establishment of

juvenile justice systems that were distinct from adult judicial systems and placed more emphasis on rehabilitation than punishment (Mallick S.).

In recent years, there has been a growing recognition of the significance of tackling the fundamental factors contributing to Child in Conflict with Law. These factors include inequality, poverty, and social exclusion. The result of this is a greater emphasis placed on prevention and early intervention, as well as community-based initiatives involving young people and their families in addressing the underlying causes that contribute to delinquent behaviour.

It is significant to see that the historical background of Child in Conflict with Law reflects shifting perspectives on young people and the role they play in society, as well as evolving techniques to dealing with delinquent behaviour and supporting the well-being of young people. The belief that imprisoning a criminal would invariably result in an improved world is not always accurate. Society will be placed at an even greater risk by keeping a 16-year-old in detention, since a juvenile who is imprisoned from that age until they are 26 or 30 will not have undergone rehabilitation (Handbook of basic principles and promising practices on Alternatives to Imprisonment, 2007).

In the criminal justice system, the mental development of children to become competent to commit an offence is a crucial determinant of their guilt or innocence. Doli incapax (lack of cognitive maturity) is the term used to refer to children under the age of seven in most nations worldwide. India's performance in accurately determining the age of juvenile offenders has been awful.

The Children Act of 1960 was the initial piece of significant legislation enacted following independence that sought to establish a system for treating juvenile delinquents that was different from the criminal justice systems established by the Cr. P.C. in 1973.

The definition clause of Sec. 2(12) of the JJ Act, 2015 defines a juvenile as an individual who has not yet attained the age of eighteen. "Juvenile in conflict with the law" and "juvenile in need of care and protection" are two of the most essential terms introduced.

A child in conflict with the law is an individual who has been alleged to have committed a criminal offence. A juvenile in need of care & protection comprises an individual who is homeless, without a guardian, neglected, at risk of being

exploited by a guardian, terminally ill, or abandoned, among other circumstances (Mallick S.).

2.3 EVOLUTION OF JUVENILE JUSTICE IN INDIA

The expansion of juvenile law, Pope Clement XI instituted an institutional treatment program for juvenile offenders in 1704 out of concern for the lack of specialised institutional care for them. Elizabeth Fry and her associates constructed a separate facility for such inmates in his honour. The passage of the British Reformatory School Act and the Industrial School Act can be attributed to these early initiatives (Barnes, 1922). In 1847, the United States initiated the process of establishing juvenile special tribunals. Due to their efforts, the Juvenile Court was instituted in Chicago for the first time in 1899 (O'Neil, 2005).

In 1905, England instituted the Juvenile Court. In England and the United States, probation statutes were enacted in 1887 and 1878, respectively. The term "juvenile justice" was initially introduced to the United States by the state of Illinois in 1899 (Barnes, 1922). For this purpose, the Juvenile Court Act was passed. The enactment of such legislation was intended to protect juvenile offenders from encountering equivalent penalties as adults. The origin of the term "juvenile" is the Latin term "juvenis," which translates to "young." The terms "against" and "liquor" are used to characterise delinquency. The concept of "Child in Conflict with Law," as defined by Reckless (1956), pertains to a violation of social conventions caused by a change in a pattern of conduct that society considers unacceptable. When applied technically rather than descriptively, "Child in Conflict with Law" provides an insight into the legal implications of interacting with adolescents.

Nevertheless, there is a prevailing belief that society disapproves of antisocial behaviour exhibited by children and that punishments ought to take the form of corrective actions. The British standards inspired the JJS in India. Through the use of references to the handling of children, legislation advancements, judicial involvement, and different government strategies, the historical evolution of juvenile justice in India may be broken down into distinct stages.

2.3.1 Pre-Constitutional Era

- *The Condition of Juvenile Justice before 1773*

  Both Islamic law (Sharia) and Hindu law (Manusmriti) mandate the care and appropriate nurture of a child. Historically, the onus was exclusively on parents to ensure the children's care and protection; in cases where families were incapable or unable to do so, community members assumed the responsibility for child-rearing. As per Islamic law, if an individual discovered an abandoned child and had reason to fear for the child's safety, that person was obligated to provide care for the child.

  An in-depth analysis of Manusmriti and Sharia reveals that distinct penalties were imposed on children for committing particular transgressions. Under Hindu law, for instance, a juvenile was obligated to clean up after himself if he was caught throwing filth in public, while an adult was required to pay the fine (Bharadwaj).

  A specific injunction within Muslim law prohibited the execution of minors. Precautions outlined in traditional texts indicate that children were regarded differently and, in a manner, distinct from adults, with particular attention given to ensuring their survival. Unlike adults, children were not held entirely accountable for their actions.

- *Condition of Juvenile Justice from 1773 to 1849*

  Throughout this era, India was primarily controlled by the East India Company, an enterprise that originated as a merchant enterprise in 1608. After the company's failure, the Governor General assumed control on behalf of the Crown (Makepeace, 2014). During this time, reform momentum began to increase, and its effects became readily apparent. Destruction of the agrarian economy by colonial exploitation compelled the impoverished to reside in slums or on the fringes of the city. This resulted in an increase in Child in Conflict with the Law and poverty.

  The year 1773 noted a turning point in the Indian legislation system, as the East India Company was endowed with legislative and enforcement authority through the Regulating Act of 1773. Additionally, the company's commercial status was transformed into that of a governing body through the Charter Act of

1833. From 1773 to 1850, a considerable number of committees were formed to address the plight of minors incarcerated (India).

Various types of child welfare mechanisms emerged during this period. In the bustling commercial metropolis of Calcutta, Jai Narayan Ghoshal and Krishna Chandra Ghoshal petitioned the then-Governor General regarding the creation of shelters for destitute youths. Similarly, the first Ragged School, which opened in 1843 in Bombay and is now known as David Sasson Industrial School, was established with the purpose of providing education to homeless and underprivileged children (An Overview of the Indian Juvenile Justice System, 2021). The aim was to reform apprehended juvenile delinquents by promoting their engagement in labour through apprenticeships and business training. This initiative framed the basis for enacting the Apprentices Act of 1850. The approved strategy was predominantly benefit-focused and desire- oriented.

- *Condition of Juvenile's Justice from 1850 to 1919*

  The Apprentice's Act was enacted in 1850 with the intention of preventing juveniles from being incarcerated. It was the Reports of the All-India Jail Committees from 1919 to 1920 that led to the segregation of children from the prevailing criminal justice systems.

  During this era, specific legislation about children was enacted, with the Apprentices Act 1850 was the initial legislation to grant juveniles a special status. Youths between the ages of 10 and 18 who engaged in trivial delinquency and were considered vagrants were sentenced to serve their sentences as apprentices (O'Neil, 2005). The purpose of the legislation was to direct children's vigour and mental faculties away from illicit influence and toward labour, so that they might be able to support themselves upon reaching the age of majority. Age restrictions for juveniles' criminal liability were subsequently established in Sec. 82 (now Sec:20 of BNS) and Sec. 83 (now Sec:21 of BNS) of the IPC, 1860. (Singh V., 2022)

  Children were shielded from criminal prosecution under the aforementioned sections until they attained the cognitive capacity to understand the consequences of their activities. In three provisions of the Cr.P.C (1861 and 1898)—Sec. 298-362, individuals under the age of 16 were subject to distinct

trials and were mandated to be confined in reformatories as opposed to adult prisons. As a result, the treatment and approach towards juveniles shifted from punishment to reformation.

Constant prison reports indicated a shift in administration and policy, as well as a surge in the no. of juvenile wrongdoers and a high rate of perpetrators, particularly in Pune between 1860 and 1861, where the number alarmingly rose from one to sixty-five. In response, the government enacted the Whipping Act of 1864 to deter children from committing criminalities in the future by punishing them with whipping for specific offences. This would ultimately save the government money (Dasgupta, 1990).

During the time span from 1872 to 1875, juvenile prisons operated efficiently and effectively concerning the well-being and behaviour of juvenile offenders. These facilities offered aftercare services such as academic and mechanical instruction. However, in some regions, the share of juveniles to the full number of inmates was rising, which necessitated their segregation.

The Reformatory School Acts of 1876, which mandated that males below the age of 16 years who were incarcerated or transported be housed in a reformatory, reinforced this disparity in treatment towards juveniles (Lawyers Law, 2009). The minimum term of incarceration was mandated to be 2 years, and the maximum term could not exceed 7 years.

The second Reformatory School Act, 1897 aimed to rehabilitate and treat juvenile delinquents between the ages of 7-15 years. In this age, youthful offenders were made 15 years. However, it did not include provisions for establishing similar institutions catering to females.

Following the passage of the Criminal Tribes (Amendment) Act of 1897, special attention was given to the children of the criminal tribes. It stipulated the creation of reformatories and agricultural institutes for children between the ages of 6 and 18 who belonged to criminal tribes. The minors' incarceration at reformatory schools was prolonged until they attained the age of eighteen, as mandated by the Code of Criminal Procedure of 1898. Subsequently, they were to be placed on probation until they reached the age of 21 years.

- *Context of Juvenile Justice from 1919 to 1950*

  In 1919-1920, the Indian Jail Committee was formed to advocate to the British government for establishing distinct correctional facilities and implementing separate legal proceedings for adolescents.

  Additionally, it emphasised the importance of granting parole to juveniles in most situations, intending to reform and rehabilitate them as the driving force behind the law. Moreover, the League of Nations Declaration served as the impetus for the acting of the Children's Act in Madras (1920), Bombay (1924) and Bengal (1922) followed by the Delhi Children Act of 1941, the Mysore Children's Act of 1943, the Travancore Children's Act of 1945, the Cochin Children Act of 1946, and the East Punjab Children's Acts of 1946.

  While the Bengal Children Act was later enacted, juvenile court proceedings commenced in the 1914s. The Madras Children Act was India's initial legislation addressing delinquency. Nevertheless, the term "delinquent" was omitted in favour of the following definitions: "child" denotes an individual below the age of fourteen; "young" refers to a person between the ages of fourteen and sixteen; and "youthful offender" pertains to an individual below the age of 16 who has been condemned of a crime punishable by imprisonment under the IPC or any further applicable local or special legislation.

  The Vagrancy Act of 1943, which was enacted, was a highly consequential piece of legislation concerning street or vagabond children (Scroll, n.d.). Its provisions encompassed maintenance and tutoring for children under the age of fourteen who were forced to beg, lacked adequate guardianship, had parents engaged in criminal activities and excessive consumption, frequented prostitutes, or were needy.

2.3.2 Post-constitutional Development

- *State of Juvenile Justice from 1950 to 2000*

  By the year 1960, numerous states had implemented distinct schemes and legislation concerning juveniles, which varied considerably in terms of their procedural requirements, definitions, and consequently, their execution.

⇒ The Children Act, 1960

The Act 1960, implemented by the Union Govt. Its scope is limited to the Union Territories. It was passed into law in 1960. As per the 1960 Act, a delinquent child means any boy below the age of 16 years and a girl below 18 years found to have committed an offence. The purpose of the Act was to establish a precedent for successive state legislations and to serve as the foundation for the JJ Act 1986, which was enacted at the central level. The SC's ruling in the Sheela Barse case (Sheela Barse v. Union of India, 1986) was instrumental in influencing the enactment of a nationwide uniform law on juvenile justice. In its opinion, the court ruled that incarcerated children merit special treatment and advised Parliament to pass a uniform law applicable throughout the nation. The parliament passed the "Children Act, 1960" to apply to Union Territories. Two methods were included in the legislation: having the juvenile court deal with the delinquent child's institutionalisation.

Allowing the child welfare board to care for neglected youngsters in a child-friendly environment where they can get proper rehabilitation. Also, the Act of 1960 provided a provision for determining the child's age if the competent authority is satisfied that the person brought before them is a child and for that inquiry shall be conducted by such Authority. Moreover, any of the authorities passed any order shall be appealable to the court in sessions within 30 days of passing of the order. The Children Welfare Board shall be made to discharge its function as given in the 1960 Act for neglected children; it shall consist of the members and the chairman at the discretion of the Administrator, out of which one shall be a woman. Moreover, such board members shall have the power of a Judicial Magistrate First Class as per the Code of Criminal Procedure,1973.

To provide a child-friendly atmosphere for children, the children's court was to be presided over either by a Judicial Magistrate First Class /Metropolitan Magistrate and two social workers, out of which one shall be a female social worker, and such social worker appointed by the Administrator. The Objective of the board for the neglected children was to return them to their parents, who had been ignored. Education and institutional treatment were bundled together under this measure.

"To provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union territories," the name of the law says. For the temporary reception of Delinquent Children till the pendency of the inquiry, the Administrator shall establish Observation homes, and if they are found guilty, they shall be shifted to the Special School and for the Neglected children, the Administrator shall establish Children Homes.

Juvenile legislation is crucial for carrying out the provisions mentioned in Art.15(3) of the Constitution of India. The Juvenile Justice Act contains all the necessary provisions to safeguard children from abuse and exploitation and to ensure that they have the childhood that the Indian Constitution envisions (M.Priyamvada, 2003). To provide "Succour to the children who were being incarcerated along with adults and were subjected to various abuses" is the stated goal of the juvenile justice acts.

In 1986, Congress led the government to pass the JJ Act to bring the country's juvenile justice system in line with the UN Minimum Rule for its Administration. Similar to the Children's Act of 1960, which established separate facilities for abused and neglected children, this law mostly followed the same pattern (Joshi, 2020). Welfare boards, juvenile courts, aftercare facilities, etc. were also planned for. Enacting a standard legal framework for juvenile justice across the nation was the primary goal of this law. Other objectives were the inhibition and handling of Child in Conflict with Law, the provision of care & protection, and the elimination of the need to house children in prisons or police lockups (Kashmir Reader, 2023).

The UN Convention on the Rights of the Child was enforced in 1989 by the UN's General Assembly. India ratified the UNCRC in 1992. The treaty states that children should be permitted to reintegrate into society without the court's interference. Therefore, the government considered rewriting the legislation to see the terms of the agreement. Consequently, the JJ (Care & Protection of Children) Act, 2000 superseded the previous statute in 2000.

Juvenile Justice (Care & Protection) Act, 2000, supersedes the JJ Act, 1986. Legislation on care & protection for and of youths in conflict with the laws was consolidated and amended by its enactment. In contrast to the Juvenile Justice

legislation of 1986, where 16 years of age for boys and 18 years of age for girls, the JJ Act established a uniform neutral age of less than 18 as the threshold for being considered a juvenile. The Juvenile Justice Board would handle matters about juveniles involved in conflict with law (formerly known as delinquent juveniles under the JJ Act, 1986), while the Child Welfare Committee would handle matters about children in need of care & protection (formerly known as neglected children under the Juvenile Justice Act of 1986). The JJ Act,2000 also provided various provisions for the Children in need of care and protection to social integrate them with society and for that child would be provided with foster care, Adoption, sponsorship and sending the child for aftercare.

It is illegal to hold any minor in a police custody facility under the Juvenile Justice Act. While the Board considers their case, observation homes are required to care for youngsters who are in conflict with the law. Institutional treatment at facilities established under this act cannot be ordered until the committee completes the inquiry. After that, children are sent to children's care Homes where they are found to be abused and neglected children and are in desperate need of safe custody. For the Child in Conflict with the law, legislation also establishes a dedicated Special Juvenile Police Unit, the members of which must report to the board about the incident promptly. Juveniles have access to bail even if the offence alleged is non-bailable. Juvenile justice statutes in India have ensured that all children relish the freedom guaranteed by the Indian constitution, which includes several protections for children as mentioned above. To legislate on juvenile justice in India, Parliament exercised its authority under Art. 253 of the Indian Constitution. It did so per the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules 1985) (United Nations, 1985) and other ratified global responsibilities.

Protection, growth, care, treatment, rehabilitation of abandoned and delinquent juveniles, and disposition and adjudication of Child in Conflict with Law issues nationwide were all mandated for the first time by the JJ Act, 1986. The Act recognised distinct protocols for juvenile delinquents and neglected juveniles through the formation of individual juvenile courts and commissions dedicated to their welfare. For males accused of committing a crime, offences commit by

girls below the age of eighteen were heard in juvenile courts, while boys were tried in courts at sixteen years of age.

As stipulated by the legislation of 1986, juvenile delinquents are individuals who have committed specific offences that would be considered criminal offences if committed by adults. Special courts apply the same due process of law that is applied to adult offenders, with the exception that these proceedings shall be conducted in secrecy, maintained in confidence, and, to the greatest extent feasible, remain non-judicial in character. Strictly convicted delinquents may face penalties such as fines, probation for a maximum duration of three years, but not execution, incarceration, or imprisonment time (Ravee).

One of the primary objectives of the 1986 Act was to harmonise domestic legislation with the 1985 UN Standard. Nevertheless, this objective remained unfinished, thus compelling the development and enactment of a novel legislation in 2000.

- *2000-2015: The Status of Juvenile Justice*

  It was in December of 2000 that the JJ (Care and Protection of Children) Act 2000 was accepted, and it was on April 1, 2001, that it came into effect. During 2002 and 2006, this was revised to safeguard, care for, reorient, and educate juveniles, providing them with the opportunity to receive vocational training. It was in 2015 that a new law was passed.

⇒ The JJ Act, 2000

The JJ Act established a distinct judicial system for children involved in criminal activities, constituting a landmark legislation in India (Madhubani, n.d.). The primary aim of the Act's enactment was to guarantee that juveniles who encounter legal issues are not stigmatised as criminals, but rather furnished with the necessary protection and care to develop into conscientious and productive members of society. Among the most important provisions of the Act of 2000 were the following:

- The Age of Juvenile: It defines a juvenile as a person who is under 18 years of age, either male or female.
- JJB's were mandated by the Act to be established at the district, city, and state levels. Their primary function was to assess the gravity of a juvenile's

committed offence and recommend an appropriate course of action, including rehabilitation or release.

- The Act placed significant importance on the reintegration as well as rehabilitation of juvenile offenders, outlining a variety of measures that would be implemented to facilitate their reintegration into society. These measures included vocational training, counselling, and education.
- Juvenile Homes: To offer the care & protection of juvenile offenders, the Act authorised the construction of observation homes and special homes.
- The Act mandated the maintenance of confidentiality regarding the identities of juvenile offenders and the parting of their records from those of adult offenders (Ghosh).

  To offer a separate justice system for children in conflict with the laws, which considers their particular needs and circumstances and aims to rehabilitate and reintegrate them into society," was one of the many goals of the JJ Act of 2000.
- To foster the development of responsible and productive citizens, children who encounter legal issues mustn't be stigmatised as criminals, but instead receive the necessary care and protection to enable their progress.
- Additionally, the Act prioritises the child's welfare and best interests while ensuring their rights and requirements are duly considered in all proceedings conducted under its purview. To guarantee that vulnerable children, including those requiring care and protection, are addressed through a variety of measures, and that they receive the necessary support, security, and care.
- To institute an independent and specialised system of justice that prioritises rehabilitation and reintegration over punitive measures, with the ultimate goal of deterring recidivism.
- To ensure the confidentiality of juvenile offenders' identities and the separation of their records from those of adult offenders, with the dual purpose of safeguarding their privacy and averting stigmatisation.

⇒ The Juvenile Justice (Care and Protection of Children) Amendment Act of 2006

The primary objective of the JJ Amendment Act, 2006, was to enhance the JJ Act, 2000 guarantee superior safeguarding and attention for children who require care and protection, including those involved in criminal activities. (PRS

India) The JJ (Care and Protection of Children) Amendment Act, 2006 encompassed several pivotal provisions, which were as follows:

- Definition of a Child: It extended the explanation of a child to include those up to 18 years of age, in line with the UN Convention on the Rights of the Child.
- The Amendment Act mandated the formation of Child Welfare Committee at the district and city levels. These committees were tasked with ascertaining the optimal course of action for children requiring care and protection and providing recommendations for their upkeep and safeguarding.
- Intending to place children in secure and affectionate homes when their biological parents are unable to provide for them, the Amendment Act established a more efficient and child-centric adoption procedure.
- Safeguarding Child Victims and Witnesses: The Amendment Act established provisions to protect child victims and witnesses, and mandated the implementation of measures to prevent the legal process from re-traumatising them.
- The Amendment Act established provisions for enhancing Juvenile Justice Boards, encompassing the recruitment of supplementary members possessing specialised knowledge in child psychology, social work, and other pertinent disciplines.

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

The JJ Act, 2000, has been modified to become the JJ (Care and Protection of Children) Act, 2015. The legislation was implemented with the specific aim of fortifying the juvenile justice system in India and guaranteeing improved welfare, safeguarding, and reintegration for children who require care and protection, including those involved in criminal activities. A number of the Act, 2015's most important provisions are as follows:

- Definition of a Child: The Act retains the definition of a child as a person who has not finished the age of 18 years, in line with the UN Convention on the Rights of the Child (Samisti Legal, 2023).
- Child-friendly Procedures: To guarantee that the children's best interests are duly considered in all proceedings conducted under the Act, the legislation establishes child-friendly procedures.

- The legislation mandates the formation of Juvenile Justice Boards operating at the district level. These boards are responsible for resolving legal disputes involving minors who have entered into conflicts with the law.
- Child Welfare Committees: Child Welfare Committees are mandated to be established at the district and city levels following the Act. Their primary responsibility is to ensure the well-being, security, and rehabilitation of children who require care & protection.
- The Act encompasses various provisions that are designed to facilitate the rehabilitation as well as social reintegration of minors who are in conflict with the law. These measures consist of education, vocational training, and counselling (The Times of India, 2023).
- The Act establishes an adoption procedure that is both efficient and considerate towards children, intending to place children in secure and affectionate homes when their biological parents are unable to provide for them.

2.4 RECENT DEVELOPMENTS

The JJA 2015 represents a significant setback in the progressive and modern approach to juvenile justice that began with the Apprentices Act of 1850. By permitting the use of prisons under specific conditions, India has been reverting back to 1920, when the first Children Acts permitted the use of prisons to detain children only in exceptional circumstances.

Sending minors to high-quality correctional facilities in 1920 was a revolutionary act because it reversed the policy of excessive utilisation of reformatories and brothels in favour of excessive utilisation of prisons. The aforementioned statement does not apply to the JJA 2015, which has continued to employ the same strategy from a century ago despite disregarding advances in knowledge in fields such as criminology, victimology, psychology, psychiatry, neuroscience, rehabilitation, and restorative justice, which have better prepared us to deal with offenders and victims. While numerous countries have implemented restorative justice effectively, even for the most serious offences like adult homicide and rape, resulting in reduced recidivism rates, the Indian Parliament succumbed to the political and emotional pressure generated by a single abhorrent case of gang rape involving a soon to be adult minor on

the verge of reaching adulthood. It is an often-stated but true principle that a single negative instance does not necessarily translate into a fantastic regulation. In a hasty and irrational reaction, India implemented retributive measures against young children, disregarding the advisability of such a methodical exercise.

2.4.1 Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021

An amendment to the JJ (Care and Protection of Children) Act, 2015, is proposed in the JJ (Care and Protection of Children) Amendment Bill, 2021. The Bill, which was presented in March 2021 in the Indian Parliament, aims to enhance the nation's juvenile justice system. The Amendment Bill, 2021, comprises several pivotal provisions, which are as follows:

- The proposed legislation aims to broaden the definition of serious offences to include crimes that may lead to the prosecution of a minor as an adult. Violations against the state, human trafficking, and egregious bodily harm are now encompassed within the revised definition.
- The proposed legislation aims to enhance the efficiency and care of the adoption process, with a particular focus on adult children and children with disabilities, to encourage their adoption (iProbono, 2021).
- The proposed legislation aims to enhance the efficacy of rehabilitation and social reintegration initiatives for minors involved in criminal activities. These initiatives would comprise vocational training, counselling, and education.
- The proposed legislation aims to augment the membership of child welfare committees and mandate the inclusion of a minimum of one woman on each committee.
- The proposed legislation aims to create a nationwide database of children requiring care and protection. This database would facilitate the monitoring of their development and guarantee that they are provided with the essential support and care they require.

2.4.2 Preventive Programs

It is possible for prevention programs to reduce the probability of Child in Conflict with Law. The following are prevalent preventive initiatives targeting Child in Conflict with Law:

- *Early childhood intervention*: Plans that emphasise early childhood growth can help prevent delinquent behaviour before it starts by providing support to children and families in health, education, and social progress.
- *Parenting programs*: They can assist parents in developing effective parenting skills, thereby decreasing the likelihood that their children will be involved in delinquent behaviours (Rayavarapu, 2022).
- *School-based programs*: By providing academic support, counselling, and extracurricular activities that engage students and encourage positive behaviours, school-based programs can help prevent delinquent behaviours.
- *Mentoring programs:* Mentoring programs can reduce the likelihood of delinquent behaviours among at-risk adolescents by providing them with support and positive role models. By providing youth with after-school activities, sports programs, and other constructive diversions,
- *Community-based programs:* It decrease the likelihood that they will engage in delinquent behaviour. Promoting community engagement and awareness regarding illicit activity can assist in preventing delinquent behaviour through neighbourhood watch programs. (Dutta S., 2022)
- *Youth employment programs*: By providing at-risk youth with job training and employment chances, youth employment programs can decrease the possibility that they will engage in delinquent behaviour.
- *Substance abuse prevention programs:* By educating youth about the dangers of drug and alcohol use, substance abuse prevention plans can lessen the probability that they will engage in delinquent behaviours.
- *Restorative justice programs:* By emphasising the repair of the harm caused by delinquent behaviours, restorative justice programs can provide a positive alternative to traditional punishment.

- In order to prevent delinquent behaviours among juveniles, law enforcement programs can facilitate the development of positive relationships between community members and police officers.

2.5 VARIOUS POLICIES IN INDIA

2.5.1 National Policy for Children, 2013

This policy framework establishes guidelines for addressing issues, including Child in Conflict with the Law, child abuse, exploitation, and neglect, with an emphasis on the liberties and safety of children. The fundamental elements are promoting juveniles' rights and active involvement in decision-making processes that impact their lives. Education, health, nutrition, early childhood development and care, and the safety of children from abuse, violence, and exploitation should be emphasised. Priority should be given to establishing a secure environment for children, fortifying child protection systems, and guaranteeing juvenile offenders opportunities for justice and reintegration (Ministry of Women and Child Development, 2013).

It is an all-encompassing framework that the Government of India designed to ensure the overall development and well-being of children all over the country. Protection, survival, growth, and participation are the primary focuses of this document, which offers recommendations and solutions for meeting children's various needs and rights. Listed below are the specific aspects of the Policy 2013, which are as follows:

- *The rights-based approach:* A rights-based viewpoint serves as the foundation for the National Policy on Children (NPC) 2013, which emphasises the values and provisions of the Constitution of India and international treaties such as the UN Convention on the Rights of the Child. It acknowledges children as the owners of rights and demands that they be protected, respected, and allowed to meet their needs.
- *Survival and Health:* The policy prioritises children's survival and health by ensuring access to vital healthcare services, immunisation, nutrition, and safe drinking water. Implementing specific interventions and programs seeks to attain the goals of lowering the rates of new born and child mortality, enhancing maternal health, and combating malnutrition.

- *Education and Development:* The National Policy on Children 2013 emphasises the significance of education and development in fully realising children's potential. It advocates for universal access to quality education, encompassing early childhood care and education (ECCE), secondary and primary education, focusing on equity, inclusion, and gender equality. ECCE stands for early childhood care and education (The Law Blog, 2020).
- *Protection and Safety:* The policy places a strong emphasis on the security and safety of children from any methods of exploitation, mistreatment, violence, and prejudice. This document advocates for legislative measures, law enforcement, and support services to be implemented to prevent and respond to various cases of abuse of children's rights, including child trafficking, child labour, child marriage, child abuse, and neglect, as well as other violations of children's rights.
- *Engagement and Empowerment:* The Policy encourages the child's active engagement in decision-making processes that influence their lives. This ensures that their voices are heard and that their ideas are considered. It advocates activities that empower children, including fostering a culture of respect for their thoughts and opinions, promoting their self-confidence, leadership skills, and civic involvement, and promoting leadership training. (Chronicle India, 2023)
- *Child-Friendly Environment:* The policy encourages the establishment of child-friendly environments in families, schools, communities, and institutions. These environments prioritise the health and safety of children, as well as their dignity and respect for themselves. In addition, it requires the formulation and execution of policies, programs, and services that take into account the particular requirements and rights of children, including those who belong to marginalised and vulnerable groups.
- *Integrated Approach:* The National Policy on Child Welfare (NPC) 2013 takes an integrated approach to child welfare, which acknowledges the interconnectedness of several fields, including education, health, labour, social welfare, and justice, in advancing children's rights and well-being. To guarantee that answers to the requirements of children are comprehensive and coordinated,

government agencies, civil society groups, and other stakeholders must work together and collaborate.

- *Capacity Building and Awareness:* The policy emphasises the significance of initiatives that raise awareness and build capacity to improve the knowledge, skills, and capabilities of government officials, frontline workers, caregivers, and communities in supporting child development and protection. It urges the implementation of training programs, public campaigns, and advocacy efforts to promote children's freedom and to organise support for child welfare projects.
- *Monitoring and Evaluation:* The National Policy on Child Welfare (NPC) 2013 includes provisions for monitoring and evaluating the implementation of child welfare programs and services to evaluate the impact and efficacy of these programs and services (Econ, 2015). Data gathering, conducting research, and making decisions based on evidence are all required to monitor progress, locate areas of weakness, and provide direction for policy and programmatic interventions.
- *The allocation of resources and the creation of a budget:* To promote the execution of child welfare programs and services at the local, state and national levels, the policy emphasises the necessity of adequate financial resources, budgetary allocations, and strategies for resource mobilisation. To guarantee that children's rights and well-being are appropriately handled, the needs of children must be given due consideration in the process of financial planning and expenditure.

  Hence, the National Policy for Children 2013 demonstrates India's dedication to advancing the rights and well-being of children. It also offers a comprehensive framework for addressing the many requirements of children and guaranteeing that they can participate in society fully. Through implementing its provisions and principles, policymakers and stakeholders can establish an atmosphere that is loving and supportive, offering every child the chance to flourish and realise their complete potential.
- *Education policies:* The policies and programs are paramount in preventing Child in Conflict with Law, as they provide young individuals with invaluable prospects for personal and social growth. Relevant policies and programs in education include the following:

⇒ The Sarva Shiksha Abhiyan (SSA) is a flagship initiative that seeks to advance the quality and universalise elementary education.

⇒ Rashtriya Madhyamik Shiksha Abhiyan (RMSA): An initiative to enhance the quality and accessibility of secondary education.

⇒ Vocational Education and Skill Development Programs: Efforts directed at imparting life skills education and vocational training to youth to reduce their susceptibility to delinquent behaviour and furnish them with marketable abilities.

- *Community-based interventions:* It is paramount to confront the fundamental factors contributing to child in conflict with law and foster constructive development among young individuals. Examples of community-based initiatives include:

⇒ To educate communities about child rights, juvenile justice, and the critical nature of averting Child in Conflict with Law, awareness campaigns and sensitisation programs are implemented.

⇒ At-risk adolescents and their families receive guidance and counselling services to address problems including substance abuse, family strife, peer pressure, and academic failure.

⇒ Recreational activities and youth empowerment programs that involve youth in constructive endeavours and strengthen their resistance to delinquent behaviour.

- *Skill Development: Providing* skill development and gainful employment opportunities for young individuals is critical in mitigating the risk of Child in Conflict with Law and fostering their successful social integration. The following initiatives are pertinent:

⇒ The National Skill Development Mission (NSDM) is a prominent initiative that seeks to improve the employability of young people by providing them with certification and skill development training.

⇒ The Pradhan Krishna Kaushal Vikas Yojana (PMKVY) is an initiative that aims to equip young individuals with the career-readiness skills necessary to succeed in various sectors.

⇒ The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) is a social security program that ensures rural households have

access to a hundred days of wage employment annually, thus affording young people the means to support themselves.

- *Legislation:* The enforcement of legislation about child protection and juvenile justice is of the utmost importance to deter Child in Conflict with Law and establish responsibility for those responsible.

⇒ Amendments to pertinent legislation are among the measures taken to strengthen child protection mechanisms and address emergent threats.

⇒ Enhancing the capabilities and knowledge of law enforcement agencies, the judiciary, and other relevant parties to guarantee the accurate execution of regulations and protocols about juvenile justice.

⇒ Cooperation with international organisations and agencies to promote child rights and exchange best practices and expertise in preventing Child in Conflict with Law.

- *Research, Monitoring, and Evaluation:* For evidence-based policymaking and program development, it is vital to conduct research, monitoring, and evaluation studies to assess the prevalence, trends, and underlying causes of adolescent delinquency as well as the efficacy of interventions. Conducting surveys, studies, and evaluations to identify effective prevention strategies and gain an understanding of the risk factors associated with Child in Conflict with Law is an essential activity.

⇒ By monitoring and tracing the implementation of child protection and juvenile justice policies and programs, accountability can be ensured and improvement opportunities can be identified.

⇒ In order to facilitate evidence-based interventions and educate policymakers, practitioners, and the general public, it is crucial to disseminate research findings and best practices.

2.6 POLICIES IN RAJASTHAN

When it comes to addressing the issues of Child in Conflict with Law in the state of Rajasthan, it is essential to emphasise programs that are both preventative and interventional in nature. Mentoring, education, job training, and counselling services are some of the things that these organisations can provide for young people who are at risk. It may be feasible to lessen the

detrimental effects that children in Conflict with the Law have on society if we provide young people constructive alternatives to engaging in criminal behaviours.

The main purpose of these programs ought to be to provide child who come from disadvantaged households with educational and vocational training opportunities. Sessions of counselling and therapy can also be beneficial for youngsters who are struggling with mental health concerns. Counselling and assistance for families might be beneficial for children who come from families that have been broken up. (Mallick A.,2023)

To address the problem of Child in Conflict with the Law in Rajasthan, several preventive measures have been put into place. The provision of counselling services for children involved in unscrupulous activities, rehabilitation programs, and vocational training are all included in this definition. Provisions for the care, protection, and rehabilitation of juvenile offenders are included in the JJ, which was passed in 2015.

In addition, the government of Rajasthan has initiated several programs to address the fundamental aspects that contribute to young people's delinquency. For instance, the *Mukhyamantri Saksham Bal Yojana* offers financial help to children who have lost their parents, while the *Rajiv Gandhi Career Guidance Scheme* provides vocational training to poor children. Both of these programs are examples of government initiatives for children.

The state government has implemented many approaches to combat the Child in Conflict with Law. Establishing juvenile justice boards, observation houses, and special homes for children who have been in dis law is an example of these interventions. Educational opportunities, vocational training, and rehabilitation services for young offenders have also been made available by the state government through various programs and schemes (Gehlot, 2023).

Nevertheless, despite these efforts, the status of Child in Conflict with Law in Rajasthan continues to be a cause for concern, and there is a requirement for ongoing efforts to address this problem. The state of Rajasthan is experiencing several negative repercussions due to the presence of Child in Conflict with Law. There is a higher probability that children who participate in criminal activities at a young age will continue to engage in such activities into

adulthood. It is possible that this may result in a career of criminal behaviours, which will have a negative influence on their communities, families, and society as a whole.

In order to better address the problem of adolescent delinquency, the state of Rajasthan has put into effect several preventative measures. Care, protection, and rehabilitation of juvenile offenders are all provisions that are included in the JJ Act, which was passed in the year 2015. Juveniles who commit offences must be treated in a manner that is commensurate with their age and mental and physical capabilities, as stipulated by the statute.

In addition to this, the act includes provisions for providing young offenders with counselling, educational opportunities, and vocational training. Additionally, several organisations, notably non-governmental organisations (NGO), are at work toward the goal of avoiding Child in Conflict with Law in the state of Rajasthan.

They provide services in counselling, rehabilitation, and education with the goal of assisting children in overcoming their challenges and becoming contributing members of society. (THE TIMES OF INDIA, 2014)

The government of Rajasthan has taken several steps to guarantee compliance with these national and global responsibilities and to overcome the problems associated with their implementation. These steps were taken to recognise the government's responsibility as a custodian of child rights. There has been a significant amount of concern regarding the establishment of regulatory and supervisory systems, as well as the establishment of required links, to solve the gaps that exist between commitment and implementation. Therefore, over the course of many years, the state has made significant investments in the improvement of the institutional framework as well as legislative and programmatic interventions to ensure that its children can exercise their fundamental rights.

To ensure the full growth of children, the protection of their rights, and the mainstreaming of child rights into all growth agendas through meeting with different state agencies, a separate State Child Policy was formulated in the year 2008. A State Policy for the Girl Child was established in 2013 with the purpose of addressing the exploitation of the girl child. Additionally, a state-level Task

Force on Care & Protection of the Girl Child was established to supplement the actions taken by the state.

On the 23rd of February in 2010, the Rajasthan State Commission for the Protection of Children's Rights was recognised as an autonomous statutory institution to examine and monitor implementing laws and policies pertaining to children (Rajasthan State Commission for Protection of Child Rights, 2010). It shall consist of six members and one chairperson; of these six members, two shall be women. The commission provides explicitly education, child health and welfare, justice to neglected and marginalised children, initiatives to reduce child labour and work on child psychology and sociology.

An all-encompassing administrative unit that will reinforce and update the governance of children is required in order to see the requirements of the formation of its own policies, plans of action, guidelines, protocols, and institutions. As a result, the Department of Children's Rights was founded, and numerous Child Protection programs were implemented to guarantee the well-being of children (Business Standard, 2024).

Hence, a multisectoral method that addresses the basic economic, social, and cultural factors contributing to adolescent delinquency is necessary to prevent Child in Conflict with Law. India endeavours to foster a conducive atmosphere for the flourishing and constructive societal contribution of young individuals by implementing all-encompassing policies, laws, and programmes that prioritise prevention, rehabilitation, and restoration.

2.6.1 The National Policy for Children 1974

The very first policy document to address children's needs and rights was the 1974 National Policy for Children. It recognises children as the country's greatest resource. Implementing the UN Declaration of Rights and the constitutional protections for children the primary objectives of the strategy (Welfare, 2002). It specifies the state-mandated services that should be in place to support a child's holistic development from conception to the end of their formative years. Here are a few of the goals:

- Comprehensive health and nutrition programs should be implemented for the children.

- Education should be mandatory and provided at no cost to children up to fourteen.
- There has to be time for leisure and physical education in the school curriculum. Children who are socially handicapped or who come from disadvantaged households need extra support.
- Abuse, neglect, brutality, and exploitation of children must not be tolerated.
- Current legislation must be revised to ensure that children's best interests are consistently prioritised.

2.6.2 National Charter for Children, 2003

- *Strengthening family* (Article 17 of the National Charter for Children,2023)
  Every child deserves a loving family. The State should make it a top priority to reunite separated children with their parents whenever possible. Suppose the state determines that such a reunification would have a negative effect on the children. In that case, it must swiftly find a replacement plan that considers the child's best interests and opinions.
- *Ensuring Child-Friendly Procedure* (Article 22 of the National charter for Children, 2023)
  Any matter related to the Child by the Judiciary or Administrative Authority shall be dealt with through a child-friendly procedure, even for a child in conflict with the law or a child in need of care and Protection.
- *Freedom to seek and receive information* (Article 15 of National Charter for Children, 2003)
  The right to seek and receive knowledge and ideas should be guaranteed to every child. State Govt. should provide opportunities to provide information to the children necessary for their development.

2.6.3 National Plan for Children (NPC) 2016

The Indian Governments developed the National Plan for Children (NPC) 2016 as an all-encompassing framework to guarantee the comprehensive development and welfare of children throughout the nation. Its objectives encompass a wide range of concerns and obstacles children encounter, such as welfare, learning, safeguarding, and engagement. (Ministry of Women and

Child Development, 2016) Key elements of the 2016 National Plan for Children are as follows:

- *A Holistic Perspective:* The NPC embraces a comprehensive approach to the development of children, acknowledging that various elements contribute to their overall welfare. These elements comprise health, nutrition, education, protection, and involvement in decision-making procedures.
- *The objective of the plan:* It is to guarantee comprehensive coverage for all children, guaranteeing access to vital services and entitlements. Emphasis will be placed on children from disadvantaged socio-economic backgrounds, children with disabilities, and children facing adversity, as these groups are particularly vulnerable and require such coverage. (Bhakry, 2016)
- *Right-based perspective:* The NPC 2016 is founded upon the fundamental tenets of child rights codified in the Constitution of India and ratified in international treaties, including the UN Convention on the Rights of the Child. It highlights the protection, participation, survival, and development rights of children.
- *Collaboration:* The strategy encourages convergence and multisectoral cooperation among various government agencies, ministries, civil society organisations, and other relevant stakeholders engaged in children's welfare and progress. It acknowledges that addressing the multifaceted requirements of children necessitates interdisciplinary association among areas with justice, education, health and social welfare.
- *Priority Areas:* The 2016 NPC designates the following as action priorities:

⇒ Child health and nutrition encompass vital healthcare services, immunisation, adequate nutrition, and potable water to every child.

⇒ Education: Guaranteeing every individual the ability to obtain a high-quality education, encompassing early childhood care and education (ECCE), secondary and primary secondary education.

⇒ Protection measures encompass the management and prevention of child- related violence, abuses, exploitation, abandonment, trafficking, child labor, and child marriage.

⇒ Participation: Encouraging the proactive engagement of children in life-altering decision-making processes, safeguarding their rights and ensuring that their opinions are duly acknowledged.

- *Evaluation and Monitoring:* The NPC 2016 incorporates systems for monitoring and assessing advancements made concerning its intended goals and objectives. (Childline India, 2018) It underscores the significance of conducting research, gathering data, and making decisions based on evidence to monitor results and pinpoint opportunities for enhancement.
- *Financial Allocation:* The plan delineates strategies for resource mobilisation and financial allocations to bolster the execution of child welfare programs and services across the state, local, and national levels. It emphasises the importance of budgetary provisions and adequate funding to satisfy the child's desires effectively.
- *Awareness:* The NPC 2016 incorporates provisions for capacity building and awareness initiatives aimed at augmenting the expertise, competencies, and capabilities of frontline workers, government officials, communities, and caregivers in their efforts to promote child protection and development. In its entirety, the 2016 National Plan for Children demonstrates India's dedication to advancing the welfare and rights of children. It establishes a comprehensive structure to tackle the varied requirements of children and guarantee their complete integration into society.

2.6.4 Integrated Child Protection Scheme

The Integrated Child Protection Scheme (ICPS) of India, initiated in 2009 by the Ministry of Women and Child Development, is a centrally backed initiative designed to furnish a secure and protective setting for all children requiring care & protection. (Ministry of Woman and Child Development, 2012) *The* following are specific characteristics of the Scheme:

- *Holistic Approach:* It embraces a comprehensive approach to safeguarding children by attending to the varied requirements of children facing challenging situations—such as orphanage, abandonment, abuse, exploitation, trafficking, or neglect. Its primary objective is to guarantee the holistic welfare and growth of children through the provision of all-encompassing care and support services.

- *Prevention and Protection:* To safeguard children from exploitation and damage, ICPS emphasises both preventative and protective measures. The program encompasses various endeavours aimed at enhancing communities and raising awareness in order to prevent child abuse and neglect. Additionally, it establishes systems to detect and address instances of child exploitation, trafficking, and abuse.
- *Legal Structure:* The implementation of this program is regulated by the JJ Act, 2015 and other relevant legislation and policies pertaining to the protection & welfare of child. It underscores the significance of guaranteeing children's access to justice and rehabilitation while upholding their rights.
- *Child Care Institutions (CCIs):* Foster care facilities, open shelters, children's homes, and observation homes are among the CCIs that receive support from ICPS in their development and maintenance. (Debroy, 2023) These establishments furnish temporary or permanent residential assistance to children who require protection and care, guaranteeing their well-being, security, academic progress, and psychosocial assistance.
- *Family-based care alternatives:* Kinship care, sponsorship, and foster care, are advocated for under the scheme as more favourable alternatives to institutional care. It facilitates support services aimed at fortifying families and averting separations while promoting efforts to reunite children with their families whenever feasible.
- *Capacity Building:* The ICPS emphasizes the development of skills and capacity among various stakeholders engaged in child protection, such as frontline workers, government officials, volunteers, and caregivers. It ensures the effective enactment of children protection programs and facilities at the national, district and state levels through providing training, technical assistance, and guidelines.
- *Monitoring and Evaluation:* To assess the efficacy of child protection programs and services and to identify areas for improvement, the scheme incorporates mechanisms for monitoring and evaluating their implementation. This underscores the significance of conducting research, gathering data, and making decisions grounded in evidence to fortify child protection systems.

- *Collaboration and Convergence:* The ICPS advocates for the formation of alliances and convergence among civil society organisations, the government. Agencies, non-governmental organisations (NGO), and other pertinent stakeholders engaged in the domain of child protection. (Geeks for Geeks, n.d.) Promoting collaboration and coordination is essential in order to maximise the utilisation of resources, expertise, and optimal methodologies to benefit children who require care and safety.
- *Financial Support:* The ICPS offers financial aid to union territories and states in order to ease the execution of child protection programs and services. In addition to establishing CCIs, operating support services, undertaking awareness campaigns, and bolstering child protection systems, it allocates funds for various other components.

The Integrated Child Protection Scheme (ICPS) generally endeavours to establish a safeguarding milieu for children, ensure their comprehensive development and well-being, and prevent and address infringements upon their rights. It highlights the significance of a cohesive and cross-sectoral strategy towards protecting children, in which all relevant parties are engaged to preserve the dignity and rights of children.

2.7 THEORETICAL AND EMPIRICAL INSIGHTS

The juvenile justice system operates at the intersection of theoretical principles and real-world challenges, with its foundation rooted in sociology, psychology, and criminology. These disciplines provide critical insights into the causes of Child in Conflict with Law and the effectiveness of rehabilitative strategies. This section integrates theoretical frameworks with empirical findings to evaluate their relevance and practical application in Rajasthan's juvenile justice system. This analysis also highlights systemic strengths and weaknesses, bridging the gap between abstract principles and on-ground realities.

2.7.1 Integration of Theoretical Frameworks

Theoretical perspectives are essential for understanding the complex factors influencing Child in Conflict with Law and designing interventions to address them. This study examined sociological, psychological, and criminological

theories, assessing their alignment with the empirical realities of Rajasthan's juvenile justice landscape.

- *Sociological Theories of Child in Conflict with Law*: Sociological theories, particularly Robert Merton's Strain Theory, offer a compelling explanation for the socioeconomic drivers of Child in Conflict with Law. According to this theory, individuals from marginalized communities often resort to Delinquency when legitimate means of achieving societal goals are inaccessible. The empirical findings align closely with this perspective, with financial instability, unemployment, and poverty identified as major contributors to delinquent behaviour among juveniles in Rajasthan. For example, theft and substance abuse were prevalent coping mechanisms for juveniles experiencing acute economic strain.

  Edwin Sutherland's Differential Association Theory further complements this analysis, emphasizing the role of peer influence in shaping behaviour. Juveniles exposed to delinquent peer groups were more likely to adopt criminal behaviours, particularly in urban areas where gang culture was prevalent. This underscores the need for interventions that disrupt negative social learning patterns, such as peer mentorship programs and life skills education.
- *Psychological Theories of Behaviour:* Psychological frameworks, including Erik Erikson's theory of psychosocial development, provide insights into the internal conflicts children face during critical developmental stages. Adolescence is a period marked by identity formation, which becomes particularly vulnerable when disrupted by external factors like familial neglect or abuse. The study revealed that juveniles from unstable homes often exhibited low self-esteem, impulsivity, and difficulty forming positive relationships, aligning with Erikson's concept of an unresolved identity crisis.

  Interventions such as trauma-informed counselling and cognitive-behavioural therapy were found to mitigate these challenges. Juveniles who participated in psychological support programs demonstrated improved emotional regulation and interpersonal skills, highlighting the importance of integrating psychological theories into rehabilitative frameworks.
- *Criminological Perspectives on Recidivism*: Criminological theories, such as Routine Activity Theory, emphasize environmental factors that facilitate

delinquent behaviour. This theory posits that crimes occur when motivated offenders encounter suitable targets without adequate guardianship. Empirical evidence supports this view, showing that juveniles returning to unsupervised or high-risk environments after institutional care were more likely to reoffend. The absence of structured post-rehabilitation support leaves many juveniles vulnerable to negative influences, perpetuating cycles of Delinquency.

Restorative justice principles, grounded in criminological thought, offer an alternative by focusing on repairing harm and fostering accountability. Programs emphasizing community reconciliation and victim-offender mediation have demonstrated success in reducing recidivism, highlighting the importance of restorative practices in reintegration efforts.

- *Anomie Theory:* It was developed by Robert Merton in 1940. The objective of the theory states that children who are offenders are in search of happiness. Also, it has been seen that on various occasions, they are not able to attain this happiness, and due to that, they enter into the criminal world.
- *Psychodynamic Theory and the Id/Superego*: In Freud's Psychodynamic Theory, the id, ego, and superego are three fundamental components of the human psyche that influence behaviour:

  Id: Represents the primal and unconscious desires. It is driven by the pleasure principle—the instinctual drive to satisfy needs and desires immediately, regardless of consequences. It is the source of impulses and drives, such as hunger, aggression, and sex.

  Superego: The superego is the moral component of the personality. It represents the internalized societal and parental standards, rules, and ideals. The morality principle drives it and strives for perfection, often imposing guilt or shame when the individual behaves contrary to moral standards.

  Ego: The ego is the rational part of the psyche that mediates between the id and the superego. The reality principle drives it and seeks to satisfy the desires of the id in a socially acceptable manner while also adhering to the moral guidelines set by the superego.

  In the context of Child in Conflict with Law: If the id dominates, juveniles may engage in impulsive, criminal behaviours because their desires (such as aggression or thrill-seeking) are not moderated by the superego or the rational

constraints of the ego. This could be seen in juveniles who act out without remorse or a clear understanding of the moral consequences of their actions.

A weak or underdeveloped superego may lead to difficulty in feeling guilt or empathy, which can result in antisocial or delinquent behaviour. For example, a child who has not been adequately nurtured or who has experienced trauma may have an impaired sense of morality, making them more prone to criminal acts.

- *Social Learning Theory and the Id/Superego Concept*: Social Learning Theory, while not directly referencing Freud's model of the psyche, can align with certain aspects of the id and superego through its focus on social influences and learned behaviours:

  The id in Social Learning Theory can be compared to the impulsive behaviours that individuals may learn through observation, especially in environments where antisocial or aggressive behaviour is modelled and reinforced. Juveniles may observe peers or adults engaging in criminal activities and imitate those behaviours to satisfy their own immediate desires (e.g., gaining power, money, or social status).

  The superego in Social Learning Theory may be influenced by the moral standards that juveniles observe and internalize from their families, peer groups, or media. If a juvenile learns that certain behaviours are morally acceptable or rewarded (such as stealing or cheating), their superego may be underdeveloped or weakened, making it more difficult for them to internalize societal rules against criminal activities. Conversely, a juvenile who observes prosocial behaviours being rewarded may develop a stronger superego and more adherence to social norms.

2.8 CONCLUSION

Young individuals comprise the most significant proportion of the world's population. The Indian Constitution grants the government the authority to formulate specific initiatives for children and guarantees them fundamental rights. The state is explicitly mandated by the Directive Principles of State Policy to safeguard children from maltreatment until they reach the age of eight,

while also guaranteeing that such children are provided with the necessary resources and opportunities to mature in a dignified and liberated setting.

State responsibility extends to safeguarding children against injury, as well as from abandonment on both material and spiritual levels. According to the profile of children in India, an overwhelming majority are impoverished, facing challenges in affording necessities and exercising prudent judgment.

In India, the prospect of young adults engaging in inappropriate behaviour is no longer a concern. Teenage poor behaviour pertains to unethical or unconventional approaches taken to address the actions of a young individual. Prior to enacting the 2015 JJ Act, methods for identifying and categorising egregious crimes did not exist. "Adolescent Justice (Care and Protection of Children) Act, 2015" was passed subsequent to the "Delhi Gang Rape (Nirbhaya's Case)" controversy, which rocked the parliament with allegations that members could not adapt to the situation.

The provisions of the Act establish that the age of an adolescent is presumed to be sixteen years old in cases involving serious offences such as homicide or sexual assault. A fundamentally positive development for India's young adult value system is the JJ Act, 2015. The evaluation does not entirely and permanently establish the focuses, game plans, scope, definitions, and basic principles of the 2015 Juvenile Justice Act.

These elements collectively contribute to the legislation's positive attitude toward juvenile offenders. The obligation of the state to impart ideas and authority to youth is acknowledged. It is expected that delinquent and marginalised youths will be provided with this type of encouragement and recognition via the government. Support programs and the juvenile justice procedure. However, research has demonstrated that the juvenile justice system is ineffective and lacks these strategies.

It is reasonable to presume, based on these strategy deductions, that the country is cognizant of the quantity of children and juveniles for whom it endeavours to furnish suitable maintenance and guarantee, and that the strategy delineated in the regulation is appropriate for absolving the state of its responsibilities as stipulated in the regulation. Unfortunately, the number of minors under the age of 18 is not even indicated by the assessment date. Although a limited number

of raw data points are accessible for the classified group of "adolescents," the majority of minor subgroups governed by the Juvenile Justice (Care &Protection) Act are only represented by available gauges, which exhibit significant variability to be practically useless for planning purposes.

CHAPTER 3: LAWS RELATED TO CHILD IN CONFLICT WITH LAW AND JUDICIAL TRENDS IN INDIA

3.1. INTRODUCTION

As Abraham Lincoln put it over a century ago, "A child is an individual who will continue the good work that you began. He will occupy the seat you occupy and, in your absence, attend to any matters of significance that you deem significant. You can establish any policies you wish, but he determines how they will be implemented. He will move and take authority over your businesses, churches, universities, and institutions. He possesses the future of humanity at his disposal".

Crimes against children are conduct that violates legal statutes and social conventions. Criminal acts committed by children are referred to as Child in Conflict with Law, and deviant behaviour is the leading cause of juvenile offences in India. As Child in Conflict with the Law is a worldwide problem, numerous laws have been passed to combat it in different ways. In addition, they engaged in a range of unlawful activities, including domestic violence and disrespectful conduct towards women, based on their gender. While the Children's Courts uphold the constitutional rights of minors, it may impose punishments under extreme circumstances (Kulijinder Kaur, 2020).

The incidence of criminal activity among individuals aged 16 and below has increased significantly over the past few decades. Potential factors contributing to the escalating crime rate include the environment in which children are raised, financial constraints, inadequate educational opportunities, and inadequate parental care (Khan A., 2020).

These are among the most significant justifications. One disheartening element is that children, particularly those aged five to seven, are increasingly being exploited to commit crimes due to the naivety of their minds at that stage, which renders them susceptible to deception. Similar to other countries, India has enacted legislation that targets the rights and safety of juvenile offenders as a means of addressing the problem of Child in Conflict with Law. It is founded upon three fundamental assumptions- (Gauri Pillai, 2017)

- Juvenile offenders ought to be guided by the most effective course of action rather than prosecuted.
- Instead of indicting them, they should be allowed to improve their conduct.
- Instances involving minors that violate the law should be adjudicated as per the principles of non-criminal conduct, with oversight provided by social control organisations.

They address the issue of minors who are caught in an unfavourable legal scenario and advocate for a holistic approach that is concerned with the development, welfare, and protection of children when they interact with the juvenile court system.

A study of our past reveals that during the colonial period, numerous laws pertaining to juvenile justice were formed in response to the needs and demands of the legislature. In response to the requirements of the legislative process, several statutes were drafted. However, even though these laws were in effect, they could not provide the necessary protection and security for children since the acts were incompatible with one another. This was a miserable situation. In addition to other pieces of legislation adopted during that period, the constitution enacted in 1950 granted certain rights to children of the country. These rights were given to them since they were citizens of India. In addition, the fact that children's rights have been acknowledged on a global scale is a significant development.

The juvenile justice system is more concerned with the rehabilitation of juvenile offenders than it is with the punishment of these offenders. When it comes to juveniles involved in illegal activities, there is a universal understanding that it is essential to safeguard children from becoming embroiled with the law. Moreover, there is a strong need to make sure that they are successfully rehabilitated after being released from the juvenile justice system. In the initial version of the Juvenile Justice Act of India (1986), which was enacted before the formation of a comprehensive set of such instruments, their requirements were not considered. India has enforced a new statute in response to the suggestion made by the United Nations Committee on the Rights of the Child (Belwal A., 2016). The purpose of this law is to incorporate the requirements of the Convention on the Rights of the Child into private institutions.

The Juvenile Justice (Care and Protection of Children) Act (2000), sometimes known as the JJ Act, was amended in 2002 and 2006, and it tackles all of the concerns associated with children and the judicial system. The Act addresses the special barrier that juvenile offenders encounter when they are involved with the judicial system. It spans a wide variety of issues, covering anything from the improper management of assignments to the absence of caution. The provisions of the Juvenile Justice Act, comparable to previous statutes in general, are essential to safeguard the justice system's fundamental rights and integrity.

3.2. IDEA OF DOLI INCAPAX

The notion of 'Doli Incapax,' which enunciates the criminal culpability of the child, is considered to be one of the most fundamental doctrines in the field of Criminal Jurisprudence. Taking into consideration the application and interpretation of this concept within the framework of Indian law, the result is that no juvenile who is less than 7 years old should be tried for committing a crime.

'Doli Incapax' signifies an individual's incapacity to engage in criminal activity. (BNB Legal, 2001) It is based on Art.40 (3) (a) of the United Nations Convention on the Rights of the Child states that every country must specify the minimum age for children who should be exempt from criminal accountability due to their inability to comprehend the nature and consequences of their actions (Humanitarian Global, n.d.). This provision is the basis for this provision. When it comes to minors between the ages of 8 and 14, it is the prosecution's responsibility to prove that the child in question committed the offence. Moreover, as per the UN Convention on the Rights of the Child, a child means any person below the age of 18 years. It is possible to illustrate the primary goals of this theory by referring to the following points: (Singh D. S., 2018)

- Protecting children from the severe consequences imposed on them due to their behaviour is important. It is recommended that a reformative method be utilised to assist the child in overcoming his paranoia.
- A child who is younger than seven years old does not have the mental capacity to comprehend the results of his acts; he or she may lack the knowledge as well as the desire to commit a crime, and the element of "actus reus" cannot be used

as a basis for prosecution unless it is supplemented by the element of "mens rea."

3.3. GLOBAL PERSPECTIVE ON CHILD IN CONFLICT WITH LAW

For all of the progressive democracies, the recognition of the child's legitimate place in society is one of the most significant achievements they have accomplished. A universal order suitable for children is being created in the international forum by implementing laws and policies that have a clear and constructive attitude towards children. (Ricckards, 2008)

When it comes to children's rights, international agreements encourage a holistic strategy that is concerned with the growth, care, and protection of children throughout their contact with the juvenile justice system. Over the course of more than half a century, the United Nations has been holding congresses to enhance international cooperation in the fight against the proliferation of criminal activity. During these congresses, numerous recommendations and resolutions have been issued to ensure that the juvenile justice system is properly implemented (Khan D. N., 2009). Below are certain recommendations and resolutions that these international congresses passed:

- It took place in Geneva from the 22nd of August to the 3rd of September in 1955, members made recommendations about the preventing of Child in Conflict with Law through the community, the family, schools, and social services, as well as the selection and training of prison officials.
- It took place in London from August 8th to 19th, 1960. Recommendations were made regarding special police services for the prevention of Child in Conflict with Law. Particular attention was paid to the expansion of the greatest possible cooperation between the police, various national specialized agencies, and the general public regarding actions to stop Child in Conflict with Law.
- The third Congress, which took place in Sweden from 9th to 18th August 1965, centred on unique preventive and treatment measures for young adults and juveniles.
- During the fourth Congress, which took place in Kyoto from August 17th to August 26th, 1970, it was urged that the public be involved in the prevention and control of criminal activity and delinquency.

- It adopted a resolution on the development of minimal juvenile justice standards during the sixth Congress, which took place in Venezuela from the 25th of August to the 5th of September in 1980.
- During the seventh Congress, which took place in Italy from the 26th of August to the 6th of September in 1985, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice were enacted.
- The criteria for the United Nations Guidelines for the Prevention of Child in Conflict with Law were accepted during the eighth Congress, which took place in Cuba from the 27th of August to the 7th of September in the year 1990. Additionally, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty were approved by this meeting during this time. (UNODC, 2014) Many United Nations instruments, including the following, demonstrate a preference for social rather than judicial approaches to Child in Conflict with the Law:

3.3.1 Standard Minimum Rules for the Administration of Juvenile Justice of the United Nations (The Beijing Rules, November 29, 1985):

The Economic and Social Council presented the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (commonly referred to as "the Beijing Rules") to the Seventh Congress, which was convened in Milan, Italy, during August and September 1985. (Nations, UN Office of the High Commissioner, 1985) The Seventh Congress endorsed the Beijing Rules on September 6, 1985, and recommended them for adoption by the General Assembly. The Assembly ratified the Rules on November 29 and were appended to resolution 40/33. The Rules have been modified to align with the objectives and ethos of juvenile justice systems across the globe. They embody the bare minimum standards that the United Nations deems acceptable for the management of juvenile offenders within any framework designed to address such individuals. Implementing these Rules shall be guided by the economic, social, and cultural circumstances currently present in every Member State. Systematically developing and coordinating juvenile justice services shall aim to enhance and maintain the proficiency of personnel engaged in such services, encompassing their methodologies, strategies, and dispositions.

These regulations impose a responsibility on all member states, in alignment with their individual overall interests, to promote the welfare of the juvenile and his or her family. Each state is obligated to establish circumstances that guarantee the juvenile a purposeful existence in the community, which will facilitate an educational and personal development journey devoid of criminal activity and delinquency while the juvenile is at his or her most vulnerable to deviant behaviour.

In addition, these regulations mandate that adequate emphasis be placed on positive interventions that encompass the complete engagement of all viable resources—including community organisations, families, volunteers, and other groups—along with educational institutions and other community establishments—to foster the welfare of the minor, minimise the necessity for legal intervention, and handle the minor in conflict with the law in an efficient, just, and compassionate manner. Moreover, juvenile justice should be perceived as an intrinsic component of each nation's national development process, operating within a holistic social justice framework that encompasses all juveniles. In doing so, it will contribute to safeguarding the youth and preserving societal tranquillity.

3.3.2 Convention on the Rights of the Child:

The Convention on the Rights of the Child stipulates that adults should consider the potential impact of their decisions on children when making decisions that may affect them, with a particular emphasis on prioritising the best interests of children. This is especially true regarding the budget, policy, and legislators. This Convention imposes on governments the duty to ensure that the rights of minors are respected, protected, and realised by any means possible. As a condition of ratifying the Convention, nations commit to reassessing their legislation concerning minors. This requires an evaluation of their educational, legal, social, and health systems, in addition to the funding levels for these services.

Governments are subsequently obligated to undertake all requisite measures to guarantee compliance with the minimum standards established by the Convention in these domains. They must assist families in safeguarding the

rights of children and fostering an environment conducive to their development and optimal development. In some cases, this may necessitate the enactment of new laws or the modification of existing ones. Legislative changes of this nature are not imposed; rather, they are implemented via the same process that governs the creation or reform of laws within a nation.

According to Art.41 of the Convention, (Nations, n.d.) in cases where a nation's legal standards are already superior to those specified in the Convention, the superior standards shall consistently take precedence. Additionally, juvenile justice is addressed in Art.40 of the Convention, which stipulates that minors accused of criminal activity are entitled to legal representation and equitable treatment within a justice system that supports their rights. It is the responsibility of governments to create a minimum age at which minors cannot be held criminally liable and to ensure minimal assurances of justice and expeditious resolution in judicial or alternative proceedings.

3.3.3 United Nations Rules for the Protection of Juveniles Deprived of Their Liberty

The purpose of these Rules is to establish minimum standards for the protection of juveniles deprived of their liberty in any form that are recognised by the United Nations. (Nations, 1989) These standards should be consistent with human rights in addition to fundamental freedoms. The final goal is to alleviate the negative consequences of all forms of detention and promote the successful reintegration of juveniles into society. All categories and configurations of detention facilities where juveniles are deprived of their freedom are governed by these regulations. These rules acknowledge that juveniles deprived of their liberty necessitate particular care and safeguarding due to their heightened susceptibility. Throughout and following their period of deprivation, their rights and well-being should be ensured. The juvenile justice system should ensure the preservation of juveniles' safety and rights, as well as the promotion of their physical and mental health. Incarceration should be resorted to as a last resort (Sadaf, 2019).

Moreover, these rules stipulate that minors have the right to legal representation and should be permitted to request free legal assistance whenever it is

accessible, as well as maintain consistent communication with their legal counsel. It is imperative to ensure privacy and confidentiality regarding such communications. While it is not obligatory, juveniles should be given opportunities to pursue employment, receive compensation, and further their education or training, such opportunities should be made available to them. Detention should not be prolonged on the basis of employment, education, or training; all juveniles of compulsory school age are entitled to an education that is tailored to their individual needs and capabilities, with the ultimate goal of equipping them for reintegration into society. Education should ideally take place in community schools outside the detention facility, facilitated by qualified instructors through programs that are integrated with the national education system. This would enable juveniles to continue their education without encountering any obstacles upon their release. Additionally, they stipulate that every effort should be made to guarantee that juveniles have sufficient access to external communication. This is a critical component of their right to equitable and humane treatment and serves to better equip them for reintegration into society. It is also stipulated that personnel in the juvenile justice system should have easy access to the Rules in their respective national languages.

3.3.4 Riyadh Guidelines, United Nations Guidelines for the Prevention of Child in Conflict with Law (December 14, 1990):

As stipulated in the Riyadh guidelines, the prevention of Child in Conflict with Law is a critical component of crime prevention in society. Youth can grow non-criminalistic attitudes through participation in lawful, communally helpful activities and the adoption of a humanistic perspective and outlook on life. In order to effectively prevent Child in Conflict with Law, society as a whole must collaborate to foster the harmonious development of adolescents beginning in infancy, while also valuing and encouraging their individuality (Guiding principles, Advancing Juvenile Justice Principles for Children Convicted of Violent Extremism Offences, 2017). For the prevention of Child in Conflict with Law, community-based programs and services should be developed, especially in areas where no agencies have yet been established. According to

these regulations, formal social control agencies ought to be employed as a last resort. Furthermore, these stipulate that it is the responsibility of governments to develop policies that encourage the nurture of children in stable and established family environments. (Nations, 1989.) Families requiring aid in resolving unstable or conflict-ridden circumstances ought to be granted the necessary services. In situations where a stable and settled family environment is absent, and community initiatives to support parents in this regard have proven unsuccessful and protracted family members are unable to assume this responsibility, alternative placements such as foster care and adoption should be contemplated. While simultaneously instilling in children a sense of permanence and simulating, to the greatest extent possible, a stable and secure family environment, these placements should strive to emulate "foster drift" issues.

Additionally, the Riyadh guidelines stipulate that educational systems ought to prioritise and address the needs of at-risk youth. To prevent Child in Conflict with Law in society, specialised prevention programs, educational materials, curricula, approaches, and tools ought to be developed and utilised to their full potential (Riyadh Guidelines, Article 45). And in pursuit of this objective, a variety of assistance programs and services ought to be made available to youth to mitigate the challenges they encounter during the transition to maturity. It is imperative that these services incorporate specialized programs designed for juvenile substance abusers, which prioritize interventions focused on therapy, counselling, care, and support. In order to mitigate the occurrence of Child in Conflict with Law, it is imperative that governments implement and enforce precise legislation and protocols that safeguard the welfare and rights of every young individual. Furthermore, it is imperative to establish and enforce legislation that prohibits the victimization, abuse, exploitation, and utilization of children and young individuals for criminal purposes.

3.4. CONSTITUTION OVER CHILD IN CONFLICT WITH LAW

Sec.2(h) of the Juvenile Justice Act of 1986 defines a minor or juvenile as an individual who has not attained age 18 for girls or 16 for boys. A child or juvenile is subsequently defined as "an individual who, according to Sec.2 of

the Juvenile Justice (Care and Protection of Children) Act, 2015, is below the age of eighteen." The definition of a juvenile in conflict with the law, as per the Juvenile Justice Act of 2015, is "a child who has not yet reached the age of eighteen at the time of the alleged or determined commission of an offence." Delinquency is commonly perceived as an unusual form of conduct. Simply stated, it is an uncommon form of antisocial behaviour referred to as delinquency. In a legal context, a Child in Conflict with Law is defined as unlawful conduct committed by an individual younger than eighteen years old. In general, however, deviant and antisocial behaviour exhibited by a child before a certain age is referred to as Child in Conflict with Law. (Akshaya, 2022) As per its etymology, "delinquency" originates from the Latin verb delinquent, signifying the act of omitting. The term originated with the Romans to denote an individual who failed to fulfil a prescribed duty or responsibility. The term "delinquent" was initially introduced by William Coxson in 1484 to designate an individual convicted of a common offence. The term first appeared in the renowned play "Macbeth" by William Shakespeare in 1605. Delinquency, or transgression or a deviation from the generally accepted standards of conduct in society, is a category of conduct. (Sadaf P. K., 2019)

The Constitution of India contains a number of constitutional provisions that are designed to protect the rights and well-being of juvenile participants. These regulations recognise the vulnerability of children and emphasise the significance of providing them with specialised care and treatment within the framework of the criminal justice system.

3.4.1 India's constitutional provisions regarding juveniles encompass:

- *Article 15(3):* It grants the State the authority to enact certain measures to benefit women and children. This article emphasises the government's need to implement proactive measures to safeguard and promote the well-being of children, encompassing juveniles as well.
- *Article 39(e) and (f):* It pertains to the DPSP and mandates that the State must guarantee children access to opportunities and resources for their healthy development, as well as protect them from exploitation and neglect.

- *Article 45:* It emphasises the significance of providing early childhood care as well as education to children who are under the age of six. The text highlights the obligation of the government to offer free and mandatory education to every child, focusing on their welfare and growth.
- *Article 21:* It assures the right to life and personal liberty to all individuals, regardless of age, including juveniles. This article guarantees that the State cannot capriciously violate the rights of minors and must ensure their safeguarding and welfare.
- *Article 23:* It explicitly prohibits the act of trafficking in human beings and forced labour. This provision indirectly tackles the problem of exploiting minors, specifically those who are coerced into engaging in child labour or other types of bonded labour.
- *Article 24:* It explicitly forbids the soliciting of children under the age of 14 years in dangerous sectors. It provides an obligation over the state to safeguard the physical and mental well-being of children, including those who are underage.
- *Article 39(A):* It highlights the importance of equal justice and the provision of free legal aid, although it is not specifically focused on juveniles. It indirectly upholds the rights of minors by guaranteeing equitable judicial procedures and the ability to seek justice.

Ultimately, the Indian Constitution acknowledges the importance of safeguarding the rights and well-being of minors through a range of articles and concepts. These regulations demonstrate the State's dedication to guaranteeing a secure, supportive, and fair atmosphere for the advancement and progress of its young inhabitants (Khan A., 2020).

3.5 CENTRAL STATUTES

3.5.1. The Probation of Offenders Act, 1958

The object of this statute is to keep juvenile offenders out of prison, where they are more likely to indulge with other violent offenders and be inspired to follow in their footsteps. Instead of sending a juvenile criminal to prison, statute offer them a second opportunity to change their ways and take a more reformative stance on crime.

3.5.2 The Children Act, 1960

Statutory recognition of the Constitutional guarantee of social justice, which includes children (particularly delinquents and those requiring care and protection), occurred ten years subsequent to the Constitution's implementation. The initial piece of legislation to specify diverse facets of child welfare and approaches to coping with delinquent children was the Children Act of 1960. The legislation incorporated the elements of maintenance, training, education, care, welfare, and rehabilitation for children who were neglected or delinquent...The majority of minors were excluded from the Act of 1960 due to the states' bifurcated and non-uniform legislative framework. Its applicability was limited. International discourse also centred on children's rights and juvenile justice during this time period (Raj A., 2020). The Act of 1960 had a restricted scope and structure, and over the course of the subsequent decade, there was a substantial transformation in the international perception of the juvenile justice system. As per this act, any male under 16 years or any female under 18 years will come under the ambit of a child who, if alleged to commit any offence, will be called a Delinquent Child.

3.5.3. Juvenile Justice Act, 1986

The purpose of the JJ Act of 1986, which was to offer for the development, rehabilitation, safety, action, and care of abandoned or delinquent children, as well as the settlement of certain issues pertaining to and disposition of delinquent children, is stated in the Act's preamble. To accomplish the objective, the Act contains a number of appropriate provisions. In the Act of 1960, child alleged to commit any offence will be termed as Delinquent child, whereas in this Act of 1986, delinquent child would be called as Delinquent Juvenile and age criteria was similar to the Act of 1960.

Sec.7 of the legislation grants the requisite powers to competent authorities and institutions, including Juvenile Welfare Boards and Juvenile Courts, in order to effectively address the issues pertaining to juveniles. Boards are endowed with unique authorities to address the issue of neglected juveniles (Chapter III). In the same way that juvenile delinquents are addressed, juvenile courts are endowed with the necessary authority (Chapter IV). Significant provisions are

also established to safeguard juveniles, even in the event that they commit offences (Association, 2013)

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

The JJ Act of 1986 was the initial Central legislation that was broadly applicable in the domain of child justice across India. The JJ (Care & Protection of Child) Act, 2000 was passed in response to the United Nations Committee on the Rights of the Child's endorsement that India should integrate the objectives of the Convention on the Rights of the Child into its domestic law. The Act addresses juveniles in conflict with the law and children in need of care & safety in a comprehensive manner. Introducing these new terms provides insight into the legislative intent, which was unequivocally to prevent derogatory terms like "criminal" when referring to juveniles. Perhaps the most notable provisions of the JJ (Care & Protection of Child) Act, 2000 are as follows:

- According to Sec. 2(k), the terms "juveniles" and "child" are defined as individuals who have not yet reached the age of eighteen. Additionally, the provision defines the phrase "juveniles in conflict with the law" under Sec. 2(l), as an individual who is under the age of eighteen at the time of purported illegal activity and is accused of having committed the offence. Consequently, the aforementioned Act establishes a standard age of juvenility of 18 years for both genders.
- The State Govt. is authorised, pursuant to Sec. 4 of the aforementioned Act, to create a Juvenile Board for an explicit district, a set of districts, or more districts. The board is tasked with carrying out the authorities and tasks bestowed or imposed on them with respect to juveniles who are in violation of the law as defined in this Act. A Metropolitan Magistrate or a Judicial Magistrate of the first class, as applicable, and 2 social workers, of which a minimum of one shall be a woman, shall comprise the Board.
- Sec.10 of the Act stipulates that upon police apprehension of a child in trouble with the law, the juvenile must be transferred to the SJPU (Special Juvenile Police Unit) or the selected police officer. This officer is obligated to promptly appear before the Board within twenty-four hours of the juvenile's

apprehension, excluding travel time, from the location wherein the board detained the juveniles.

- It is strictly prohibited to detain or lodge a Child in conflict with the law in a police locker or detention.
- Under Sec. 12 of the Act, a juvenile individual who is arrested, detained, appearing before a Board, or accused of a non-bailable or bailable offence must be free on bail without or with surety or placed under the administration of a Probation Officer or in the care of a suitable institution at the time of their appearance, regardless of any provisions in the CrPC, 1973 or any other law in force at the time.
- Additionally, Sec. 13 of the aforementioned Act stipulates that in the event of an arrest of a juvenile, the officers in charge of the police stations or the SJPU to which the child is taken are obligated to promptly notify the parent or guardian of the child and instruct them to appear before the Board. Additionally, the officer is responsible for notifying the probation officer of the arrest so that the probation officer may obtain relevant information.
- In contrast, a unique provision concerning the sanctions imposed on juvenile delinquents is found in Sec.16 of the Act. It says that no child in conflict with the law shall be penalised to death or sent to prison without the payment of a fine or the provision of safety, notwithstanding anything to the contrary contained in any other legislation currently in effect.
- In accordance with Sec.19, any disqualifications that may accompany a conviction for an offence are eliminated once the defendant has been addressed in accordance with the section of the Act.
- In any newspaper, periodical, or other medium, the publication of minors' name, address, and other personal data is strictly prohibited under Sec. 21 of the Act. (Tiwari S., 2021)
- Sec.23 of the Act delineates the penalties for cruelty towards juveniles or children. It stipulates that anyone in physical charge or control over such individuals shall be subject to imprisonment of up to one year in prison for intentionally assaulting, abandoning, exposing, neglecting, or causing to be

exposed or abandoned in a way that is expected to inflict unnecessary rational or physical misery upon the juvenile or child.

- A novel section about restoration and social reintegration has been appended to the aforementioned Act in order to operationalise its intended purpose. Sec.40 delineates four primary methods by which this objective may be accomplished: foster care, sponsorship, adoption, or placement in an aftercare organisation.

3.5.5. The Child Labour (Prohibition and Regulation) Act, 1986

"To prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments" is the official description of this legislation. Prohibiting the employment of minors under the age of fourteen and outlining precise measures to ensure their safety, this legislation prohibits such employment.

3.5.6. The National Policy for Children 1974

The very first policy document to address children's needs and rights was the 1974 National Policy for Children. It recognises children as the nation's greatest resource. Implementing the UN Declaration of Rights and the constitutional protections for children are the primary objectives of the strategy. It specifies the state-mandated services that should be in place to support a child's holistic development from the time of conception to the end of their formative years.

Here are a few of the goals:

- Comprehensive health and nutrition programs should be implemented for children.
- Education should be mandatory and provided at no cost to children up to the age of fourteen.
- There has to be time for leisure and physical education in the school curriculum. Children who are socially handicapped or who come from disadvantaged households need extra support.
- Abuse, neglect, brutality, and exploitation of children must not be tolerated.
- It is imperative that current legislation be revised to ensure that children's best interests are consistently prioritized.

3.5.7. The Immoral Traffic (Prevention) Act, 1956

India's adherence to the United Nations' 1950 proclamation on the eradication of human trafficking led to the enactment of the Immoral Traffic (Prevention) Act (ITPA) of 1986, which amended the 1956 law. It was changed from its original name, the All India Suppression of Immoral Traffic Act (SITA), to its current format. These laws gradually make various aspects of sex work illegal to reduce and eventually outlaw prostitution in India. The statute attempts to stop women and girls from being trafficked. It suppresses the unethical elements of prostitution. It makes several prostitution-related actions illegal. This includes living off the proceeds of prostitution, operating brothels, and soliciting. Here, the child's age would not be more than 16 years, and any person who has completed the age of 18 years would be termed as a major. Moreover, any child who has attained the age of 16 years but has not yet completed the age of 18 would be a minor.

3.5.8. Prohibition of Child Marriage Act, 2006

Any person who is not at least 18 years old for females or 21 years old for males is not competent to marry under the statute. Any marriage between a minor and an adult, whether it occurred before or after this statute, may be nullified by the minor themselves. The minor must reach the age legally competent to marry before that marriage would not be nullified. A man who is at least 21 years old might face up to two years in jail and a fine of up to Rs. 1,00,000 if he is found guilty of marrying a minor. Anyone who witnesses, participates in, or orders a child marriage to take place shall face the same penalty. Unless proven otherwise, the parents of the child or the guardian are also held responsible for the consequences of child marriage since they failed to prevent it.

The act mandates the appointment of a Child Marriage Prohibition Officer whose duties include seeking an injunction from the courts, gathering evidence against individuals, raising public awareness about the harmful consequences of child marriage, compiling data on child marriages, etc., to prevent any child marriages from occurring within their jurisdiction. Under this law, an official whose job it is to prevent underage marriage is considered a public servant. Each state's government is responsible for establishing the rules governing this

legislation. The statute repeals the Child Marriage Restraint statute of 1929 and asks for an amendment to the Hindu Marriage Act of 1955 to satisfy its terms.

3.5.9. Right of Children to Free and Compulsory Education Act, 2009 or Right to Education (RTE) Act, 2009

It was enacted on August 4, 2009. It explains why, according to Art. 21-A of the Indian Constitution requires all children in India, aged six to fourteen, to attend public school at no cost. This law establishes basic educational standards for elementary schools and ensures that all children from the ages of six to fourteen have access to quality education (The Right of Children To Free And Compulsory Education Act, 2009, 2009).

As part of the public-private partnership plan, the state would compensate private schools if they hold 25% of their seats reserved for students. Additionally, the Act states that no student shall be expelled, held back, or forced to complete a board test before completing primary school. Dropouts may also get specialised instruction to help them catch up to their peers their age. The government is legally obligated to guarantee enrolment, attendance, and completion under the RTE Act for the first time.

3.5.10. The Protection of Children against Sexual Offences Act, 2012

Both houses of India's parliament enacted a law in May 2012 addressing the issue of child sexual abuse: the Protection of Children from Sexual Offences Act, 2012. On November 14, 2012, the Act became law. If any person commits any sexual act with any minor, they shall be liable for severe punishment. Moreover, this act is gender neutral, here any if any child whether a girl or boy if found to be a victim of a sexual act, the adult shall be liable. Here, the age of a minor should not exceed 18 years. Beyond what was required by the constitution, the Indian government prioritised youth justice after independence. This statute was made about various international treaties signed by the Indian Government.

3.5.11 Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 and 2011

The Amendment Act was mandated by the states in order to improve the application and structure of the sections of the Act in their fundamental nature. The JJ (Care & Protection of Child) Rules, 2007 went into effect on the dates of their publication in the Official Gazettes. These rules will remain in effect until the relevant State Government establishes explicit rules for the state, which will affect the application of the JJ. Act. Sec. 68 of the Act specifies various domains to which the Rules may be linked to facilitate the Act's explicit implementation concerning the executives of the homes, the standards to be adhered to by Juvenile Justice Functionaries, the systems and operations of competent specialists, the recovery instrument, and the mission of the Juvenile Justice Fund.

In addition, the "Delhi Gang Rape Case of 2012 "(Chauhan T., 2022) has imposed a directive on the legislature to enact the legislation. The primary problem of the Act was that it comprised inadequately drafted legislative provisions, and the ineffective child justice system was also a major factor in the prevention of Child in Conflict with Law in India. A short time later, the JJ (Care & Protection) Act of 2015 replaced the act.

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

Implementing the JJ (Care & Protection of Child) Act in 2015 represents a substantial shift in the country's strategy for dealing with juvenile offenders. The principal aim of the legislation is to give precedence to the reformation and reintegration of juvenile offenders into society. Considerable attention is devoted to the establishment of a judicial system that places children's welfare first and takes into account the unique vulnerabilities and requirements of juveniles implicated in criminal behaviour. Child offenders are classified according to their age under the Juvenile Justice Act, which distinguishes those who are considered "children in conflict with the law" from those who are considered "children in need of care & protection." (Raj A.,2020) The legislation advocates for the involvement of delinquent children in a variety of rehabilitation activities and alternative programming instead of traditional

punitive approaches. The extensive legislation in question has been devised with the explicit purpose of accomplishing a multitude of noteworthy goals. The strategy places the child's well-being first, strives to support the child's successful reintegration into society, and develops a juvenile justice system specifically intended to address the requirements of young people.

The legal framework established by the Juvenile Justice Act of 2015 places greater emphasis on the application of restorative approaches than punitive ones. This involves dedicating significant attention to the rehabilitation process and ensuring the successful reintegration of formerly incarcerated individuals into society. The Act acknowledges that individuals who engage in criminal behaviour while they are juveniles are undergoing a critical period of development and are still maturing, during which the implementation of suitable interventions and remediation can significantly improve their general welfare. The President of India assented to the JJ Act, 2015 (henceforth JJA, 2015), which was enacted by Parliament on December 13, 2015. (The Law Communicats, 2023). The preamble of the JJ Act of 2015, which outlines the objectives of the legislation, demonstrates that the defensive approach of juvenile justice towards children in conflict with the legislation and those requiring care and safety has not been altered. The prologue indicates that the Act is proposed for "fulfilling to their elementary needs through proper care, treatment, development, protection, social re-integration, by implementing a child- friendly method in the settlement and discarding of matters in the best interests of child and for their restoration through procedures provided, and institutes and bodies recognised". The 'juvenile' term has been omitted from the JJA, 2015, with the exception of its title, which is a positive development. In the event of a conflict with any other law, provisions of this Act are now given precedence under Sec.1(4). This applies not only to children in conflict with the law, but to all matters pertaining to child in need of protection and care. Furthermore, the definition of "child," which continues to be an individual below the age of 18, remains unchanged. To provide clarity, it is important to mention that the JJA, 2015, has not decreased the age at which a child is defined to be 18 years. However, in specific situations, children aged 16-18 who are

suspected of committing a heinous offence may sent to an adult criminal court, referred to as the Children court, where they can face trial as adults.

- *Two categories of children remain subject to the JJA, 2015:*

⇒ Child in conflict with the law and

⇒ Children in need of care and protection.

The definition of 'child in need of care & protection' (CNCP) has been modified, whereas the term 'child in conflict with law' (CCL) remains to denote adolescents who are suspected or found to have committed an offence. The most significant inclusion in this definition of CNCP is juvenile labour (Thomas, 2020). It is the duty of the juvenile justice board (JJB) to render decisions on issues pertaining to the Child Welfare Committee. At the same time, the CWCs are entrusted with the task of resolving matters concerning the CNCP.

Although the composition of the JJB remains unchanged at one judicial magistrate and two social workers, the magistrate's specialised knowledge in child psychology and child welfare is no longer a prerequisite. Professionals with degrees in child welfare, sociology, law or psychiatry are eligible to be selected as members of both the CWC and the JJB.

As per sec.6, individuals who have surpassed the age of 18 and are apprehended for an offence they committed before that age are to be regarded as children and their cases shall be resolved in accord with the sections of this Act. In the event that the age of a child is discernible from the aspect of the CCL prior to the JJB, the JJB may record the age and proceed with the inquiry. In other situations, age determination requires the presentation of evidence as per Sec: 94.

- *In consideration of preference, age shall be ascertained with respect to:*

⇒ the dates of birth certificate obtained from the educational institution, or the merit or corresponding certificates issued by the relevant exam board, if accessible; if unavailable,

⇒ The birth certificate provided by a municipal authority, panchayat or corporation;

⇒ The age of the individual shall be ascertained through an ossification test or the most recent medical age determination test authorised by the Committee in the absence of (i) and (ii) above;

The JJA, 2015 has classified offences into three distinct categories to adjudicate matters pertaining to child needing care and protection: petty, serious, and heinous (Singh A., 2018). The JJB is accountable for deciding on all cases concerning minors under the age of 16 who have committed an offence, as well as minors between the ages of 16 and 18 who have committed a serious or minor offence (Kaur K., 2020). In such situations, the JJB may select any of the subsequent orders for any offence, contingent upon the social inquiry report and the order's appropriateness in promoting the Adolescent's best interests:

⇒ Permit the child to return home subsequent to receiving appropriate guidance or reprimand through counselling and inquiry with the child, his guardian or parents;

⇒ Encourage the child to engage in group counselling and comparable events;

⇒ Compel the child to complete communal services under the direction of a designated individual, group of individuals, or an organisation recognised by the Board;

⇒ Order the child, parents, or guardian of the child to take part in group counselling and alike activities;

⇒ Mandate the child's release on probationary terms contingent upon demonstrating good behaviour and placement in a suitable facility for a maximum of 3 years, to oversee the child's welfare and ensure their good conduct;

⇒ If the Child is addicted, the order can be given to send the child to Rehabilitation centres

⇒ The court may order the placement of a child in a distinct care facility for a maximum of three years, to deliver reformatory services such as skills development, counselling, behaviour modification therapy, as well as psychiatric support throughout the child's sojourn in the special care facility: If the child's conduct and behaviour render the special home unsuitable for the child's welfare or the welfare of other children residing there, the Board may transfer the child to a safer facility.

When a 16–18-year-old is suspected of committing a heinous offence, the JJB is obligated to "conduct a preliminary assessment regarding the child's physical

as well as rational capacity to commit the offence, capacity to comprehend the actions of the offence, and the circumstances surrounding the alleged commission of the offence." This assessment may involve the support of seasoned psychologist, psychosocial worker, or other relevant authorities. Upon completion of this evaluation, the JJB may opt to dispose of the child.

After the Children's court receives the initial assessment from the JJB, it possesses the authority to exercise discretion in determining whether the children should be tried as adults or treated as children and issue appropriate orders (Acharya, 2017).

Annual reviews of the progress of minors are required to be sent to the court, who are beyond the age of 21 and kept at the place of safety. When the child reaches the age of 21, another evaluation will be conducted to determine whether or not they have undergone rehabilitation and are prepared to be reintegrated into society. In such cases, the children court might order their release for the remaining duration of the initially prescribed period of stay, subject to the supervision of the monitoring committee.

An appeal may be filed by any minor aggrieved by an order issued by the JJB or the child's court. Concerning the CNCP, the CWC has the authority to order either the child's return to the parents or placement in a children's care home. The child may also be positioned in foster care, the care of a suitable individual, or a suitable facility (Khan S., 2022).

The JJA 2015 recognises adoption as a significant method for the lasting reintegration and rehabilitation of children, despite the inclusion of some contentious provisions. Adopted orphans and children who have been deemed suitable for adoption may be placed up for adoption with both Indian citizens and expatriates. Including a child "whose legal guardian is neither willing nor able to provide for the child" in the definition of an orphan presents a problematic situation. Abandonment of children is no longer considered a criminal offence, and if the CNCP is unable to convince the parents to care for their children, it may declare the abandoned child suitable for adoption.

- *Board of Juvenile Justice:* As per Sec.4 of the JJ Act, legislation mandates the establishment of one or more JJBs in each district to carry out the authorities and responsibilities of the Act concerning children who violate the law. A first-

class judicial magistrate with at least 3 years of experience and 2 social workers, of which one must be a woman, comprise the JJ Board (Varsha, 2023).

Social workers must have a minimum of seven years of experience actively engaged in health, education, or welfare initiatives concerning children. Alternatively, they must hold a degree in child psychology, sociology, law or psychiatry and be in practice. The Board is authorised to exercise territorial jurisdiction and solely handle all proceedings pertaining to minors in conflict with the law under this Act. An inquiry shall be directed by the Board in compliance of Sec.14 of the Act whenever they are presented with a minor who is alleged to be involved in unlawful activities. In the absence of an extension of 2 months from the date of initial production of the child, the inquiry must be concluded within 4 months. The order of a preliminary assessment pertaining to heinous offences committed by a child between the ages of 16 and 18 years, as defined in section 15 of the Act, shall be accomplished within a timeframe of 3 months by the psychologist or psychiatrist to ascertain the mental and physical capacity of the child to commit offences.

- *The Child Welfare Committee:* In accordance with Sec. 27 of the Act, CWCs (Child welfare committees) are established in each district to safeguard the welfare of these children. In accordance with Sec. 31, these committees must present any child requiring care and protection within 24 hours, transportation time not included. Under Sec. 36, CWCs must perform inquiries that ascertain the child's best interests and issue orders of their protection, development, rehabilitation, treatment, and care. Each committee must have four members, including at least one woman, an expert in child-related matters, and one chairperson.

  Sec.37 of the Act addresses the restoration as well as the protection of children. It grants the authority to CWCs to return the child to their parents, guardian, or a suitable individual after the verification of their credentials. Alternatively, for the child's protection and care, the CWCs may place the child in a children's home or other suitable facility.

  Sec.44 of the legislation pertains to the subject of foster care alternatives. In contrast, Sec. 45 establishes sponsorship initiatives that aim to facilitate the rehabilitation, vocational training, and education of children who require

protection and care. The Committee must convene a minimum of 20 days in a month and adhere to established protocols and regulations.

A visit to a functioning childcare facility constitutes a sitting, and a member may be called upon to present a child in need of safety and care. When divergent viewpoints arise, the consensus of the majority will take precedence.

The Committee is entrusted with the following duties and obligations: receiving and maintaining custody of children; conducting inquiries; directing probation officers or child welfare officers to carry out social investigations; directing the assignment of children in foster care; guaranteeing the rehabilitation, protection, care or restoration of the child requiring care and protection; picking registered institutes for placement purposes; and leading a minimum of two scrutiny visits per month of residential amenities (Varsha, 2023).

The Committee assumes various responsibilities, including but not limited to the following: reuniting lost or abandoned children with their families, certifying them legally fit for adoption, conducting inquiries, obtaining legal services for children, and handling cases referred by the Board. It also works towards the rehabilitation of children who have been sexually abused. The Committee collaborates with law enforcement, the labor department, and other agencies engaged in the protection and welfare of children.

- *Procedure undertaken by Police Authorities:* A child suspected of committing any offence must be placed under the supervision of a child welfare police officer or an SJPU (Special Juvenile Police Unit) and, within twenty-four hours of apprehension, produced before the Juvenile Justice Board.

  A child suspected of having committed a non-bailable or bailable offence must be released on bail, accompanied or lacking surety, or placed in the upkeep of a suitably qualified individual under the management of a probation officer. If the child is not released, the officer in charge of the police stations is obligated to place the individual in an observation home until they can appear before a Board (Raj A., 2020).
- *Place for Safety:* The Place of Safety, an institutional mechanism within the JJ System, offers a secure residence for children between 16 and 18 years of age who have committed heinous offences and are involved in criminal activities. It

also accommodates children for whom it is determined that no alternative residential arrangement would be suitable or in their best interest.

A Society registered under Sec. 41 is required to have at least one place of safety established by the State Government for the placement of individuals or children who have been convicted or accused of perpetrating heinous crimes. It is imperative that every safe haven maintain distinct accommodations and amenities to accommodate minors, individuals awaiting investigation, and those convicted of committing an offence (Khan, 2018). The categories of locations that may be designated as "places of safety" may be regulated by the state government.

- *Adoption of children:* Additionally, this Act addresses adoption. Adoption is defined as the recognised process by which an adopted child is lawfully recognised as the child of his adoptive parents, receiving all the rights, freedoms, and tasks associated with a biological child while being irrevocably parted from his biological parents. The JJ Act of 2015 accommodates both intra-country and in-country adoptions. It specifies safeguards and protocols to be adhered to both prior to and subsequent to the adoption of a child.
- *Adoption Specialization Agencies:* The Act confers authority on State Governments to accredit Specialized Adoption Agencies in each district, with certifications and descriptions of their services. The annual scrutiny of each Specialized Adoption Agency by the State Government, with appropriate corrective actions to be taken as needed. In the event that a Specialized Adoption Agency fails to comply with the prescribed procedures for obtaining legal freedom for the adoption of an orphan, abandoned, or capitulated child from the Committee, finishing the home study reports of prospective adoptive parents, or gaining an adoption order from the court within the designated timeframe, the agency may face revocation of its State Government recognition and a fine of up to rupees fifty thousand.
- *Adoption of minors residing in institutions where adoption agencies are not registered*: Institutes registered under this Act, which are not required to be recognised as Specialized Adoption Agencies, are responsible for reporting, producing, and notifying the Committee that all orphaned, abandoned, or surrendered children in their care are legally available for adoption.

Additionally, they are required to establish official connections with a local specialized adoption agency and furnish comprehensive information regarding the child who have been declared legally available for adoption. Institutions that fail to comply with these regulations will face a penalty of fifty thousand rupees in addition to being de-recognised. The State Government must establish a State Adoption Resource Agency to handle adoptions and related issues in the state, as opposed to the Central Adoption Resource.

3.6. GOVERNMENT POLICIES OVER CHILD IN CONFLICT WITH LAW

- *Anti-ragging program:* Harassment or intimidation has a negative impact on young people's mental health. The government took steps to put a stop to these happenings. The CBSE Board in India has mandated that schools form a commission to implement an anti-ragging culture and ensure that a counsellor is present in each school. In 2007, the Ministry of Human Resource Development established the Raghavan Committee to address the growing matter of ragging as well as harassment at the university and college levels. In 2009, the UGC enacted legislation to address and alleviate the problem of ragging in higher education institutions. As a result of these many attempts, ragging is now strictly prohibited and punishable (Dutta S., 2024).
- *Integrated Child Protection Scheme (ICPS):* It was started in 2009 to provide comprehensive child protection services across India. Its primary objective is to mitigate vulnerabilities that contribute to children engaging in delinquent behaviour. ICPS encourages the formation of child welfare committees, specialist adoption agencies, and shelter houses to serve the needs of vulnerable children. Additionally, it encompasses provisions for family-based care, counselling, and education aimed at mitigating adolescent delinquency.
- *The National Policy for Children*: It was established in 2013 and delineates the administration's dedication to safeguarding the rights and welfare of children, encompassing measures to avoid Child in Conflict with Law. The strategy highlights the significance of protecting children and providing education,

healthcare, and social support systems. The objective is to establish a conducive atmosphere for the comprehensive growth of children and tackle the underlying causes that contribute to their susceptibility to engaging in delinquent behaviour.

- *Rashtriya Bal Swasthya Karyakram (RBSK):* It is a government program launched in 2013 to provide comprehensive healthcare services to children in India. While primarily focused on addressing health-related issues, RBSK also plays a role in preventing Child in Conflict with Law. By guaranteeing access to healthiness care facilities, together with preventive interventions and early discovery of health conditions, RBSK contributes to the overall well-being of children.

3.6.1 Addressing the Problems

The Indian authorities are addressing the factors contributing to Child in Conflict with Law, in accordance with the JJ Act, such as-

- *Programmes for the reintegration of individuals:* Authorities have established rehabilitation and correctional programmes with the objective of treating the underlying factors that contribute to criminality. These programmes incorporate skill development, education, and counselling to help reintegrate juveniles into society.
- *Community Engagement:* Attempts have been undertaken to engage local communities in the process of rehabilitating, acknowledging their significance in preventing and dealing with Child in Conflict with Law. The objective of community-based programmes and partnerships is to establish a nurturing atmosphere for young offenders.
- *Legal Protections:* The legal framework prioritizes diversionary measures and alternatives to incarceration, with the aim of making detention a final option. Juvenile justice boards have a vital function in conducting personalized evaluations to determine the most suitable interventions.
- *Socio-economic factors:* Delinquency is influenced by fundamental socio-economic factors, including poverty and limited educational opportunities. These factors require more comprehensive societal solutions.

- *Stigma among the community:* The reintegration of juvenile offenders may be impeded by societal stigma and discrimination, highlighting the importance of raising awareness and sensitizing society.
- *Age at which an individual can be held legally answerable for criminal offences:* Debates persist over the suitable age at which individuals should be held accountable for criminal acts, taking into account characteristics like as cognitive development and maturity.

  Although Indian authorities have made efforts to tackle juvenile criminality in accordance with the Juvenile Justice Act, continuous endeavours are required. Effective resolution of the root causes of Child in Conflict with Law in India requires collaborative activities, strategic allocation of resources, and a comprehensive strategy.

3.7 ROLE OF JUDICIARY TO CONTROL CHILD IN CONFLICT WITH THE LAW

- *Sampurna Behura v. Union of India and Others*

  (Sampurna Behura v. Union of India, 2005)

  There was a writ petition that was submitted by Sampurna Behura against the Union of India and other parties. The apex court in India, heard both the parties. Sampurna Behura, the petitioner, had completed her research for a master's degree in sociology and was currently working with children who were in dispute with the law. The case was about the execution of the JJ (Care and Protection of Children) Act, which was approved in 2000, as well as the JJ (Care and Protection of Children) Act, which was accepted in 2015. The highest court in the land ruled that the state is accountable for guaranteeing that the JJ Act is carried out in an appropriate manner in order to meet the requirements of children in society. Additionally, the court recommended that the Chief Justice of each HC should take into consideration the establishment of child-friendly tribunals and courts for vulnerable witnesses.
- *The Jhabua Murder Case*

  (CrA)

  During the month of December in 2016, the action took place in the Jhabua district of MP. In exchange for a meagre sum of money, the two juveniles, who

were 16 and 17 years old at the time, are accused of stabbing the deceased, Radhu Nana Palia, to death. They were taken into custody and placed in a residential facility for juveniles. A sessions court in Jhabua was the location where the trial took place. The prosecution contended that the two individuals who were suspects were engaged in the commission of a horrible offence and they ought to be punished with imprisonment for life for their actions.

There was an argument made by the defence that the two individuals who were suspects were juveniles and that they must be reformed rather than punished. Following the hearing of the reasons presented by both the defence and the prosecution, the court found that both the minor offenders are guilty and punished them to life in jail without the option of parole. This was a decision that would go down in history as a landmark since it was the first-time juveniles had been prosecuted as adults under the revised Juvenile Justice Act.

The case has raised a discussion regarding the age at which a person is considered to be responsible for a crime in India. Some individuals are of the belief that the age of criminal accountability ought to be decreased in order to make it possible for juveniles who commit serious offences to be subjected to harsher punishments.

Some individuals are of the view that the age of criminal obligation ought to be raised in order to provide juveniles who commit crimes with the opportunity to undergo rehabilitation rather than being penalized.

- *Ryan Augustine Pinto v. State of Haryana*

  (Ryan Augustine Pinto v. State of Haryana, 2017)

  This case is also named as Gurugram School Murder Case. In this case, a 7-year-old child named Pradyuman Thakur was murdered during his school time, and his dead body was found near the school boys' toilet. The Haryana police investigated the case and they have implicated the bus driver for this offence. The Haryana Police filed the chargesheet within 7 days of the Investigation, and while collecting evidence collection, they found the murder weapon near the dead body of the child. Within 20 minutes of the offence, child lost his life. Parents were informed about the offence as it took place within a span of time when the father left the child at the school gate.

Later, the case was pending in the lower court, and an application was moved to transfer. The case was sent to the CBI for better investigation. CBI, while investigating, found that the knife found near the dead body was not the murder weapon from which the death of the child had been caused. Later, CBI found a CCTV Camera near the Boy's toilet and found some students coming out, and one student was passed from seeing the dead body of the child. Even though the actual murder weapon was found, also the accused person stated before the CBI Court that he was coerced and beaten by the Haryana Police official to accept the guilt of the Offence.

From the CCTV Footage, it was discovered that a child in 11th standard committed this offence with the motive to cancel the exam and had not studied for it. The mobile device the child browsing history showed that before the actual incident of the offence, he was searching for ways to kill a person. The board did not found him to tried as an adult and was sent to the correctional home for months. Later got bail from the Supreme Court

- *Sheela Barse v. Union of India and Others*

  (Sheela Barse v. Union of India and Others, 1986)

  Within the context of this petition, the Hon'ble SC discussed the release of juveniles who are younger than 16 years old from jails, as well as the importance of providing information about minors who are incarcerated, as well as the presence of juvenile courts, homes, as well as the schools. The court stipulated that:

  ⇒ Legal assistance will be provided by the State Legal Aid and Advice Board to juveniles who are under the age of 16 and are incarcerated.

  ⇒ In order to disclose the figure of children' homes and inmates in these institutions, state governments are required to do so.

  ⇒ implement the "Children's Act" in a stringent manner and require the filing of affidavits detailing any instances of non-compliance.

  ⇒ District and Sessions Judges are responsible for monitoring the wellbeing of juvenile detainees.

- *Sheela Barse and Others v. Union of India and Others*

  (Sheela Barse and Others v. Union of India and Others)

  During the course of this case, important directives concerning juveniles were introduced. These directives included the completion of investigations and trials within predetermined timeframes and the prohibition of the placement of children in jails. It was urged by the court that state governments create remand and surveillance homes, and that the Union Government take steps in this regard.
- *Harii Ram v. State of Rajasthan and Others*

  (Harii Ram v. State of Rajasthan and Others, 2009)

  In this particular case, the age limit for male adolescents was discussed. Despite the fact that the claim is brought forward beyond the age of 18, the court made it clear that all people who were younger than 18 years old at the time of the offence are considered to be juveniles.
- *Jitendra Singh & Babboo Singh v. the State of Uttar Pradesh*

  (Jitendra Singh & Babboo Singh v. the State of UP, 2013)

  It was highlighted by the court that the allegation of juvenility might be brought up at any stage, even after the matter has been finished being resolved. Because this is a positive piece of legislation, a technical plea cannot prevent someone from filing a claim to be compensated. However, the claimant is the one who is responsible for providing evidence.
- *Supreme Court Legal Aid Committee v. Union of India*

  (SC Legal Aid Committee v. Union of India, 1989)

  It is necessary for children to receive the maximum possible level of social assistance. They require the safety net that society provides in order to develop and mature in a healthy manner. The SC of India came to the conclusion that the future of India is dependent on the mental and physical cleanliness of the contemporary youth of the country because they are the citizens of the country. It is a communal duty and an essential responsibility of the people who are currently holding public office to look out for the welfare of the young people of today so that they can acquire the skills necessary to become responsible citizens in the future.

- Subramanian Swamy v. Raju, 2014

  (Subramanian Swamy v. Raju, 2014)

  The petition was filed to challenge the constitutional validity of Juvenile justice Act,2015 where a child in conflict with law can be tried as an adult in case of commission of heinous offence and the age of child is between 16-18 years. The Apex court taking reference of Art.45 of UN Convention on child rights. The apex court stated that neither the child could be tried as an adult not he can be kept in adult prisons.
- *Parvathy v. Supt. Corporation Relief Centre*

  (Parvathy v. Supt. Corporation Relief Centre, 2001)

  In accordance with Sec. 29 of the JJ (Care and Protection of Children) Act, 2000, the presiding officers tasked with adjudicating cases involving children in want of care and safety must compile an inventory of the children's homes in collaboration with the public prosecutor. As required, the public prosecutor may subsequently request police assistance. A juvenile who is admitted would not be legally liable for defamatory charges. It is advisable that the court, whenever feasible, monitor the admitted juvenile.
- *Samuel Behura v. Union of India*

  (Samuel Behrua v. Union of India, 2018)

  The JJ (Care and Protection of Children) Act, 2000 and the JJ (Care and Protection of Children) Act, 2015 were both brought up for discussion by the court for their respective implementation policies. It offered guidelines for ensuring the well-being of children, including the establishment of special police units, coordination with non-governmental organisations (NGO's), and the filling of vacancies between positions.

3.8 CONCLUSION

A significant cause for concern that has to be addressed is the alarmingly high rates of Child in Conflict with Law in India. The existing legislation on juveniles does not have a deterrent impact on juveniles, and as a result, the consequences are futile, and the statutory purpose is not being accomplished. This is in spite of the fact that the government has implemented various rules and regulations in an effort to minimize the amount of juvenile crime. Juvenile justice, on the

other hand, is not connected to retributive justice because it focuses on the needs of juveniles in terms of reformation. In order to ensure that everyone is treated fairly, it is necessary for the law to be enforced and applied in every aspect of society. The Act of 2015 is the most essential guideline for the care and safety of adolescents on the market today.

The juvenile justice system was formed with a purpose of reducing the severity of juvenile's delinquency and defining reformation tactics for the purpose of re-establishing adolescents as an alternative to the traditional system of administration of punishment. This will result in the children becoming educated, well-trained, and loyal citizens, and they will also participate in the formation of the country if they are provided with the necessary knowledge, awareness, and guidance. If the community gives the children with the appropriate opportunity and care, they will become citizens. It is our responsibility to work toward reducing the societal ills that stand in the way of our becoming the most morally grounded family that we possibly can be. Learning about the ethical and spiritual principles that govern child development, as well as reading literature that teaches how to engage with children, and gaining knowledge about the legal aspects of child development, are all ways to attain this goal. In order for parents to be able to control their children in a peaceful manner, it is essential for them to have a solid understanding of their children's mental states. It is the responsibility of the local level of social life to offer child care, despite the fact that the judiciary issues particular declarations about child care.

The dissemination of these statistics serves the objective of drawing attention to the degradation of figures, the reasons for adhering to social norms, and the disintegration of social relationships and social bonds. Despite the existence of anti-delinquency legislation, the issue of delinquency continues to be a problem. Thus, it is of the utmost importance that children serve as the focal point of development. The mistreatment of a child is deemed to be delinquent since children only have one opportunity to advance in their development and growth. Even though a formal juvenile justice system could be justified to some degree, a concrete and comprehensive action plan ought to be established to ensure the healthiness and safety of all children and adolescents who are entirely cut off

from the social stream or excluded from it due to a variety of situational compulsions. It is also necessary for groups, individuals, communities, and civil society as a complete to collaborate in order to construct an appropriate policy framework to safeguard, care for, and expanding the development of children who have been neglected (Jaybhaye, 2023).

It is imperative to emphasize that such circumstances demand particular consideration and that the law must be construed in accordance with the child's best interests. The court of appeals intervention in all the cases is not the proper course of action for the judges. If necessary, the case should be dismissed with the utmost judicial attention in the initial stages. The main aim is to highlight the systemic deficiencies, specifically addressing how challenges in resolving cases are caused by insufficient financial resources, insufficient training of judges as well as the other representatives, and absence of advanced understanding of the psychosocial paradigm of the child.

Additionally, it should be noted that the chapter is not reaching the conclusion that providing training to representatives is the sole solution to all the challenges that impede the successful execution of the JJ. Act 2015. However, this is one of numerous aspects that the executive branch must contemplate when issuing statements of such magnitude as the one presented by the Hon'ble Minister.

The logical consequence is that the training is not carried out in accordance with the plan or as prescribed. A viable resolution to this concern would be for the State Commission for the Protection of Children Right or State Welfare Department to establish collaborations with reputable legal education organisations. This would ensure that the law enforcement personnel assigned to juvenile cases receive comprehensive training and remain updated on the latest developments pertaining to the procedural aspects of juvenile case management (Gupta, 2024).

In conclusion, it is imperative that juvenile courts function solely as conduits to aid in the comprehensive maturation of the delinquent. It is not appropriate for it to evaluate the behaviour of a minor, nor should it attempt to reprimand the minor while they are entangled in its web. The courts should refrain from becoming overzealous in their efforts to educate the child; that duty should be delegated to the appropriate institution.

Despite the fact that government schemes and efforts constitute substantial steps toward protecting adolescents and strengthening the juvenile justice system in India, there are still problems that need to be overcome in order to accomplish their successful implementation and enforcement. Inadequate infrastructure, a lack of educated people, delays in the legal process, and cultural attitudes toward juvenile offenders continue to be obstacles that exist in the way of attaining the aims that these efforts are designed to accomplish. It is vital to conduct ongoing evaluations and make efforts to overcome these problems in order to guarantee that government programs in India properly attain their goals and protect the rights and well-being of adolescents.

Regrettably, India declined the opportunity to redesign the system more effectively, opting instead to depend on toothless tigers – regulations that seem robust in theory but diminish in practical application. It is time for a re-evaluation of resource allocation and the way in which governing bodies advance the juvenile justice system's overarching objectives.

CHAPTER 4: ANALYSIS OF JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 AND JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) AMENDMENT ACT, 2021

4.1 INTRODUCTION

Children represent a nation's destiny. It is incumbent upon all individuals to ensure that the environment in which they reside is both secure and amicable. The statistics indicate a significant increase in Child in Conflict with the Law in evolving nations such as India over the past decades. (Belwal A. B., 2016) Delinquency is present in every country but is especially prevalent in densely populated, highly industrialised nations. By coinciding with the term, young offenders could avoid the disgrace of being classified in legal records. Juvenile legislation is primarily intended to address the issues of delinquency. Child in Conflict with Law is not a novel issue that has captivated society. It arises in every society, both in its simple and complex forms. However, the very term has become a disgrace due to the current increase in the incidence of criminal activity among juveniles. Delinquents often originate from households characterised by strained familial dynamics and significant interpersonal challenges.

Delinquency has historically been regarded as a social issue preceding its classification as a legal problem. Additionally, it is a psychological issue. Therefore, to prevent this societal ill, the intricate issue of delinquency must be addressed threefold: social, psychological and familial perspectives. Although legislation about children in Conflict with the Law has been established for quite some time, it is subject to periodic revisions. Moreover, legislation concerning juvenile delinquents has been amended in every progressive and civilised nation across the globe.

Children are considered the most valuable resource of any nation. The development of children is equally as important as the development of material resources; therefore, caring for children is the best way to develop national human resources. The world's highest child population is in India. The Indian Constitution encompasses numerous provisions that ensure children's well-

being, safety, and growth. Art.21-A stipulates that the government must provide mandatory and cost-free education to all children between the ages of 6 and 14 years, as determined by the government through legislation. Art.45 of the Constitution requires the State to exert maximum effort in providing early juvenile care and education to all children until they reach age 6. As to Art.51-A (k) of the Indian Constitution, parents or guardians must guarantee that their child or ward receives educational opportunities between the ages of 6 and 14. The JJ Act 1986 ((Act No. 53 of 1986)) was the initial central legislation concerning juvenile justice. It was ratified on December 1, 1986, to advance the protection, treatment, growth, care, and restoration of abandoned or delinquent children, as well as facilitate the adjudication and resolution of specific issues about said delinquent juveniles. The 1989 UN Convention for the Rights of the Child was ratified and signed by India in 1992. As a result, the JJ (Care & Protection of Children) Act, 2000 ((Act No. 56 of 2000)) was enacted.

Subsequent amendments were made in 2006 and 2010 to rectify deficiencies in its execution and render the legislation more child-friendly and conducive to social justice. Juvenile Justice is currently regulated in India under the JJ (Care and Protection of Children) Act of 2015. The JJ (Care as well as Protection of Children) Act of 2000 was repealed by the JJ Act, 2015, to close implementation gaps and make the law more conducive to social justice.

4.2 FEATURES OF JJ ACT, 2015

The 2015 Act, also known as the JJ (Care & Protection of Children) Act, is India's central legislation regulating children in Conflict with the Law. In response to the barbaric gang rape and subsequent death of a para-medical student in the National Capital (referred to as "the Nirbhaya case") by six assailants, one of whom was a juvenile, the 2015 Act was enacted. Nonetheless, the 2015 Act was passed to foster children's growth, protection, and treatment while remaining child-friendly. (Preamble to Juvenile Justice (Care and Protection) Act No. 2 of 2016 of 2015) Furthermore, the Act encompasses the social rehabilitation of minors through the collaboration of NGO’s and governmental institutions.

4.2.1 Overview of the Act

The preamble of the JJ Act 2015, which outlines the objectives of the legislation, demonstrates that the defensive method of children's justice towards children in conflict with the law and those requiring care and protection has not been altered. The preamble of the Act articulates its objective of providing for the fundamental needs of children utilising appropriate growth, safety, care, social integration and treatment. It accomplishes this by employing a child-friendly method in the settlement and resolution of issues in the children's greatest interests, in addition to establishing institutions and bodies that facilitate their rehabilitation. Children in conflict with the law shall be subject to the provisions of this Act in all circumstances, including-

- Reintegration and restoration of children in need of care & protection;
- Measures and pronouncements or guidelines about adoption, rehabilitation, restoration, and re-integration of children in need of care & protection; and
- Prosecution, detention, apprehension, restoration, and re-integration of children in need of protection.

The term "juvenile in conflict with the law" has been modified to "child in conflict with the law," and the phrase "child in conflict with the law" has been included in the JJ Act, 2015. In the Act of 2000, the term 'Juvenile' was employed to designate adolescents who violated the law. Since 2015, the term ‘Child in conflict with the law' refers to an individual alleged or proven to commit an offence and inquired by the Juvenile Justice Board. The terms 'abandoned child' (Section 2(1) of JJ Act. (2015)) and 'aftercare' (Section 2(5) of JJ Act. (2015)) are also defined within it.

The chapter-2 of the JJ Act of 2015 delineated provisions for safeguarding, rehabilitating, providing care for, and ensuring justice for children. It encompasses several globally acknowledged principles, such as: responsibility of households, participation, prioritising the welfare of individuals, avoiding negative labelling, maintaining privacy and confidentiality, repatriation and rehabilitation, equality and fairness, alternative measures and fair treatment, and the assumption of innocence. The idea of institutionalisation asserts that adolescents should only be placed in such facilities as a final option, when there are no other realistic or accessible alternatives for family-based care.

4.2.2 Procedure vis-à-vis. Child in Conflict with Law

The JJ Act of 2015 established an innovative procedure for managing juveniles involved in crimes. For children in need of care and protection, the Children Welfare Committee shall be made (Section 27 of JJ Act. (2015)), endowed (Section 29) with authority and responsibilities (Section 30 of JJ Act. (2015)), including the following:

- Receiving the children who are orphaned, abandoned, surrendered, or in need of care and protection are brought before it;
- Conducting inquiries into matters affecting the protection and well-being of children as defined in this Act;
- Providing directives to Child Welfare Officers, Probation officers, the District Children Protection Units, or NGO's to transfer out communal investigations;
- Overseeing the process of determining suitable individuals to provide safety as well as care for a child in need;
- Guiding the assignment of a child in foster care;
- Communicating any pertinent instructions to parents, guardians, suitable individuals, children's homes, or suitable facilities;
- The process of assigning registered institutions to care for children in need of institutional support should be determined by the child's age, gender, incapacity, and specific wants, with consideration given to the institution's capacity;
- Performing a minimum of two scrutiny official visits per month on inhabited accommodations catering to children requiring protection as well as care and providing recommendations to the District Children Protection Units and the State Govt. regarding measures to enhance the quality of services provided;
- Attesting to the parent's compliance with the surrender deed and ensuring they are afforded an opportunity to reassess their choice while also exerting every effort to preserve the unity of the family;
- Guaranteeing that every effort is exerted to reunite missing or abandoned children with their relatives in accord with the prescribed due process;
- The legal eligibility of an abandoned, surrendered, or orphaned child for adoption, subsequent to a thorough investigation;

- Exercising Suo-moto cognizance of cases and initiating communication with minors requiring protection as well as care who are not presented before the Committees, on the condition that a minimum of three members make such a determination;
- Implementing measures to facilitate the reintegration of sexually ill-treated children who are reported to the Committees by the SJPU or local police, as applicable, as children in need of protection as well as care according to the POCSO Act, 2012;
- Addressing cases referred by the Board under subsection (2) of section 17;
- Collaborating with law enforcement, the labor division, and other relevant agency involved in the protection and welfare of children;
- In the event that a child abuse complaint is received at a children's care institute, the Committees must initiate an investigation and provide guidance to the relevant authorities, including the police, the District Children Protection Units, the labour department, or Childline services.
- Facilitate the child's access to suitable legal Aid care services.
- Carry out any additional duties and obligations that may be mandated.

  The JJ Act of 2015 mandated that childcare institutions be subject to mandatory registration. The State Govt. must establish temporary shelter homes, observation homes, and specialised homes for children requiring housing support, to safeguard them against abuse, weaning them away from a life on the roads, or preventing them from being neglected.

  The Central Adoption Resource Agency (CARA), a legislative organisation obliged to administer domestic and international adoptions, has been formed. It is stipulated that all adoption applications must be submitted to a Principal Magistrate in the jurisdiction where the registered adoption agencies are situated. In addition, the Act established a juvenile justice commission composed of sociologists and psychologists to determine whether or not a 16–18-year-old young offender should be tried as an adult. Additionally, the Act established foster care in India.

  Relatives will place children in foster care, including those who have been abandoned, bereaved, or involved in criminal activities. These families will be

subject to state oversight and will be provided with financial assistance (Dutta D., 2020). Adoption will be prioritised for children who are disabled or physically and financially incapable.

The time parents have to reconsider placing their children up for adoption has been extended from 1 month to 3 months. A person found guilty of providing alcohol or drugs to a minor is subject to a penalty of seven years in jail, a fine of ₹1,000,000, or both, as stipulated in the new Act.

A person convicted of selling a minor is subject to a ₹1,000,000 fine and a 5-year imprisonment. In addition, it is stipulated that juveniles aged 16 or older may be tried as adults for heinous crimes such as rape and homicide. Heinous offences are that they carry a minimum mandatory penitentiary sentence of 7 years. Additionally, it is stipulated that a preliminary assessment will be conducted on any juvenile who has committed an offence for three months, as opposed to the previous one month.

The legislation mandates that the police force's special juvenile unit receive appropriate training. Nodal authorities SCPCR (State Commission for Protection of Children's Rights) and NCPCR (National Commission for Protection of Children's Rights) will oversee implementation, child rights publicity of the modified act, and investigations into cases arising from the act, respectively. The aforementioned are the diverse characteristics of the JJ Act (JJ (Care and Protection of Child) Act, 2015.).

4.2.3 Basic guidelines for the safety and well-being of children

Fundamental principles outline the protection of children and are given under the JJ Act (Section 3, Juvenile Justice (Care and Protection of Children) Act 2015). The Central Govt., State Govt., the Board, and various agencies shall be bound by the following basic principles when carrying out the provisions of this Act:

- *The principle of the child's best interest*: It serves as the rationale for all decisions regarding a child, ensuring that their fundamental rights and requirements, character development, societal progress, and bodily, intellectual, and emotional growth are all met.

- *The Presumption of Innocence Principle*: It must be upheld during the righteousness and safety process, commencing with the preliminary contact and extending to discretionary consideration, with aftercare. Any illicit conduct exhibited by a minor, motivated by environmental or situational circumstances, exhaustion, adult supervision, or peer pressure.
- *The principle of the right to secrecy:* It states that every child is entitled to the right to be protected and to maintain their privacy through all means and throughout the legal process. There will be no distribution of juvenile reports that could lead to their identification, except in circumstances where disclosing their distinctive proof of individuality would result in their safety.
- *The principle of equality and non-discrimination:* It positions that no child must be exposed to any form of discrimination based on their place of birth, race, ethnicity, or disability. Furthermore, all children should be afforded identical access, opportunities, and treatment. Efforts should be made to safeguard the child from any form of discrimination or penalty predicated on the status, activities, communicated views, or convictions of the child's legal custodians, household members, or parents.
- *The principle of involvement:* It states that every child must be allowed to be involved, and any child who is old enough to form his or her own opinions should have the unrestricted right to easily express those opinions on matters that affect the child's development and growth. The significance of the child's views should be commensurate with his or her level of maturity and age.
- *The principle of institutionalisation:* It states that it should only be used as a last resort when the family is unable to provide for the child's well-being. In such situations, when the child is unaccompanied and no one else can care for them, the government must establish alternative provisions.
- *The principle of diversion:* It offers several advantages over the traditional criminal justice system, which can be overly rigid, cumbersome, sluggish, and unresponsive to the needs of juveniles, the majority of whom are first-time or non-serious offenders. The police serve as the initial intermediary between the children and the JJB or court. In light of this, the police hold the view that bringing the juvenile before judicial bodies is unnecessary, as they may be able to distract the child from official court processes in accord with valid laws and

regulations, thereby safeguarding the rights of the child, society, and the victims.

- *The principles of natural justice:* It states that all children ought to be treated with fairness and equality, irrespective of their ethnic, national, or social origin, possessions, ownership, birth or further status, or political or other affiliation. There are circumstances in which special protections and services must be implemented to guarantee that the rights of minors are treated equally.
- *The Principle of Family Obligation:* It dictates that custodians or parents of a child must be present and involved in the preparatory stages of the inquiry and prosecution. It is advisable that police, detectives, or juries inform them that a customary request will be carried out and they are cordially invited to participate.
- *The principle of dignity:* The principle of dignity and value posits that the manner in which a child is treated will be consistent with the child's sense of honour and value. Each individual is born into the world in an equal and liberated state, with equal rights and dignity. They should treat one another with a spirit of fellowship, in accordance with their rationality and conscience ((Article I of the United Nations Declaration of Human Rights)). Respect will be extended to all children on account of their intrinsic dignity as human beings.
- *Safeguarding Children:* In the name of care and protection, the state bears a superior duty to safeguard the care of every child in its custody and safety without resorting to preventive procedures and measures.
- *The principle of positive measures:* It centres around the fundamental objective of advancing the welfare of young individuals. Adolescents' personalities and conduct shall be rectified and reformed through the implementation of constructive measures.
- *The principle of non-stigmatising*: the semantics advocates for the avoidance of employing terms that are commonly used in criminal procedures, decisions, and activities, as these terms have the potential to stigmatise juveniles. The rule dictates that adversarial or accusatory language, such as culpability, capture, charge sheet, remand, custody, preliminary, indictment, summons, warrant, reprobate, conviction, detainee, ignored, or incarceration, should be avoided at all costs.

- *The principle of non-waiver:* The principle of non-waiver of right is explicitly prohibited in the Constitution of India. The aforementioned concept is exemplified in the Indian juvenile justice system. Any child, capable authority, or shareholder operating within the juvenile justice system should never, under any circumstances, delay the enforcement of legal rights mandated by the Juvenile Justice Act. Additionally, failure to exercise fundamental rights does not constitute a renunciation of the corresponding right.
- *The Principle of Repatriation and Restoration:* It stipulates that any parting of a child from her or his parents against the child's will must be avoided. Nonetheless, suppose the court or Board determines that the parting is in the child's best interest and in harmony with applicable laws and events. In that case, such a purpose may be required in a specific case, such as one concerning parental exploitation or abandonment of the child, or one in which the parents are separated and a residence choice must be made for the child.
- *The principle of a fresh start*: It advocates for the provision of a renewed commencement for a child who is involved in criminal activities. This regulation also specifies the time within which all previous records of the juvenile must be disposed of. It is guaranteed that they will expunge all previous recordings.

4.2.4 Juvenile Encounters with the Law

Sec.2(13) (Juvenile Justice (Care and Protection of Children) Act 2015) The term "Child in Conflict with Law" refers to a minor who is alleged or found to have committed a crime and is under 18 at the time of committing the offence. The protocol for managing children involved in legal conflicts includes assigning an ‘observation home’ to the child until the inquiry is concluded. The children would be segregated based on their gender, age, mental and physical condition, and the seriousness of the offence. If a juvenile is determined to have committed an offence by the Juvenile Board, they will be placed in a ‘Special Home’ made in every district by the State Government. A ‘Place of Safety’ shall be established for individuals 18 years old or older or anyone between the ages of 16 and 18 who have been charged with or convicted of a Heinous offence.

In the Place of Safety, distinct accommodations and facilities shall be made available for minors found guilty. Sec.8(3)(m) (Juvenile Justice (Care and Protection of Children) Act 2015) states that the JJB will conduct regular inspections of adult correctional facilities to identify the presence of children. In the event that such children are discovered, the board will transfer them to the Observation Home without delay.

As per Chapter III, sections 4 to 9 are devoted to the Juvenile Justice Board, which oversees cases involving 'Child in conflict with Law'. To prevent juveniles from being treated like adults, they should not be subjected to the same treatment as criminals and should not be brought before the court as adult criminals; doing so would destroy their reputation in society.

Not only does it affect their reputation, but it also affects the Juvenile Justice System, which operates under the assumption that juvenile offenders commit these crimes due to adverse environmental conditions and societal pressures; therefore, they should be afforded an opportunity to start over in life. Children occasionally engage in illicit behaviour without any culpability or malicious intent, and furthermore, they do not contemplate the potential lifelong consequences of their actions (Express, 2022).

Three individuals are seated on the Juvenile Justice Board to review cases involving juveniles: the magistrate and two additional social workers who are members of the board. The magistrate presided to hear juvenile-related cases possesses three years of experience as a JMFC. The procedure pertaining to a child in conflict with the law is covered in Chapter IV, sections 10 to 26.

The following are some of the numerous categories of crimes that children commit:

- **Petty offences**—It include those for which the utmost sentence under the IPC (now BNS) or any other legislation in force at the time is 3 years imprisonment., are extremely minor in nature.
- **Serious offences**—Serious offences are those for which the IPC (now BNS) or any other legislation in force at the time imposes a maximum sentence of 3 to 7 years imprisonment.

- **Heinous offences**—Offences classified as heinous under the IPC (now BNS) or any other provision in force at the time require a lowest sentence of 7 years or more imprisonment.

4.2.5. Children requiring protection and care

Chapter V of the Juvenile Justice Act, 2015. addresses child in need of protection as well as care; this chapter contains the following:

- The Child Welfare Committee (C.W.C) is established as per Sec.27 to 30.
- Sec.31 to 38 of Chapter 6 of the JJ Act, 2015 delineate the procedure for the committee. A Child in need of protection and care must be brought before the CWC within 24 hours. The Act requires the reporting of any child who is found to be separated from their guardian. Not revealing the occurrence is considered a punishable offence. The child requiring protection and care must be referred to the appropriate Children's Care Institutions by the CWC. The CWC also requires that a social worker, case worker, or children's welfare officer carry out a social examination within 15 days. The DM is responsible for overseeing quarterly reviews of the committees' operations. Additionally, the Children Welfare Committees are required to gather at least twenty times per month. (Samisti Legal, 2023)

  A Children's Home is a facility that provides care, protection, treatment, education, training, development, and rehabilitation for children in need. Temporary shelters are created under the Act to provide community support for children who are in need. These shelters serve the twin objective of protecting children from abuse and preventing them from becoming homeless. (Kashmir Reader, 2023) The Child Welfare Committee has the authority to designate a facility as a Fit Facility for the purpose of taking temporary custody of a child. The Dedicated Adoption Agency has the responsibility to assist in the rehabilitation of orphans, neglected children, and relinquished children.

4.2.6 Juvenile Justice Boards

A Judicial Justice Board (JJB) must consist of either a Metropolitan Magistrate or a Judicial Magistrate First Class who has a minimum of 3 years of experience. It is important to note that under no circumstances would a Chief Magistrate be nominated to the JJB. In accordance with the Juvenile Justice Act of 2015, the

appointment of social workers, in addition to the primary Magistrate, is mandatory. At least two social workers must be appointed, with one of them being a woman who has a minimum of seven years of experience in childcare work.

The Act stipulates that the Board shall render a final decision, in the best interests of the child. One of the primary responsibilities of JJB is to provide for the action, case process, inquiry, and ultimate order for the reintegration of a child whose developmental needs, protection, and treatment conflict with the law (Indian Law Portal, 2021). The Board's authorities and responsibilities include the following:

- Ensuring that the child and the parent or custodian are adequately apprised throughout the inquiry.
- Strict confidentiality and an informal atmosphere are required for the deliberation.
- The offenders ought to be housed in an observation facility.
- Guaranteeing the protection of the child's rights during all stages of the procedure, including apprehension, investigation, post-adjudication, and rehabilitation.
- Guaranteeing the facility of legal aid for the minor via institutions that offer legal services.
- When deemed essential, the Board shall furnish the child with an interpreter or translator, possessing the requisite qualifications and experience, in exchange for the prescribed fees, in the event that the child is unable to comprehend the language employed during the proceedings.
- Instructing the probation officer, or in the absence of the probation officers, the Children’s Welfare Officer, to carry out a social investigation into the case and submit a social inquiry report to the Board within fifteen days from the date of initial presentation in order to ascertain the circumstances surrounding the alleged offence.
- Adjudicate and resolve cases concerning minors in conflict with the law in accordance with the inquiry procedure.

- Delegating to the committee any issues pertaining to child who are deemed to conflict with the law, require protection and care at any point, thus acknowledging that a child who conflicts with the law may also be a child in need of maintenance at the same time, and that both the CWC and the JJB must be intricate in such matters.
- Concluding the proceedings and issuing a final order that encompasses a personalized care strategy for the child's rehabilitation, with subsequent monitoring by the district child protection unit or probation officer.
- Conducting an inquiry to determine the suitability of individuals to upkeep for child in contravention of the law
- Perform a minimum of one review visit per month on inhabited facilities that house child in violation of the law and advise the District Children Protection unit and the state government on how to enhance the quality of services provided.
- Upon receiving a complaint in this regard, issue an order to the authorities requesting the registration of an FIR for offences committed against children violating this act or any other law currently in effect.
- In response to a written complaint from a committee, direct the police to register an FIR for offences committed against children in need of maintenance and safety in violation of this act or any other law in effect at the time.
- Implement regular inspections of correctional facilities designated for adult inmates to identify the presence of any child inmates and promptly implement appropriate transfers to observation homes if necessary.

  The Juvenile Justice Board (JJB) is responsible for adjudicating all matters involving individuals under the age of 16 who have committed a crime, as well as anyone between the ages of 16 and 18 who have committed either a serious or minor offence (Legal Vidhiya, 2019). In these situations, the JJB may select any of the subsequent orders for any offence, subject to the social examination report and the order's suitability in the child's best interests (Sec.18 (1) Juvenile Justice (Care and Protection of Children) Act, 2015).

- Permit the child to return home subsequent to receiving guidance or reprimand through the implementation of suitable investigation and counselling to both the child and his parents or custodian;
- Encourage the child to engage in group counselling and analogous actions;
- Mandate that the minor engage in public service while being supervised by a designated individual, group of individuals, or an institution as determined by the Board;
- Mandate the payment of a sanction by the child, parents, or custodian of the child. On the condition that the minor be engaged in labour, it can be guaranteed that the provisions of any applicable labour legislation at the time are not contravened;
- Order the child's release on probationary terms contingent upon exemplary behaviour and placement in the care of a suitable parent, custodian, or suitable individual, provided that said individual executes a bond, without or with surety, as mandated by the JJB, to ensure the child's well-being and good behaviour for a maximum duration of three years.
- Order the release of child on probationary terms contingent upon exemplary behaviour and placement in a suitable facility for a maximum of 3 years, to oversee the child's welfare and ensure good behaviour;
- The court may order the child's placement in a special care facility for a maximum of three years, to deliver reformative services such as skill expansion, counselling, behaviour modification therapies, and psychiatric backing throughout the child's stay in the specialised care facility.

  The JJB may additionally direct the minor to the following:

  ⇒ Attending schools;

  ⇒ Participate in a professional training facility; or

  ⇒ Participate in and attend a therapeutic centre; or

  ⇒Forbid the minor from attending, visiting, or being present at a designated location; or

  ⇒ participate in a de-addiction program.

- *Procedure of Inquiry for Heinous Offences:* Under the specified criteria, Sec.15 of the Act requires the initial assessment of minors involved in legal conflicts: Adolescents between the ages of 16 and 18 years who commit a serious offence as described in subsection (2) of section 33 of the Act. Before moving forward, the Juvenile Justice Board conducts an initial assessment to see if the aforementioned criteria have been fulfilled. The cognitive and physiological ability of a youngster to engage in criminal behaviour is evaluated. The Board issues a definitive order determining whether a juvenile can be tried as an adult in a court of law, based on the result of this initial assessment.
- *Request for Preliminary Assessment:* An evaluation conducted by the Board may also be categorised as an inquiry according to Sec. 14 of the Act, which outlines the process by which the Board conducts an inquiry concerning a minor involved in unlawful activities. The Board is also required by Sec. 14(5) of the Act to investigate promptly and impartially (Law Finder, 2018). It also specifies that investigations into heinous crimes committed by minors between the ages of 16 to 18 years shall be conducted in accord with Sec.15.
- *The aid of a psychologist:* In accord with Sec. 15 of the Act, Rule 10A (Juvenile Justice (Care and Protection of Children) Model Rules, 2016) specifies the steps required to perform a preliminary assessment. The document specifies that to conduct an initial evaluation of juveniles who are committing abhorrent crimes, the Board may, if required, seek the assistance of Psychologists, psychosocial workers, or any other qualified professional with relevant experience in supporting children navigating challenging situations.

  Furthermore, as stipulated in proviso Sec.15(1) of the Act, the Board may take the assistance of a psychologist, psychiatrist, or other authority in the relevant domain. The District Child Protection Units shall be accountable for ensuring that the aforementioned specialists are available. The board may seek the opinions of these professionals on any psychological matter and may even request that they conduct an impartial evaluation of the juvenile pertaining to the Mental, Physical, and capacity of the Child to commit the Offence and knowing the nature and consequences of the commission of the offence.
- *Timeframe for Assessment:* According to Sec. 15(2) of the Act, the Board is required to complete the assessment process within the timeframe specified in

Sec.14 of the Act, which is especially intended for this purpose. Typically, the Board must complete this investigation within 4 months from the date the child was first brought before the JJB. However, receiving a two-month extension in some exceptional circumstances is possible. An extension may be granted if a written justification is provided that clearly outlines the unusual circumstances justifying the request. Nevertheless, where a minor is believed to have committed a serious crime, according to Sec.14(3), a preliminary evaluation under Sec.15 must be completed within a three-month timeframe. Suppose the Board wants to prolong the time for completing the preliminary assessment. In that case, it must acquire written consent from either the CJM or the Chief Metropolitan Magistrate (CMM), clearly stating the reasons for the extension. (Centre for Child Rights NLUO, 2019)

- *Bail of Child:* The regulations pertaining to parole for a "child in conflict with law" are specified in Sec.12 of the JJ Act, 2015. A "child in conflict with the law" refers to an individual under the age of 18 when they are accused or found guilty of committing a crime.

  As per this clause, a child who has violated the law and committed either a non-bailable or bailable offence can be granted bail with or without surety, regardless of the bail procedure outlined in the Cr.P.C. Furthermore, the stipulation in this section specifies that bail can be denied if there are practical reasons to assume that the following events are likely to happen upon the child's release: (i) The child will be linked to a notorious offender; (ii) The child will be subjected to physical, mental, or moral damage; or (iii) The principles of fairness and justice will be undermined (Sonia Kinra, 2022).

4.3 ADOPTION OF CHILDREN IN NEED OF CARE & PROTECTION

Adoption is the lawful procedure by which a child is permanently placed with a parent or parents other than the genetic parents. The adoption of a child consequences in the relinquishment of the custodian paternal rights and obligations, which are subsequently conveyed to the adoptive parents. The institution is recognised internationally. Adoption is mentioned in some capacity in virtually all religions and mythologies. In contemporary society, the

aspiration regarding adoption has transitioned from providing a child to those who are childless to housing the destitute. (Brain Booster Articles, 2018)

Definition of Adoption: According to Sec. 2(2) of the JJ Act, 2015, the term "adoption" denotes the procedure by which a child is permanently detached from his genetic guardians and develops the legitimate child of his adoptive parents, acquiring all the privileges, rights, and tasks associated with a genetic child. Sec.57 to 73 of the Act 2015 pertain to adoption in Chapter VIII. Several agencies exist that assist in the facilitation of the adoption process for children who are legally free to adopt.

- One such agency is the State Adoption Resource Agency (SAA), which provides support to child care institutions affiliated with the SAA as well as the children residing in its institution. Additionally, it is in charge of ensuring that each infant within its premises receives care and protection.
- The Central Authority of India (CARA) is entrusted with the responsibility of promoting and facilitating domestic adoptions, regulating international adoptions, and formulating adoption regulations in accordance with Sec. 68 of the JJ Act (CNPC), 2015.
- The state government should establish a state adoption resource agency (SARA) to manage adoption-related issues within the state, overseen by a specialist, in accordance with the provisions of Sec. 67 (Juvenile Justice (Care and Protection of Children) Act, 2015) of the Act.

4.4 LANDMARK CASES

- *Mumtaz Ahmed Nasir Khan v. State*

  (CA No 1153 of 2018 (High Court of Bombay).)

  The HC examined the element of preliminary assessment in this particular case. After discussing the position in numerous countries, it ultimately drew its conclusion from a case from the US, Kent v. US [383 US 541 (1966)]. The pertinent excerpt should be reproduced due to its concise delineation of the criteria that would guide individuals involved in the preliminary evaluation process:

  Kent's challenge ultimately reached the U.S. Supreme Court, which has since deliberated on the criteria that ought to be taken into account prior to the adjudication of juveniles in criminal court. Judges are obligated to conduct a

comprehensive evaluation of the subsequent factors prior to releasing a juvenile from criminal court:

⇒ The gravity of the claimed violation in relation to the community and the necessity of waiving in order to safeguard the community;

⇒ The question of whether the purported violation was carried out with aggression, violence, premeditation, or volition;

⇒ Irrespective of whether the stated transgression was against individuals or property, offences against individuals carry more significance, particularly when personal injury is incurred;

⇒ The prosecutorial merit, which pertains to the presence of evidence that could reasonably lead a court to remand an indictment;

⇒ The merits of conducting a trial and resolving the entire offence in a single court when the adult associates of the juvenile are implicated in the alleged offence;

⇒ The adolescent's level of sophistication and maturity as assessed through an examination of his living environment, residential circumstances, emotional disposition, and lifestyle.

⇒ The juvenile's record and prior history, encompassing prior interactions with law enforcement agencies, juvenile courts, and other jurisdictions, as well as prior probationary periods, shall be considered. or previous incarcerations in juvenile facilities;

⇒ The potential for ensuring sufficient public safety and facilitating the juvenile's plausible rehabilitation (should he be convicted of the alleged offence) through the utilisation of existing juvenile court procedures, services, and facilities.

- *State v. Navinbhai Bijalbhai Dharmani*
  (R No. 374 of 2019 (High Court of Gujarat))
  The primary criticism levelled against the JJB and children's court orders in this particular instance pertained to the failure to conduct the preliminary assessment within the prescribed three-month timeframe as mandated by the Act. Additionally, the order was signed solely by the principal magistrate. By invoking section 7(3) of the Act, which stipulates that a minimum of 2 members, including the principal magistrate, must be present when issuing a final order or an order under section 18(3) (i.e., an order whereby the JJB transfers the case to

the child's court), the latter contention was resolved. Moreover, this ruling reaffirmed the claim that an investigation should be conducted within one month, with the remaining two months designated for preliminary assessment. It extensively examined whether the three-month timeframe specified in section 15 is obligatory or voluntary in nature for the completion of the preliminary assessment inquiry. In conclusion, it stipulated that preliminary evaluations must be finished within 3 months of the child's first appearance before the JJB, and that doing so is obligatory under all circumstances. Nevertheless, should a retrospective preliminary assessment be conducted after the three months have passed, then the provision can be considered advisory in nature. Opinions were expressed that psychology, being a science, is not underdeveloped in the current era; on the contrary, the psychology faculty is quite advanced. It was as follows: The CCL will not be prejudiced if the preliminary assessment is conducted at a later date and time, if the finding under Sec. 18(3) of the Act, 2015 indicates that the preliminary evaluation was conducted with the retrospective effect, or the prevailing circumstances at the time of the incident, in mind.

- *Shilpa Mittal v. The State of NCT Delhi* (AIR 2020 SC 405)

  On January 9, 2020, the court was confronted with the question of whether the youngster should be prosecuted as an adult. In the current situation, the juvenile offender was between the ages of 16 and 18 at the time of the offence. The JJB issued a directive to impose adult punishment on the youngster because of the seriousness of the offence he committed. Subsequently, the mother of the child files a petition with the High Court, as Section 2(33) of the Juvenile Justice (Care and Protection of Children) Act, 2015 does not clearly state the duration of the penalty for the offence.

  If a child commits a serious crime, such as rape or murder, which can result in a maximum term of seven years, the High Court has declared that the child may get a punishment similar to what an adult would receive. A petition was filed with the Supreme Court on the basis that the issued order was inconsistent with established norms.

  This Act does not cover the fourth category of offences, which have a maximum sentence of 7 years but do not include minimum incarceration or imprisonment for less than seven years. Consequently, this is classified as a "grave violation"

under the provisions of this legislation. This specific issue should be handled in accordance with this method, unless it is addressed directly by the Parliament. Furthermore, the court had mandated the High Court to expunge the child's name from the registry of children in conflict with the law. As a result, the disagreement was settled in favour of the youngster.

- *Bholu v. The Central Bureau of Investigation*

  (CR No. 2366 of 2018 (High Court of Punjab and Haryana))

  According to the Juvenile Justice Act, the right to participation is an inalienable and crucial entitlement that is primarily underscored by this case. The revision petition lodged by the CCL with the High Court of Punjab and Haryana sought to contest an order rendered by the children's court, which had previously granted the order of the JJB to relocate the CCL to an adult court after a preliminary evaluation. Ultimately, the case was remanded to the JJB for additional deliberation. In violation of the regulations and statutes, neither the CCL nor his parents were given the list of witnesses and supporting documents. The court noted that in addition to the final report, a copy of the witnesses' statements and other pertinent records must be provided to the child before conducting an initial evaluation. Furthermore, the court noted that the legislature, in its sagacity, has allotted one month to produce said documents and statements. This would undeniably facilitate the execution of a prompt investigation.

  Additionally, the evaluation of the child was conducted using unsuitable assessments, specifically the Coloured Progressive Matrices (CPM) and Malin's Intelligence Scale for Indian Children (MISIC), which are designed for children aged 5 to 11 ½ years and 5 to 15 years, respectively. It is evident that the findings would not be relevant to the CCL, given that he was 16.5 years of age. Furthermore, the CCL was denied the opportunity to cross-examine the psychologist, notwithstanding the rumour that the psychologist had fabricated questionable reports.

- *Shubham@ Bablu Suryavanshi v. State of Maharashtra*

  (2022 LiveLaw (Bom) 416)

  A seventeen-year-and-eleven-month-old child claimed to have stabbed the man with his fiancé using glass. Given that the child in question has reached the age

of 16 or older. Following an initial evaluation under S.15 of the JJ Act, the JJBs issue an order to treat the minor in legal conflict as an adult. The Children's Court denied bail in accordance with S. 12 of the JJ,2015 Act. The matter pertains to the feasibility of granting bail if the juvenile is ordered to be treated as an adult.

Held - In this situation, the Court ruled that the JJ Act, being a special act, transcends the CRPC. A child in conflict with the law is an ex-student of class X who committed the offence while under the influence of drugs without the intent to murder. The young male is classified as a juvenile according to the JJ Act.

The child was also self-sufficient in earnings. As well as gaining knowledge of carpentry. Additionally, a positive response was received from his instructor. Bail should also be granted for the minor. It is necessary to reunite the infant with his family. Restitution or restoration is withheld unless doing so would be conflicting to the child's best interests.

- *Shahaab Ali (Minor) v. State of Uttar Pradesh* (2020 CriLJ 4479)

  In this instance, the minor petitioned the High Court for anticipatory bail through his guardian. Concerning the maintainability of a plea filed under Sec. 438 of the CrPC of 1973 on behalf of a minor in conflict with the law.

  Held: The initial information report has been filed against the minor. Bail is presently given in accord with Sec.12 of the JJ Act. The plea of youthful age may be introduced at any juncture of the proceedings, including after the case's final resolution. A juvenile may also be granted anticipatory bail if a first information report is not filed and there is probable cause to fear detention; Sec. 438 of the CRPC states that "any person" may apply for anticipatory bail. In addition, the Juvenile Justice Act contains no provision or restriction regarding the issuance of an anticipatory bond for the juvenile.

- *Vinod Katara v. State of Uttar Pradesh* (9 2022 LiveLaw (SC) 757)

  Factual Statement: In accordance with Art.32 of the Indian Constitution, this case is before the Apex Court to offer the higher government guidance on how to ascertain the age at which the offence was committed.

  Concerning whether the plea of youthfulness may be introduced at a belated stage of the case.

Juvenility may be invoked as a defence at any juncture of the proceedings in any court. The determination of youthfulness should not be predicated on the judgment of the headmaster or instructor. The determination ought to be based on the certificates or documents. Furthermore, in the event that the documents or certificate are discovered to be falsified or forged, depend on the medical examination.

- Juvenile X v. State of Madhya Pradesh (CRA No. 818 of 2024, 2024)
  In this case the juvenile was sentenced to 7 years of rigorous imprisonment and 3000 fine for the offence of murder. Juvenile has filed application for the suspension of the sentence that was rejected by the lower court on the report of the probation officer stating that father of the juvenile was chowkidar and was alcoholic and mother was homemaker, both of them are unable to take care the juvenile. Against this order application has been filed, court granted the bail as the mentioned above, the grounds were not sufficient to reject the bail application but child would be in the supervision of the Probation officer.

4.5 LACUNAS IN THE ACT

Although the act improves the juvenile justice system in several ways, there are certain difficulties in implementing it. These are a few of the main obstacles:

- *Age determination*: Choosing a juvenile's age is among the most divisive topics in the juvenile justice system. With an 18-year-old age restriction, the JJ Act of 2015 permits treating juvenile criminals differently from adult offenders. However, identifying a juvenile's exact age can be difficult, particularly when accurate birth certificates are hard to come by or the juvenile's physical attributes don't match their actual age.
- *Juvenile homes that are overcrowded:* The statute requires the creation of special and specialised homes for young people who are in trouble with the law or require protection and care. However, because these institutions lack proper resources and infrastructure, overcrowding is a common problem. Poor living conditions, limited access to quality education and career training, and a higher risk of abuse and exploitation are all consequences of overcrowding.
- *Rehabilitation and reintegration:* Although the JJ Act of 2015 strongly emphasises the rehabilitation and social reintegration of young people, there are

obstacles in ensuring that these individuals receive the necessary support services to facilitate their reintegration into society. Upon their release, a lot of young people experience discrimination and stigma, which can make it difficult for them to get jobs and lead fulfilling lives. Further impeding the rehabilitation process is the frequent lack of coordination between the various agencies in charge of delivering support services. (Arif, 2016-17)

- *Delayed Justice:* Juveniles involved in legal issues and may have to spend much time in special or observation homes while awaiting trial, may suffer major repercussions from delays in the juvenile justice system. Lack of infrastructure, a backlog of cases, and a lack of skilled workers are some of the things that might create delays. These delays compromise the efficacy of the rehabilitation process in addition to violating the adolescents' rights. Even after there is a set limit to conduct the inquiry, still JJB are not conducting it within the time frame.
- *Lack of knowledge and sensitisation:* Stakeholders, including the judges, law enforcement, and the general public, frequently lack knowledge and sensitisation regarding the JJ Act, 2015 provisions and the rights of children who are in legal trouble as well as those who require care and protection. This may give rise to prejudices and misunderstandings that violate children's rights and provide insufficient safety and assistance.

  The government, civil society organisations, and other stakeholders must work together to address these issues in order to ensure that the JJ Act 2015 is implemented effectively and to protect the rights as well as welfare of children who are in legal trouble, as well as those who require care and protection. This could entail bolstering resources and facilities, enhancing agency-to-agency coordination, increasing public awareness and sensitisation, and tackling structural problems like court system delays.

4.6 THE JUVENILE JUSTICE PROTECTION & CARE FOR CHILD AMENDMENT ACT, 2021

Despite the long history of Child in Conflict with Law in India, the persistent increase in crime rates has emerged as a significant cause for concern. The NCRB report for 2019 indicates that the number of juvenile offences increased from 28,677 in 2018 to 29287 in 2019 (National Crime Records Bureau, 2020).

The audits and data provided by national and state agencies have revealed that the legislation to oversee childcare institutions' operations following the 2015 amendment is insufficient and ineffective. The National Commission for Protection of Child Rights (NCPCR) audited Child Care Institutions in 2020, revealing that more than 39% of CCIs were unregistered. Additionally, it was found that 90% of these institutions were run by non-governmental organisations. The findings revealed that prioritising the acquisition of financial resources took precedence over rehabilitating the children in these home care services. Therefore, the law was enacted to enact measures that would strengthen platforms for safeguarding children.

The verdict pertains to the contentious Nirbhaya Rape Case, in which a perpetrator who was considered a minor was granted parole based on his age (Dipankar Chakraborty, 2023). The decision received substantial criticism, and the rationale behind using the age of 18 as the benchmark for maturity was closely examined. The aforementioned justification was the basis for implementing the Juvenile Justice (Care and Protection of Children) Act, 2015, which allowed for the prosecution of serious crimes committed by individuals between the ages of 16 and 18 as adults. While serving as the Hon'ble Minister of Women and Child Development, Ms. Maneka Gandhi strongly prioritised addressing organised and intentional violent crimes. Heinous offences are subject to a mandatory minimum penalty of seven years as the law mandates. Although this reform had some positive aspects, it failed to explain the seriousness of offences clearly and did not enforce laws protecting the welfare of children.

The National Crime Records Bureau (NCRB) released a report in 2019, which revealed an increase in adolescent delinquency rates compared to previous years (Tripathi, 2022). The NCRB studies also revealed that despite implementing the 2015 Amendment to the Act, child care institutes were not operating as intended, or in accordance with the Act's guidelines. The Rajya Sabha adopted the Juvenile Justice Amendment Bill on July 28, 2021.

The amended legislation the JJ (Care & Protection of Child) Act, 2015. The Act of 2015 includes provisions for the welfare and safeguarding of adolescents who are in violation of the law.

The Act aims to implement steps that will strengthen the child safety system. This modification confers the power to make adoption orders, in accordance with Sec.61 of the JJ Act, to the DM, including any additional district magistrates. The objective of this modification is to streamline and enhance the prompt and efficient resolution of Adoption cases.

In addition, the DMs have been granted the power to coordinate efforts on behalf of children in distress and ensure the Act is effectively enforced. According to the updated requirements of the law, it is necessary to register a child-care institution after the District Magistrate's consideration.

The District Children Protection Units, Child Welfare Committees, Juvenile Justice Boards, Specialized Juvenile Police Units, Children Care Institutes, and other related institutions will undergo evaluation by the District Magistrate (Chronicle, 2022.).

The criteria for the selection of CWCs affiliates have been revised. Furthermore, certain standards for disqualifying CWCs affiliates have been implemented to ensure that only those who possess the necessary competence and integrity, and are capable of providing high-quality service, are eligible for nominations.

The Act categorizes incidents involving juveniles in confrontation with the law into three distinct categories: serious, petty, and heinous. These categories determine how such cases are discussed and handled.

However, it has been noted that certain offences do not fit well into any of the previously described categories. Under this legislation, significant offences are defined as infractions that can result in a maximum jail term of seven years or more, without any minimum penalty or with a minimum sentence of less than seven years.

4.6.1 Committee on the Protection of Children

By defining selection criteria for committee elections and incorporating provisions regarding the educational authority of committee members, the Act seeks to bolster the Committee on the Protection of Children (CWC). At present, the implementation of sec.27 of this legislation mandates that every state has to establish one or more Juvenile boards to assist children requiring care and attention. Membership in the Committee on the Protection of Children is

restricted to practitioners who hold doctoral degrees in social work, law, child psychology, or psychiatry. Subsection (4A) of sec.27 is amended to include additional criteria for the selection of Committee on the Protection of Children members, as proposed by this legislation.

The following conditions must be met in order to preclude an individual from being elected as a member of the Committee on the Protection of Children:

- A documented record of human rights or child rights abuses
- Found guilty of disobedient behaviour with a sentence that has yet to be overturned or completely expiated;
- Suspended or terminated from employment with the Government of India, the National Government, or any organisation or enterprise under the ownership or control of the Government of India.
- If you are convicted of child abuse, child labour, immorality, or any other violation of human rights.
- You are a member of the local children's organisation at this time.

4.6.2 Powers of the Magistrate

This legislation grants numerous powers to the district magistrates, including additional district magistrates, the authority to supervise and coordinate the duties of the numerous agencies tasked with enforcing state law.

- Provides oversight for local child protection departments and special minor protection departments.
- Perform a quarterly evaluation of the Child Protection Committee and Juvenile Justice Committee's operations and responsibilities.

4.6.3. Essential provisions Juvenile Justice Act, 2021

- *Appeals*: Any party who is aggrieved by the District Magistrate's adoption decision has 30 days to file an appeal with the Divisional Commissioner. Within four weeks of the appeal's filing date, decisions on these appeals must be made. (Juvenile Justice (Care and Protection of Children) Amendment Act, 2021)
- *Adoption:* In accord with the Act, as soon as potential adoptive parents accept a child, an adoption agency must file the necessary documentation in a civil court of law to obtain an adoption order. According to the Act, rather than the court

issuing the adoption order, the District Magistrate and the Additional District Magistrate are now in responsibility of performing the aforementioned obligations.

- *Designated Court*: The Children's Court was required to consider cases involving crimes against children that carried terms of up to seven years in prison before this statute was put into effect. Trials for other offences, which carried punishments of up to seven years in prison, were presided over by Judicial Magistrates. The Act has changed this, stating that any cases pertaining to Act violations shall fall within the jurisdiction of the child's Court.
- *Crimes against child:* The Juvenile Justice Act of 2015 makes it cognizable and non-bailable to commit crimes against child that are included in the chapter "Other Offences Against Children" and carry terms ranging from three to seven years in prison. The amendment reclassifies abuse and cruelty crimes as non-cognizable and non-bailable offences committed by staff members or individuals in charge of childcare facilities. As a result, the young victims are finding it more difficult to report these heinous offences.
- The Act requires the Juvenile Justice Board to look into any youngster who is accused of committing a serious offence. Crimes classified as serious include those for which a penalty of three to seven years may be imposed. It continues by pointing out that major offences will also encompass circumstances in which the maximum punishment is greater than 7 years in jail and the minimum penalty is either not mentioned or is less than that amount.

4.7 COMPARISON BETWEEN JJ ACT, 2015 AND JJ ACT, 2021

The Juvenile Justice Act (JJA) 2015 and the Juvenile Justice (Care and Protection of Children) Amendment Act (JJ Amendment Act) 2021 are important laws that focus on resolving matters pertaining to juvenile justice in India. The JJA 2015 brought about significant changes in the juvenile justice system, and the JJ Amendment Act 2021 introduced more adjustments to enhance the framework. Now, let's thoroughly examine the comparison:

- *Defining a child:* A child can be defined as a person who has not yet reached the stage of adulthood. In the JJA 2015, a child is defined as an individual who

has not yet reached the age of eighteen. The JJ Amendment Act 2021 maintained the identical definition of child.

- *Serious Offences by Children:* The JJA 2015 implemented the concept of 'rehabilitation and social reintegration' for adolescents involved in criminal activities. The legislation banned the prosecution of individuals below the age of 18 as adults, regardless of the severity of the crime whereas the JJ Amendment Act 2021 maintains the restriction that individuals below the age of 18 cannot be subjected to adult criminal proceedings. Nevertheless, it included specific provisions that grant the Juvenile Justice Board the authority to transfer cases involving extremely serious crimes committed by individuals between the ages of 16 and 18 to a specialized Children's Court. The court would then determine whether the juvenile should be prosecuted as an adult or not.
- *Punitive Measures and Sentencing:* The JJA 2015 prioritized rehabilitation and reformative actions for youth involved in criminal activities. The Juvenile Justice Boards were required to evaluate the severity of the crime and the specific circumstances of the child in order to decide on the most suitable rehabilitative procedures. The JJ Amendment Act 2021 incorporates provisions for counselling and community service as supplementary rehabilitative methods. Additionally, it establishes criteria for evaluating the child's cognitive and physical abilities while deciding on the suitable punishment.
- *Role of Authorities:* The role of authorities in the juvenile justice system was defined in JJA 2015. This included outlining the obligations of the Juvenile Justice Board, Child Welfare Committee, and other relevant stakeholders. The JJ Amendment Act 2021 provides additional clarity regarding the functions and powers of these bodies, and establishes mechanisms for monitoring and evaluating their performance.
- *Expediting Legal Proceedings:* The objective of JJA 2015 was to accelerate legal actions related to children by establishing Juvenile Justice Boards in each district and Children's Courts for specific cases. The JJ Amendment Act 2021 aims to enhance the infrastructure and capability of these institutions in order to expedite the resolution of disputes related to children.
- *Protection of Children:* The Acts prioritize the protection and care of children, encompassing measures for the nurturing, medical attention, schooling, and

rehabilitation of children requiring care and protection. Overall, the JJ Act 2015 primarily concentrated on rehabilitating and reintegrating children in conflict with law. However, the JJ Amendment Act 2021 made amendments to specifically tackle concerns related to serious offences committed by individuals aged 16 to 18. These changes aimed to find a middle ground between rehabilitating these individuals and holding them accountable for their actions.

4.8 CONCLUSION

The JJA, 2015 represents a significant regression in the forward-thinking and progressive approach to juvenile justice that originated with the Apprentices Act of 1850. By permitting the utilization of correctional facilities under specific conditions, it retroactively impacted India to 1920, when the original Children Acts authorized extraordinary uses of prisons to house children.

That policy change in 1920, which shifted from exceptional use of reformatories and borstals to exceptional use of prisons, was a progressive development. The JJA (2015) disregards contemporary insights from fields such as criminology, victimology, psychology, psychiatry, neuroscience, rehabilitation, and restorative justice that have improved our ability to address offenders by reverting to the position of law in 1920.

While restorative justice is effectively implemented in several nations, including India, even for the most heinous crimes such as adult rape and murder, which results in a reduction in repeat offences, the Indian Parliament capitulated to the political and emotional strain generated by a single heinous case of gang rape involving a minor on the verge of reaching majority.

It is evident from the discussion above that the Juveniles Justice Act cannot be properly modified or implemented alone to lower juvenile delinquencies. It is essential to be conscious of civil society regarding this illness that permeates our culture. Not only are young people involved in crimes the victims of this ill society, but they are also the offenders.

Early intervention is necessary to prevent Child in Conflict with Law, as long as appropriate measures are done at home and at school. Children's minds are nurtured and shaped in large part by their parents and instructors. Rather than assigning juvenile delinquents labels, the appropriate actions ought to be made to provide them with opportunities for correction. It is important to notify them

as quickly as possible of any mistakes they have made, whether social or psychological. Unlike any other crime, this social evil is connected to the flaws and maladjustments in our society. There's no evidence that tougher rules will result in lower crime rates. The idea that young offenders require not just the strong hand of the law but also our society's empathy and understanding is progressively gaining traction.

CHAPTER 5: INDIAN PENAL CODE VIS-A-VIS JUVENILE JUSTICE: A CRITICAL ANALYSIS

5.1 INTRODUCTION

"*A nation's children are its supremely significant assets and a nation's future lies in their proper growth. An investment in children is indeed an investment in the future; a healthy and educated child is the active and intelligent citizen of tomorrow*."

- Rabindra Nath Tagore

A child is innocent at birth, and they should be nurtured with considerate praise and regard to make them law-abiding citizens. Children are equipped to achieve their utmost potential through their physical, mental, extra-terrestrial, and moral development. Nevertheless, maltreatment, a lack of consideration for necessities, an imprudent scheme of action, and other adverse conditions can transform a young individual into a disruptive force. Children seem to have progressively acquired enunciations and substantial domains of strength for liking and disliking as a result of influential social models.

These aforementioned attributes additionally weaken the position of young individuals in the face of fraudulent schemes, encompassing those of perpetrators, vendors, and brokers (Akshaya, 2022). In addition, the media exerts a substantial impact on the psychic development of children. The proliferation of correspondence technology has significantly amplified a child's exposure to various media channels, including television, music, radio, computer games, as well as the Internet.

There is approximately forty per cent of the population in India is below the age of twenty-five, and the country has a National Policy for Children that recognizes children as a significant source of the societal structure (National Plan of Action for Children, 2016: Safe Children-Happy Childhood, 2016). Although this is the case, the vast population of young individuals in India continue to be living in abject poverty.

For the purpose of ensuring that its young people make the most of all of the prospects that are there in the United Nations Convention on the Rights of the Children, the entire nation of India has committed to working towards this goal.

There has been an increase in the number of violations perpetrated against children in India, as well as the number of violations committed by juveniles themselves.

"A renowned Belgian social statistician, Adolphe Quetelet, observed that due to their immaturity or adolescent conflict, adolescents, particularly young males, are further prospective to involve in disorder, crime in addition to delinquency. Criminal propensity is at its apex, according to him, at the age when strength as well as passion are at their height but reason lacks adequate control to subdue their collective influence. Children merit benevolence and optimal care, as their well-being is critical to the future of a nation.

By demonstrating such regard, one can contribute to the protection of this invaluable human capital. When a child is endowed with affectionate care and attention, they will mature into an individual of distinction and stature, transcending their physical, moral, spiritual, and mental capacities (Baishya, 2020). Conversely, detrimental environments, neglect of fundamental needs, unsavoury companionship, and additional forms of mistreatment and temptations would indulge the child and increase his propensity to engage in delinquent behaviour (Belwal A., 2016).

At this time, the period of childhood plays a crucial role in strengthening the fundamental structure of our country. Teenagers, constituting a dynamic age group possess the potential to either foster advancements in India or pose a significant impediment to progress. They are endowed with the freedom to think and act autonomously on account of our social fabric; however, the issue remains whether they are utilizing this liberty for the betterment of society as a whole (Gauri Pillai, 2017).

Regrettably, a significant proportion of the increase in violence that the world is witnessing can be ascribed to the youth. Although human fallibility is inevitable, certain errors can propel an individual into the domain of illicit activity, giving rise to significant concerns (Kohli & Mittal, 2015). When considering heinous offences committed by juveniles, such as rape, murder, and terrorism, the proverb "Errors are forgivable and forgettable; crimes are immutable" assumes a profoundly significant meaning. Although forgiveness is a commendable quality, it must not compromise the protection of society. It is

imperative that we instead pursue resolutions that concurrently ensure juvenile offenders are held responsible for their deeds and afford them the chance to undergo rehabilitation. The objective is not solely punitive but also preventative in nature, guaranteeing that subsequent prospective victims are spared the affliction of criminal behaviour.

The term "juvenile" originated from the Latin words "juveniles," which meant "of or belonging to youth," and "souvenirs," which meant "young person." The origin of the term delinquency is the Latin word delinquentia, which translates to "a fault or crime." Coleman provided the definition of delinquency as "the conduct of individuals under the age of 18 that is deemed unacceptable to society and typically demands reprimand, punishment, or corrective measures." Child in Conflict with Law is defined as "antisocial conduct exhibited by a juvenile that is beyond the control of their parents and, as a result, is punishable by law." (Webster, 2020)

Socially ill Child in Conflict with Law consists of actions that are deemed unacceptable by society and are carried out by adolescents or juveniles. Juveniles are housed in correctional facilities and jails. After that, they undergo a series of corrective actions designed to alter their conduct and foster a constructive trajectory. An upward trend in delinquency has been observed in tandem with population growth and cultural complexity.

Child in Conflict with Law is a grave offence that undermines the social order in every country. Across the board, there is a noticeable increase in the incidence of juvenile offences, with a particular trend toward heightened youth involvement in violent crimes (Akshaya, 2022).

Analogous patterns of an increase in the incidence of violent crimes among adolescents can be observed in India. Given their pervasiveness, Child in Conflict with Law is a matter of critical concern in every nation. Under Sec.2(35) of the JJ Act 2015", a juvenile is a child who hasn't yet reached the cognitive development required to comprehend the consequences of their actions and think rationally on a regular basis"

Consequently, it is not possible to hold the minor liable for his or her improper conduct. A minor who has violated the law through an act of commission or omission that constitutes an offence may be labelled as a "juvenile delinquent."

However, the phrase "delinquent juvenile" was substituted with "juvenile in conflict with the law" under the "JJ Act, 2000." This new term refers to individuals under the age of 18 who have committed an offence (Gaur, 2018).

5.2 CULPABILITY AGE DISCRIMINATION UNDER BHARATIYA NYAYA SANHITA & JUVENILE JUSTICE ACT:

The Bharatiya Nyaya Sanhita has distinguished the children into various age groups for the purpose of simplifying the administration of the law. These age groups are comprised of children who are under the age of 18 and are considered to be juveniles. These categories of age are (Gaur, 2018)

- *Under the age of 7 years*: The legislation provides complete immunity to the children belonging to the age group of below seven years and grant them protection from criminal liabilities under the Sec.20 (Bharatiya Nyaya Sanhita, 2023, Section 20) *and* it stated that "Nothing is an offence which is done by a child up to 7 years of age" and are termed as *"Doli Incapax"*.
- *Between the ages of 7-12 years*: The law provides qualified immunity to the children belonging to the age set of 7-12 years because it is believed that these "children do not have the understanding to judge their act" as held in the case (Hiralal Mallick v. State of Bihar). According to Sec.21 (Bharatiya Nyaya Sanhita,2023, Section 21), the sufficient maturity of the child towards his act, conduct and behaviour of the child decide the criminal liability of the child or Mens Rea of the child.
- *Between the age of 12-18 years:* The law provides immunity to all the children of the country under the age group of 18 years according to the Sec. 21 of the JJ Act, 2015 (Juvenile Justice (Care and Protection of Children) Act, 2015, Section 21) and these children are not to be penalized for death penalty or imprisonment for life if they are found guilty.

5.3 BHARATIYA NYAYA SANHIT & CHILD IN CONFLICT WITH LAW

In accordance with Indian Statutes, the term "Child in Conflict with Law" is not explicitly defined in the BNS. Instead, the term is primarily addressed under the JJ Act, 2015, and previous legislations. Under the JJ Act, a "*child in conflict with law*" refers to a person who is suspected to have commit an offence when the child was of eighteen years or below. The Act provides for a separate justice

system for juveniles, focusing on rehabilitation as well as social reintegration rather than punishment.

When a juvenile is found to have committed an offence, the Juvenile Board assesses the case and determines the appropriate course of action, which may include diversionary measures, counselling, or placement in a special home for rehabilitation (Baishya, 2020).

The emphasis is on reformative and restorative justice rather than punitive measures. It's important to note that while the BNS does not specifically address Child in Conflict with Law. However, the treatment of juvenile in conflict with the law is governed by the JJ Act and other related legislation, which prioritize the welfare as well as protection of children in conflict with the law.

An individual is deemed criminally liable when they engage in an unlawful act unless the person is proven guilty beyond a reasonable doubt. As per Chapter-III of the Bharatiya Nyaya Sanhita (Sec.14–Sec.44) has a few general exceptions. Juvenility is explicitly included as one of the general exceptions in Sec:20 as well as Sec:21 of BNS.

5.3.1 Determination of Liability of Child in India

- Sec:20 of BNS grants complete protection to children who are below the age group of 7 years.
- As per Sec:21 of BNS, minors aged 7 to 12 years are entitled to qualified protection. The child's cognitive ability is the determining factor in this instance.
- The JJ (Care and Protection of Children) Act of 2015 applies to individuals less than 18.
- Children aged 18 years can receive a maximum punishment of 3 years to be kept in special homes, while those aged 16 to 18 years can be tried as adult offenders if they commit heinous offences. This decision was made in reaction to the incidence of gang rape in Delhi.

5.3.2 Defence of Infancy

Infancy is a legal defence that can be invoked to avoid criminal liability due to the perpetrator's immaturity and consciousness to commit any Offence. The

argumentative contention is that offender cannot be criminally prosecuted due to their age, as they lack the Mens rea to commit a crime. This defence is based on the notion that juvenile offenders lack the cognitive capacity to possess the deliberate intention to commit a crime.

The defence of infancy can be invoked to claim exemption from criminal culpability as per Sec. 20 and Sec. 21 of the BNS,2023. In India, an individual is legally classified as a minor once they reach the age of 18 years. The defence of infancy was initially presented before the apex court in the case of Gopinath Ghosh (Gopinath Ghosh v. State of West Bengal, 1947).

5.3.3 Sec:21 of Bharatiya Nyaya Sanhita

According to this section, every infraction committed by a child under 7 years old is exempt from any legal consequences. Children who are younger than seven years old do not have the mental understanding to comprehend the nature and consequences of their conduct, and as an effect, they cannot be held liable for any illegal act or omission. This is in accordance with the concept of *Doli Incapax*, which relates to the inability to commit a crime. Children could not have the ability to differentiate between what is wrong and what is prohibited by law (Gaur, 2018). Any Juvenile Offender who is claiming for defence in accordance with Sec:20 of BNS, 2023 is the one who is responsible for producing evidence to support their asserted defence. An absolute exception is granted to the juvenile if they are able to present adequate evidence. This implies that no evidence can be utilised to prove the accused's guilt once the exception has been granted (Potla, 2023).

5.3.4. Section 21 of Bharatiya Nyaya Sanhita

As per this section, any wrongdoing committed by a teenager between the ages of 7 to 12 years would be evaluated based on the child's mental capacity and the consequences of their actions. The idea of Doli capax, which refers to the ability to conduct a wrongdoing, is utilised to determine if the accused has the mental capacity to understand their actions. The child is granted conditional immunity.

According to this exemption, the child has the responsibility to provide evidence that he was between the ages of seven and twelve when the behaviour occurred,

and that he lacked knowledge and understanding of the implications of his actions. However, it is the prosecution's duty to demonstrate that there was a rational mental comprehension along with the actus reus. According to Sec:21 of BNS, it is crucial to consider the child's mental understanding (Potla, 2023).

5.4 JUVENILE JUSTICE (CARE AND PROTECTION) ACT, 2000

For justice of juvenile in India, the JJ (Care & Protection of Children) Act, 2000 serves as the principal legal framework. A framework for the treatment, protection, as well as the reintegration of children within the authority of the juvenile justice system is established by the Act, which also addresses Child in Conflict with Law with a unique approach to prevention and treatment.

In accordance with the Child Rights Convention (Nations, Convention on the Rights of the Child New York, 1989), this legislation repealed the JJ Act of 1986. Additional amendments to this Act were made in 2006 and 2010.

5.4.1 Principal provisions of the Act are as followed:

- "Juvenile" or "child" is defined by the act as an individual who has not yet attained the age of 18 years under Section 2(k) of the Act.
- "Juvenile in conflict with the law" and "child in need of protection and care" are the two categories of juveniles addressed by the act. A child in need of safety as well as care is defined in Section 2(d) of the act as follows: a child who lacks a permanent residence or place of dwelling; who is discovered to beg on the street; who is exploited or abused for sexual purpose; a child who lives with an individual who has deterred to kill the child; a mentally challenged minor; who is helpless and susceptible to being pulled into substance abuse or sexual act; and a child who is prey of civil unrest or natural disasters. A juvenile in conflict with the law is an individual who is below the age of eighteen at the time of the alleged offence commission and has not yet reached the completion of 18 years of age.

5.4.2 Child in Conflict with the Law:

Children in Conflict with the Law is addressed in the 2nd chapter of the Act. It deals with the establishment of Juvenile Boards in jurisdictions deemed

appropriate by the State Government (Section 4 of the Juvenile Justice (Care and Protection of Children) Act 2000). Juvenile Justice Boards are required to have 2 social workers; one of them should be a woman, and both of them must have an experience of 7 years in health care, education sector, or other welfare activities pertaining to children. Apart from them, there would be a principal magistrate, either a metropolitan or judicial magistrate first class, and he must possess a formal education in child welfare or child psychology. A Judicial Magistrate is prohibited to heard any cases involving juveniles in conflict with the law, and they are exclusively heard by the JJB and not by any other court. Additionally, it addresses the creation of observation homes, which serve as correctional facilities for juveniles during the course of their legal proceedings. According to the legislation, in the event that a police officer apprehends a juvenile, they are obligated to transfer the child to the custody of Special Juvenile Police Unit, which is responsible for promptly notifying the board (Section 10 of the Juvenile Justice (Care and Protection of Children) Act 2000). Bail is readily granted to juveniles in all circumstances, provided that the Board determines that such release will not expose the child to any risk or expose him to the influence of offenders. In the event that the child is not released on bond, his placement shall be restricted to an Observation Home.

5.4.3 An order may be issued against the juvenile:

Chapter II of the act delineates the sanctions that may be imposed on a juvenile upon the JJB's determination that the child has indeed committed a crime. The orders stated are:

- Permit the child to return home after receiving admonition or advice, after conducting a suitable inquiry against the guardian or parent, and after providing counselling to both the juvenile and the parent or guardian;
- Juvenile should be directed to take part in group counselling and other events of a similar nature;
- The juvenile should be ordered to perform community service by the court.;
- In the event that the juvenile is beyond the age of fourteen and has a source of income, the court may order either the juvenile's parent or the child himself to pay a fine;

- Direct that the juvenile be released on probation of good conduct and placed under the care of any guardian, parent or other fit person, on the condition that the guardian, parent or other fit person execute a bond, without or with surety, as the Board may require, for the continued good behaviour and well-being of the juvenile for a period of time that does not exceed 3 years;
- Direct that the child be release upon probation of good conduct and placed under the supervision of any institute that is suitable for the juvenile's well-being and good behaviour for a length of time that does not exceed three years;
- Issue an order that directing child to be kept at a dedicated special home,

$\Rightarrow$ with respect to juveniles aged seventeen or older but not older than eighteen years, for a minimum of two years;

$\Rightarrow$ with respect to any other juvenile for the duration until attain majority:

If the Board determines, for reasons to be recorded, that it is prudent to do so in light of the nature of the offence and the situations of the case, it may lessen the period of stay to a duration it deems appropriate.

5.4.4 Prohibition of orders against Juveniles:

According to Sec. 16 of the aforementioned legislation, a child convicted of any offence is not subject to capital punishment, life imprisonment, or incarceration without payment of a fine or in default of furnishing security. The proviso to the section specifies that in the event that the Board determines that a juvenile, who is older than 16 years and has committed an offence, is so grave in nature or that his conduct, as well as behaviours, have been such that it would not be in his best interests or the interests of another child in a special home to place him there, and that no other measure provided under this Act is suitable or satisfactory, the Board may order the delinquent juvenile to be detained in a place of safety and according to its discretion, and shall report the incident to the State Government for its directive (Gupta, S & Vij, M., 2022).

5.4.5. Child Requiring Protection and Care:

Chapter III of the Act provides children requiring protection and care. The Child Welfare Committee preside over cases involving children in want of safety and care in lieu of a JJB. (Section 29 of the Juvenile Justice (Care and Protection of

Children) Act 2000) It is recommended that the board consist of four members, including a chairperson and out of the remaining four members, one should be female and one expert in children's issues, all of them have a minimum experience of 7 years. (Section 29(2) of the Juvenile Justice (Care and Protection of Children) Act 2000) The objective of the CWC is to safeguard the child's rights by ensuring that he or she receives appropriate care, treatment, protection, rehabilitation, and development. Should a child lack an immediate family or support system, the committee has the authority to place the minor in a children's home or shelter.

5.4.6. Protection Measures:

Chapter IV of the Act delineates specific non-institutional alternatives, including sponsorship, adoption, and foster care, to facilitate the restoration and social reintegration of the child. Abandoned and orphaned adolescents qualify for adoption. The purpose of foster care under this act is to provide temporary care for neonates pending adoption (Agew, 2005). The purpose of sponsorship programs is to assist in the provision of additional medical, educational, and nutritional services for households, custodians, and families. Additionally, after-care organisations are to be established to provide post-home care for children.

5.5 JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

The JJ (Care and Protection) Act, 2015 was enacted on January 1, 2016, replacing the JJ (Care and Protection) Act, 2000.

The Act has by the following characteristics:

- In order to address the matter of children involved in criminal activities, JJBs shall be established in each district (Sec.4). Child Welfare Committees (CWCs), conversely, shall be established (Sec.27) to provide care and protection for children.
- 2 social workers, one of whom is female, and a metropolitan or judicial magistrate will comprise the JJB.

- The CWC shall consist of 4 members, including a chairperson, who shall possess specialized knowledge in areas pertaining to children. Each of the four members will comprise at least one female.
- Juvenile delinquents' actions are classified as follows: Heinous offences (Sec.2(33)); Serious offences (Sec.2(54)); and Petty offences (Sec.2(45)) of 2015 Act.
- An individual who has committed an offence of heinous nature while between the ages of 16 - 18 years shall be tried as an adult, regardless of the date of apprehension [Sec.18(3)].
- Within 24 hours, a child who is determined to be in contravention of the law or in need of protection and care shall be presented before the JJB or CWC [Sec. 10(1) and Section 31], respectively. Sec.8(e) stipulates that a Social Investigation Report must subsequently be compiled within a period of 15 days. CWC may acclaim that the children be placed in a children's home or another child care facility [Sec.30(vi)] or declare the child available for adoption [Section 30(xi)] or foster care [Sec.44] following its review of the report.
- A child in conflict with the law may be placed in a home for a maximum of 3 years, as determined by the home, to receive reformative services such as counselling, behaviour modification therapy, education, skills development, as well as psychiatric support, in harmony with the requirements of the Act. [Sec.18(g)]
- In the case of heinous offences, the JJB will conduct a preliminary inquiry if the juvenile is apprehended prior to the age of 21. Sec.15 states that this will ascertain whether he possesses the physical or mental capacity to commit an offence and is cognizant of its repercussions. The JJB will subsequently issue a directive suggesting:
- Interventions such as community service [Sec.(18)(1)(c)] or counselling [Sec.18(1)(b)];
- Residing in the special homes for a maximum of 3 years, as stated in Section 18(1) (g);
- Refer the juvenile to a Children's Court for a determination of whether or not to prosecute him as an adult.

- Childcare institutions that maintain a valid registration in accordance with the 2000 Act will maintain their recognition. The registration of all other institutions is mandatory within six months of the enactment of this Act. The registration is subject to renewal after a period of 5 year. These establishments will be subject to inspection by the inspection committed; registration may be revoked if they fail to satisfy the specified criteria.

5.6 PROCEDURE OF DEALING WITH JUVENILE IN JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

- *Notification to Juvenile Board*: Apprehension occurs when a juvenile is suspected of committing an offence and is subsequently taken into custody by the police or another relevant body. Upon apprehension, it is imperative for the police to notify either the JJB or the CWCs promptly.
- *Inquiry Conducted*: An inquiry is conducted by either the JJB or CWC to ascertain whether the child has indeed committed the alleged offence. The inquiry is carried out in a manner that is suitable for children, guaranteeing that the rights and welfare of the young person are safeguarded.
- *Inquiry Report*: Following the inquiry, the JJB or CWC compiles a report that provides a comprehensive account of the offence's circumstances and the juvenile's background, encompassing aspects such as family, education, and societal situations.
- *Diversion*: The JJB has the authority to redirect the case away from the formal legal system if it considers it suitable. Diversion entails redirecting the juvenile into counselling, probation, or community service programmes as an alternative to undergoing a trial.
- *Inquiry by JJB*: The Board shall carry out the inquiry with consideration for the specific requirements and circumstances of the juvenile. The objective of the trial is to guarantee the juvenile's active involvement and comprehension of the legal proceedings while simultaneously protecting their rights.
- *Trial:* If, after the Preliminary Inquiry, it has been deduced by the assessment done under sec.15 by the child psychologist and psychiatrist that the child was aware of the nature and consequences of the act, then he would be dealt with as per the provision of the Code, like an adult offender.

- *Sentencing:* If the juvenile is proven to have committed the offence, the Juvenile Justice Board (JJB) decides on a suitable sentencing or disposition. The JJB has the authority to mandate rehabilitation, counselling, or placement in a specialised facility based on the case's specific conditions and the juvenile's individual needs. The JJ Act places significant emphasis on the concepts of child-friendly justice, guaranteeing that the juvenile's rights and best interests are prioritised throughout the process. The objective is to advocate for the rehabilitation and reformation of minors who have engaged in illegal activities, rather than focusing on punishment (The JJ Act, 2015).

5.7 WHETHER THE AGE OF JUVENILITY IN BNS SHOULD BE CONSIDERED MORE EFFECTIVE THAN THE AGE IN THE JJ ACT, 2015

As per sec. 20 and 21, the BNS plays a significant part in determining the authority of the JJ Act. In these provisions, it is made very clear that minors under the age group of 12 years cannot be deemed to have committed an offence if there is no intent and that no action carried out by a child under the age of 7 years can be considered to be an offence. Since the BNS does not allow for the penalty of minors, the JJ Act was passed in order to provide them with the opportunity to undergo rehabilitation.

The connection between the Juvenile Justice Act and the Bharatiya Nyaya Sanhita does not end here. The inquiry into delinquencies committed by minors is required to be finished within 4 months of the Juvenile being produced before the JJB, and the additional 2 months that can be added to the deadline are the most that can be granted. Suppose the child is older than sixteen years and has committed a heinous offence. In that case, it is necessary to evaluate the child’s mental and physical capacity to ascertain whether or not the minor could comprehend the offence's repercussions. If it is established that the child comprehended the implications of the activities but nevertheless carried them out, then the Minor will be prosecuted as an adult and will be penalised according to the BNS if he is found guilty in his trial (Parihar, 2013). This will take place after the evaluation of the child has been completed.

When a juvenile is suspected of committing a crime and then placed in jail so that he can be tried as an adult, the age at which the child committed the offence will not be considered and will instead be considered the juvenile's present age. The same was held in the *Gurpreet Singh v. State of Punjab* (AIR 2006 SC 191)*;* the accused received a life sentence for an offence he committed at the age of 16 years and 8 months. At the age of forty, he filed an appeal with the Apex Court, contending that he had fulfilled the maximum punishment of 3 years that would have been imposed on a minor. In its ruling, the Supreme Court overturned the life imprisonment sentence because Juveniles couldn't be sentenced to Life imprisonment and capital punishment. This is because of the impact of Sec.18(1)(e) of the Act on the BNS; in the absence of the JJ Act, minors could be subject to imprisonment for life or the death penalty for an offence they have committed.

5.7.1. Effects of Juvenile Act on the bail

In addition, the Juvenile Justice Act includes measures that are tailored specifically to the needs of juveniles in the field of bail. Regardless of whether or not the minor is suspected of committing a crime that is not eligible for bail, they are always required to be granted bail (KRITHIKA, 2017). The only circumstance in which a minor is not permitted to obtain bail is when the provision of bail will either enhance the accused's exposure to offenders or put the suspect in risk on a moral, physical or psychological level. There is also the possibility that bail will not be approved if it fails to achieve the goals of justice, that is, if it jeopardises the rights of the parties concerned (Khan D. N., 2009). A minor is very prospective to be approved bail even in the conditions of terrible crime as held in the caselaw of *Rajinder v. the State of UP* (2006 (46) ACC 187 (All.))*,* in which the youngster was suspected of committing rape even though the medical reports revealed that the putative victim had not sustained any injuries, either internal or external. Because the circumstances were favourable to bail, it was granted. Material evidence was required to be presented by the prosecution to demonstrate that the minor was responsible for the offence. This was necessary to prevent the youngster from being granted bail.

In the case of Prakash v. State of Rajasthan (2006 Cr LJ 1373 (Raj.)), The child was accused of committing a rape, but there was no substantial proof that was presented in court to demonstrate that the accused was the one who did the rape. The only dispute that was presented was that rape is a horrific crime. In light of the fact that there was no substantial evidence produced against the suspect, the court decided that bail should be approved.

5.7.2. Effects of JJ Act on penalization of heinous crimes

The Juvenile Justice Act also impacts the use of the death penalty and the imposition of life sentences for juvenile offenders. Pursuant to the Act, if a minor is prosecuted as an adult and is found guilty of the crime, the minor cannot be condemned with either the death penalty or life imprisonment. Under sec.21 of the JJ Act, it is expressly mentioned that whenever a child is given a sentence, there should always be a chance of release. (Juvenile Justice (Care and Protection of Children) Act, 2015).

Additionally, the JJ Act does not permit the argumentative trial of minors who have been suspects of committing a crime. As an alternative, an inquiry is conducted into the instance, and the JJB decides on the evidence to determine whether or not the child has committed the act. If it is determined that the juvenile has committed the act, then the juvenile is not penalised, but rather, reformative actions are taken to encourage the minor to be rehabilitated (Free Law, 2023).

Even if a minor is found guilty of committing an act punishable with more than 7 years, their health and well-being must be considered throughout the trial of the minor as an adult. In light of the Nirbhaya case, new standards were developed, according to which children who are tried as adults and found guilty must be confined in a "place of safety" until they reach the age of 21 (Juvenile Justice (Care and Protection of Children) Act, 2015). This was a requirement that was imposed after the case. As soon as they reach the age of twenty-one, it is necessary to determine whether or not they have undergone any reform. Based on this evaluation, they will be freed from imprisonment or continue to serve their sentence in a regular prison. The issue of whether the age of juvenility defined in the BNS is more effective than the age specified in the Juvenile Justice

(Care and Protection of Children) Act, 2015 (JJ Act) is a complex and subtle matter. Here are some factors to take into account:

- The JJ Act defines a juvenile as an individual who is under the age of 18 years, under the U.N. Convention on the Rights of the Child, which India has officially accepted. This concept conforms to global norms and highlights safeguarding children's entitlements, acknowledging their susceptibility and growth phase.
- The Act prioritises a rehabilitative strategy for juveniles involved in criminal activities, emphasising their transformation and successful reintegration into society rather than punitive actions. The Act acknowledges that young offenders are still undergoing physical, emotional, and cognitive development and are more receptive to rehabilitation by establishing the age of juvenility as eighteen years.
- Some individuals contend that establishing the age of adulthood at eighteen years old could weaken the effectiveness of deterring and holding older children accountable for committing major offences. They argue that older juveniles should be held to the same legal standards as adults due to their increased awareness of the repercussions of their conduct.
- The JJ Act allows for the evaluation of juvenile offenders individually by Juvenile Justice Boards (JJBs), considering variables such as their level of maturity, mental and emotional abilities, and the circumstances surrounding the offence. This enables a careful evaluation of each situation to determine whether a young person should be considered a child requiring assistance and protection or a juvenile engaged in unlawful activities.
- Therefore, it is very much possible that the JJ Act, which targets the root causes of delinquent behaviour, is more successful in reducing repeat offences among juvenile offenders than punitive actions. By aligning the age of juvenility with internationally recognised standards, the Act supports juvenile offenders' long-term welfare and societal inclusion.

  Ultimately, although there may be discussions regarding the efficacy of the age of juvenility as defined in the BNS in comparison to the JJ Act, the rehabilitative approach and focus on children's rights under the JJ Act are in line with global benchmarks and prioritise the welfare of juvenile offenders. So, the age of JJ Act should be considered.

According to a recent decision made by a bench consisting of Hon'ble Justice D.Y Chandrachud and Hon'ble Justice B.V Nagarathna, the Supreme Court has ruled that, in accordance with the Juvenile Justice Act 2015, the age that the JJB or CWC determines will be considered to be the accurate age of the individual who is being questioned (Ojha, 2021).

5.8 EFFECTIVENESS OF LATEST AMENDMENTS

The latest amendments to the JJ Act aim to enhance the protection and rehabilitation of juvenile offenders, prioritizing the best interest of the child and promoting community participation. While these changes represent significant progress, ongoing evaluation and refinement are needed to address implementation challenges and ensure comprehensive child welfare and juvenile justice reform (Raj A., 2020).

The Delhi gang rape case, Mukesh v. State (NCT of Delhi) ((2017) 2 Supreme Court Cases (Cri) 673), resulted in substantial modifications to the Indian criminal justice system. In response to widespread demonstrations opposing Nirbhaya's release and subsequent interrogation by law enforcement, the Rajya Sabha approved the Juvenile Justice Bill 2014, which effectively achieves a fair equilibrium between equal protection under the law and equality before the law. Nirbhaya, who was a minor, participated in the same transaction and was as culpable for committing the felony despite being released under the juvenile system. Nevertheless, the aforementioned title comprehensively encompasses nearly all modifications implemented to the Act in 2015.

The decision was made to apply the following significant modifications:

- The Juvenile Justice Act classifies criminal activity into three primary categories: petty offences, serious offences, and heinous offences.
- In the aforementioned situation, the Juvenile Justice Act does not provide protection for those under the age of sixteen who have committed a major crime and are being treated as adults.
- Anyone who compels or provides a minor with alcohol, intoxicating substances, or narcotics can be sentenced to a maximum of seven years in prison and fined up to one lakh rupees.

5.8.1. The Changes proposed by the New Amendment Bill, 2021 are as follows:

- *Adoption*: Courts frequently issue adoption orders to rehabilitate abandoned, orphaned, or surrendered children with adoptive parents. However, a recent amendment to the JJ Act 2021 has allowed District Magistrates and Additional District Magistrates the authority to authorise the adoption process.
- *Appeal:* If a party is aggrieved by the adoption order, they can seek the Divisional Commissioner to review and address their objections regarding that provision. However, the appeal must be submitted within thirty days after the District Magistrate and the Additional District Magistrate give the order. The appeal shall be decided within 4 weeks of the filing of the appeal to expedite the adoption process.
- *Ambit of Serious Offences:* Significant adjustments were made, including establishing a category for serious offences or grave wrongdoings. The classification now consists of two types of wrongdoing: Heinous Offences and Serious Offences. (Anand, 2021)
- *Heinous offences:* As defined in Sec. 2 (33) of the Act, are crimes that carry a minimum punishment of 7 years or more it. The majority of offences entail a degree of severe harm or fatality to an individual, such as homicide, dacoity, sexual abuse, and similar acts.
- *Serious offences:* They are defined as those that carry a recommended minimum sentence of three to seven years, according to Sec.2 (54) of the Act. This provision deals with those offences that are not severe, like heinous Offences, and it prevents the child from being tried as an adult in the criminal justice system. While inquiring about these offences, the JJB will inquire, taking into account the crimes committed by the child, whether the child should be prosecuted or not.
- *Designated Court:* Also referred to as Children's Courts, these are specialised courts formed only to adjudicate the charges brought against juveniles. Before the Amendment, crimes that had a potential prison sentence of seven years or more were handled by the Children's Court. In contrast, the Judicial Magistrates' Court handled crimes that carried an imprisonment of less than seven years. The measure stipulates that any charges associated with the juvenile will be exclusively tried in the Children's Court. (Roy, 2021)

- *Child Welfare Committees (CWC):* These organisations focus on children's well-being and protection. The Bill stipulates that an individual cannot be recognised as a member of CWC unless they have actively participated in any organisation that upholds child or human rights, have been condemned of a crime concerning moral depravity, have been discharged or exempted from the services of the central government, any state government, or any government enterprise, or are a part of the management of a children care institution in a specific area.
- *Member Termination:* The state government will dismiss any individual from the CWC upon request if they do not attend the Child Welfare Committees' procedures for 3 months without a proper excuse or if their appearance is less than three-fourths of the sittings in a year. The law also grants CWCs direct management authority, as studies have revealed that they do not prioritise the rehabilitation of children. Instead, children are detained in these facilities only for the goal of acquiring assets, which exacerbates their mistreatment (The Hindu, 2022).

  With the introduction of the new bill, the government has implemented several measures that make officials more accountable for their actions. The persistent failure to administer juvenile laws has led to a surge in the number of crimes committed by children, the inability of juvenile agencies, the length of time required for adoption procedures, and corruption, among other problems. This new measure has separated the offences, eliminating ambiguity and safeguarding children from the adult criminal system to the greatest extent feasible. This was done to carry forward the spirit of reformation as well as the rehabilitation of the juvenile justice system.

  The responsibility of ensuring that all rules and procedures are adhered to by small agencies that fall within the jurisdiction of the districts would be on this act. There is a shortage of personnel to carry out all of these responsibilities, which is the source of the problems. Even though the bureaucracy is already overburdened with a great deal of duties, this measure gives them additional responsibilities to deal with.

  Considering that the overburdening of functions will only result in disaster if it is not effectively managed, so it could be believed that a new system needs to

be considered to achieve the required accomplishments (Agarwal S., 2020). Consequently, this bill will become obsolete, just like other acts before it.

However, even though the new act has accomplished the mammoth task of resolving the primary problems that were caused by the act that came before it, which was enacted in 2015, this does not in any way imply that the new legislation does not contain its fair share of erroneous assumptions. It is of the utmost importance to close the existing procedural loopholes while ensuring that justice is administered promptly and equitably (Tiwari S., 2019).

In addition, it should be made easier for victims to report their experiences through their parents or independent civil society institutions. This would not only provide the victim with essential support but would also ensure that the child has the opportunity to have an everyday life (Sukhram, 2020).

As a result of the fact that district magistrates frequently lack the necessary knowledge or are not adequately equipped to deal with these specialised laws, it is of the utmost importance that proper training in child protection legislation be made accessible as quickly as possible (Singh V., 2022.).

It is important to disseminate a comprehensive understanding of the psychological and socio-cultural causes of delinquent behaviour, as well as the causal relationship between delinquent behaviour and mental health disorders, to reduce the widespread stigma and prejudice that is directed toward juvenile offenders in today's society (Varsha, 2023).

The government can provide young people with vocational training that does not only cater to their interests and skill sets but also focuses on providing them with a profession and maintaining their livelihood (Human Rights Activism and the Role of NGO's, 2014.). It would be to the advantage of society to give preference to technology-driven courses and digital learning in order to facilitate the process of reintegrating adolescents into society. This would be of significant benefit. Before we run out of time, it is of the utmost importance that all of the parties involved come together to take control of the issue and assist in moulding the delicate lives of the future of our nation via their efforts.

5.9 CONCLUSION

The legislation is required to serve its intended purpose effectively. It should not only function as a deterrent but also ensure justice for the victim and deter further criminal behaviour. Based on the legislation, this matter must be given utmost priority. Safeguarding the victim's entitlement to life is a fundamental element of the legislation.

Furthermore, the fundamental entitlement to life is intricately linked to the basic entitlement to justice. Due to the inclusion of juvenile victims, including youngsters as young as two or three years old, the law must exhibit greater empathy towards these victims.

One potential adjustment that I would have advocated for is the establishment of a distinct classification for juveniles alongside the existing categories of petty offence, serious offence, and heinous offence. This novel classification will be denoted as a heinous sexual offence, wherein the biological age of the suspect may be considered, irrespective of the legal age of the accused. In addition, any child who reaches puberty and possesses the ability to commit a “gruesome” sexual offence that harms both a minor and a family should be prosecuted as an adult.

The imposition of a penalty for a sexual offence deemed “gruesome” should be regarded as a proactive step aimed at deterring future offences perpetrated against potential victims. Punishing a single individual can potentially save a multitude of individuals. Hence, we are simultaneously advocating for the well-being of the children while striving to implement legislation that would enhance the protective environment for children.

It can be deduced that there are various lacunae in both the 2015 and 2021 JJ Acts; both statutes do not deal with the factors that promote Child in Conflict with Law in India, and neither statute emphasises recording the number of Juvenile delinquents who re-offend. Even the concept of aftercare is also incomplete, unless it specifies what sort of aftercare shall be given to children after being released from the detention homes.

CHAPTER 6: SIGNIFICANCE OF NGO IN COMBATING CHILD IN CONFLICT WITH LAW

6.1 INTRODUCTION

Popularly referred to as NGO's, non-governmental organisations are service-oriented and voluntary organisations working to develop society. They are humanistic organisations comprised of individuals who strive to improve society. These entities operate for not-for-profit purposes and are therefore referred to as Non-Profit Organisations (NPOs). "*No loss, no profit*" is the guiding principle of these types of organisations. These organisations support the government in implementing initiatives and programs that benefit the public. They are called the "Third Sector" of any given society, following the market and the state, the initial and second sectors, respectively (Shirur, 2007).

Non-governmental organisations (NGO's) are characterised by the World Bank as private entities engaged in endeavours to alleviate human distress, advocate for the rights of the impoverished, safeguard the environment, or engage in community development. NGO's have been formed in virtually every nation on earth. The estimated global count of non-governmental organisations in 1999 was two million. It was estimated to be one million in India, or roughly 50% cent of the total number of NGO's (Agarwal H. O., 2007).

It is essential to acknowledge that NGO's share four fundamental characteristics. These are as follows:

- Voluntary in character;
- Non-profit organisation;
- Public interest organisation;
- Independence from governmental entities and benefactors;

A pattern of behaviour that is detrimental to society constitutes delinquency. If the juvenile in question has a propensity to abuse substances like alcohol and drugs, then the delinquency acts as an even greater threat to society (Baviskar, 2001). In light of this, they require rehabilitation.

Children are provided with a comprehensive treatment and training program that encompasses occupational therapy, vocational therapy, and physical therapy, tailored to each individual's unique needs.

NGO and state governments are the key stakeholders responsible for demonstrating the correct approach to addicted adolescents, in addition to playing a crucial role in their rehabilitation.

Non-governmental organisations, commonly known as NGO's or NGDOs, are volunteer entities that prioritise development. Within the framework of this organisation, the term "voluntary" pertains to the voluntary engagement in a specific task or responsibility, undertaken of one's own volition and without the expectation of compensation, stemming from inherent inclination, as well as the execution of said task or responsibility without any legal obligation. As a social service and developmental institution, such an organisation is driven by the objective of addressing the needs of the most marginalised individuals within society.

This objective can be achieved by providing personalised services to individuals or through providing auxiliary or indirect services to other non-profit organisations or governmental entities. In addition, a voluntary organisation is non-profit and does not rely on government funding, either directly or indirectly, for its expenses. Nations such as India exhibit notable shortcomings in the realm of policy formulation, awareness-raising, and law enforcement pertaining to human rights. They strive to address these gaps.

To address the gap, NGO's utilise legal mechanisms such as accessing legislation, organising awareness campaigns, offering legal counsel, engaging with human rights victims, educating them about human rights matters, and initiating public interest litigation in various high courts and the Supreme Court. These organisations play a significant role in delivering most services during the contemporary era (Dutta D., 2020).

It is now widely acknowledged that non-governmental organisations hold a significant position in India. It is evident that the operations of NGO's in the country, just like in many other regions of the world, are spread out over various fields and encompass a broad range of programs (R.Thara & Patel, 2010). Many benefits can be derived from participating in voluntary organisations. When compared to the government, NGO's are in a significantly better position to cater to the specific needs of the people by providing services.

One of the most significant benefits is that they have the touch of the individuals and sensitive to the requirements and needs of the community. One of the most notable characteristics of the non-governmental sector is its capacity to bring individuals together and inspire them to participate in the development process. NGO's and the participation of the general public were both envisioned in the National Children's Policy, which was developed in 1974 (Child Rights and Child wellbeing., 2009).

According to the Policy, the voluntary organisations that are involved in the field of child welfare will continue to have the ability to develop opportunities in the areas of education, health, recreation, and social welfare services. These opportunities can be developed either independently or with aid from the state. In 1998, the government established a National Children's Fund at both the Centre and State levels, which was intended to be employed by these organisations (Kaur N., 2022).

When it comes to treating addicts, the de-addiction facilities that non-governmental organisations manage utilise a variety of medical practices, including yoga, naturopathy, ayurveda, and allopathy, in addition to a broad spectrum of psychotherapies (Role of Family in Addiction Recovery, 2024). The Drug Abuse Information Rehabilitation and Research Centre (DAIRRC) is an example of a registered charitable trust that is actively engaged in the process of rehabilitating those who are addicted to drugs.

A year later, in 1982, it was established in Mumbai. This facility offers a comprehensive spectrum of rehabilitation treatments, including treatment for heroin addiction, treatment for cocaine addiction, therapy for solvent abuse, treatment for addiction to prescribed medication, treatment for addiction to methadone, and treatment for addiction to any other drugs of abuse (Rehabilitation of Drug Addicts, 2022). The local community must be involved in the treatment and social integration of addicts for them to be entirely rehabilitated. This is needed to achieve the goal of complete rehabilitation (Forum for Restorative Justice, 2001).

To encourage the implementation of such a program, organisations that are independent of government are planning a variety of activities consistently at the community level. Juvenile Patients who are addicted to drugs can receive

counselling, therapy, and rehabilitation services at these camps, which are located in the communities in which they reside.

Another notion that contributes to the rehabilitation of addicts is the creation of therapeutic communities. Building awareness is another concept that will help. Various forms of addiction have been successfully treated with the use of self-help approaches, which have proven to be highly beneficial (Perfas, Casin-Romano, Barcenas, & Nasol, 2023). One well-known organisation that provides these kinds of methods is called "Narcotics Anonymous." Addicts are able to learn from other addicts how to recover from addiction and stay away from drugs through the private meetings that this organisation regularly holds. Several cities, including Bangalore, Mumbai, New Delhi, and Chennai, are the locations where these meetings are held regularly.

6.1.1 NGO's formation and growth

The interest in non-governmental organisations (NGO's) as a development option was sparked by the perceived shortcomings of state-led development techniques during the 1970s and 1980s. NGO's were seen as delivering creative and people-centred approaches to service delivery, advocacy, and empowerment. The taxonomy of NGO's continues to provide challenges, notwithstanding their significant growth and prominence in the development sector (Vakil, 1997). NGO exhibit significant diversity in terms of their origins and degrees of formality, stemming from enduring traditions of charity and self-help (Lewis and Kanji, 2009). The terms 'NGO's' and 'third sector' serve as classification tools to comprehend a wide range of organisations. However, they can also be misleading. By assuming the institutionalised status of NGO's, one may overlook numerous unregistered organisations that aim to promote the public good (Srinivas, 2009).

According to Vakil (Vakil, 1997), various definitions of 'NGO' have been proposed based on legal status, economic and/or financial concerns, functional areas, and organisational aspects. One such definition posits that NGO's possess the characteristics of being non-state entities and self-governing. NGO's are often categorised based on their lack of government affiliation or profit-driven nature, rather than their actual nature. This distinction emphasises there

divergence from the state and private sectors, which have not yet adequately addressed the needs of impoverished and marginalised populations (White, 1999).

For our specific objectives, we can focus on a specific category called 'Development NGO's'. However, this classification encompasses a wide range of organisations, including small, informal, community-based organisations as well as large, well-known, international NGO's that collaborate with local partners in developing countries. Due to the challenges in defining 'NGO', the categorisation of NGO's within the sector is frequently determined by their specific type. They are headquartered in a certain country and aim to achieve development goals in other countries are commonly known as international or northern NGO's (INGO's or NNGO's). These organisations possess sufficient financial and resource capabilities, yet they possess limited knowledge at the country and grassroots levels.

Consequently, they opt to operate at the local level by collaborating with domestic or "southern" NGO's that are geographically, culturally, and linguistically closer to the communities they serve. Although commonly known as North-South partnerships, these relationships often exhibit significant inequality, with a strong advantage favouring those with financial means and resources.

Due to the challenges associated with classification, the emergence of NGO's has been primarily characterised by their capacity to provide a "development alternative." This has led to the formulation of various assertions regarding the more efficient strategies required to tackle poverty and address unequal relationships (Bebbington 2007; Lewis & Kanji, 2009).

Additionally, NGO's have been justified in addressing the deficiencies resulting from ineffective state service provision. Their primary advantage lies in their ability to establish connections at the grassroots level. This enables them to develop services and programs that employ inventive and experimental methods focusing on community involvement (Bebbington, 2007). Through their various initiatives, NGO's empower marginalised groups and facilitate their inclusion in governance domains where they have historically been marginalised. The incorporation of 'empowerment' as a fundamental principle is their most

valuable advantage: NGO's not only endeavour to address the requirements of the impoverished, but also seek to aid them in expressing those requirements themselves through participatory, people-centred, and also rights-based various methodologies (Drabek, 1987).

The presence and prominence of NGO's are steadily increasing. Obtaining global statistics is challenging due to the absence of a coordinating entity. However, Epstein and Gang (Epstein and Gang 2006) demonstrate that official development assistance (ODA) to non-governmental organisations rose by 34% from 1991-92 to 2002, increasing from US$928 million to US$1246 million. Moreover, the number of international NGO's increased by 19.3% during this period.

In conjunction with a notable surge in these organisations, there has been a concurrent inclination towards the enlargement of NGO'S, particularly in the South Asian region. Bangladesh, in particular, is host to the Grameen Bank and BRAC, whose initial achievements served as an additional rationale for the growing fascination with NGO's as a viable option for development (Barr, Fafchamps, & Owens 2004; Edwards & Hulme 1996). These organisations have transitioned from minor actors in the development stage to obtaining comparable or even greater funding than their government counterparts (Brass, 2011). To comprehend the growth of NGO's, it is necessary to consider the historical background and the institutions in which they operate (Lewis & Kanji, 2009).

Before the late 1970s, NGO's had limited recognition in terms of their involvement in development initiatives or their influence on policy for the development of the society. The limited number of individuals present was regarded as a minor contributor in service delivery, immediate assistance, and urgent tasks.

The late 1970s witnessed a notable shift in the magnitude and importance of non-governmental organisations, as they emerged as influential actors within the development sector. During this period, the growth of neoliberalism was accompanied by the implementation of structural adjustments in aid policies, decreases in public spending, and the withdrawal of state-provided services. As part of this significant shift, the market took over from the state as the main

focus of development initiatives, and poverty was no longer a direct issue due to the belief in the positive impact of economic progress on other areas (Murray & Overton, 2011).

The persistent lack of trust from donors and their dissatisfaction with governments have led to a growing interest in these organisations as viable alternatives. These organisations are seen as favourable due to their ability to represent the interests of beneficiaries and their role as pioneers in developing new technologies and approaches to assisting the impoverished (Gill, 1997).

The neoliberal approach and its associated structural adjustment programs began to be retracted in the mid-1990s, leading to a shift in the development narrative. According to Murray and Overton (Murray & Overton 2011), the state has regained prominence under the rising good governance agenda.

This shift is accompanied by a growing acknowledgement of the imperative to address poverty reduction through a more interventionist, welfare-oriented, state-centred, and decentralised strategy. The impacts exerted opposing forces. There is governmentalisation of aid involved, an increase in state spending to exert influence on recipient governments, so diverting focus from NGO's (Lewis & Kanji 2009). Concurrently, the good governance agenda adopted the terminology of democracy, human rights, and public involvement, so reinforcing the significance of non-governmental organisations (NGO's) in the realm of development.

In the 2000s, a new assistance system emerged, which aimed to shift away from growth-oriented neoliberalism and instead emphasise collaboration between donors and recipients. This new approach also placed greater emphasis on addressing poverty and promoting responsibility for the nation-state. In light of the renewed emphasis on enhancing civil society, apprehensions over NGO's have prompted a heightened acknowledgement that NGO's represent but a fraction of civil society.

Table 5 The rising prominence of NGO's

1	Until late 1970s	The NGO sector is comprised of a restricted number of small non-governmental organisations (NGO's) that get minimal external assistance. The majority of these organisations are primarily located in the northern region and have a southerly presence. They often rely on religious aid and/or provide temporary relief.
2	Late 1970s to 1980s	The 'NGO decade' occurs within the context of Western pursuit of neoliberal goals, wherein non-governmental organisations (NGO's) have emerged as a potentially viable alternative for development.
3	Late 1990s	With the rise of the good governance agenda, there has been a corresponding increase in concerns regarding non-governmental organisations (NGO's), coinciding with a renewed emphasis on the state's role.
4	2000s	A novel foreign aid framework pledges enhanced collaboration and a heightened emphasis on non-growth determinants. NGO's, with their focus on individuals, adherence to human rights, and involvement at the local level, are highly suitable for sustaining their success in the NGO sector.
5	2010s	Due to ongoing concerns about the lack of attention given to NGO's and their limited effectiveness in advocating for and empowering others, there is a growing acknowledgment that NGO's are just one component of a larger civil society. Therefore, it is crucial for NGO's to realign themselves with their local communities.

6.1.2. The Function of NGO's

These organisations (NGO's) are gaining traction because of the remarkable qualities and skills they've shown. NGO's must fulfil two primary functions: as service providers; as partners with community-based groups to offer basic services and infrastructure, and as welfare, technical, legal, and financial service providers to the impoverish*ed* (Abiddin, Ibrahim & Abdul Aziz, 2022). Governments' limited services delivery due to their withdrawal from providing often leaves gaps that must be filled.

It used to be that developing nation governments were at the vanguard of development efforts. However, such paternalism reached its limit when it became apparent that the government lacked the organisational expertise and knowledge to accomplish the desired result and the financial power to pay for the poor services (Shailja, Tiwari, Dubey, & Verma, 2022).

In this context, these organisations have played a crucial role since the mid-1980s in reducing the adverse effects of structural adjustment and advocating for donor reform packages to protect against political resistance to stringent adjustment policies. Such a job raises essential questions. There may be incompatibilities and a lack of coordination in the patterns of service delivery within the voluntary sector.

It is reasonable to wonder how long-term these initiatives will last if they continue to get money from the government. On a fundamental level, people are concerned about how NGO's may affect national health and education systems and the availability of high-quality services for all.

Another function of non-governmental organisations is policy advocacy, which involves influencing attitudes, policies, and practices to bring about social change. NGO's aim to alter state services based on their experiences and directly campaign for policy changes (Murray & Overton 2011).

It encompasses participation in public interest politics, and non-governmental organisations involved in such endeavours recognise the growing significance of information as they leverage the influence of ideas and information to foster constructive transformation within the broader governmental frameworks and the official aid community and serve as catalysts.

However, it is essential to note that neither of these roles necessarily excludes the other. Many NGO's transitions from simply addressing a service delivery gap to acknowledging the necessity of considering the broader context in which the need arises. They may be drawn into national or global policy advocacy, possibly through their participation in NGO networking (Bebbington, 2003). NGO's collaborate with grassroots and community-based organisations, frequently consisting of impoverished and underprivileged groups.

In light of this, it is imperative to expand and enhance both individual and collective capabilities and the potential for citizen engagement. However, they

have played a crucial role in organising substantial numbers of individuals to challenge established elite groups or state interests.

They have actively advocated for their cause and endeavoured to exert influence on public policy. For instance, eliminating debt for states and nations burdened with debt included them in the agenda of the developed European Summits. This form of grassroots democracy has proven effective in numerous instances, potentially resulting in subsequent top-down political transformation.

Non-governmental organisations have emerged as key participants in transformative development. They can influence shifts in norms that result in the change of regimes or the reorganisation of global politics. Northern NGO's employ various strategies such as information dissemination, lobbying, research, campaigning, and media to exert their moral authority. Instances of this can be observed in the domains of human rights, free trade, debt alleviation, and child labour. In addition, NGO's establish alliances and networks to exert pressure on the state (DeMars, 2017). NGO's have become entangled in more intricate networks. Numerous non-governmental organisations in the Northern region, like Christian and Humanitarian Aid, have transitioned from directly executing programs to adopting a "partnership approach" with NGO's in the Southern region. However, the specific characteristics and conditions of these collaborations frequently remain uncertain (Lewis 1998).

6.2 BENEFITS OF NGO IN SOCIETY WELFARE

NGO contributions are crucial to society as they resolve various social, economic, and environmental concerns. The following are several advantages of NGO's:

- *Helping to cover Gaps in Government Services*: NGO's help to cover gaps in service delivery mechanism in India, when the government have insufficient resources or delayed bureaucratic processes. They frequently operate in underserved or distant locations, where the services provided by the government are either insufficient or inadequate (SC Legal Aid Committee v. Union of India, 1989).

  NGO's frequently have a more profound comprehension of their local communities' particular requirements than government agencies. They can

identify service gaps by engaging directly with communities, undertaking needs assessments, and comprehending the socioeconomic context (Baviskar, 2001). This empowers them to identify regions with inadequate or deficient government services. After identifying deficiencies in government services, NGO's can develop interventions that are precisely tailored to meet those requirements. Depending on the community's needs, this may entail establishing initiatives in fields such as education, livelihood development, environmental conservation, disaster relief, or environmental protection.

Government services frequently encounter obstacles in their efforts to engage marginalised or vulnerable populations, including but not limited to cultural factors, social discrimination, and geographical isolation. Non-governmental organisations focus on these communities and deliver customised services that address their specific requirements and conditions (Prajapati, 2019).

NGO initiatives prioritise accessibility and inclusivity to guarantee that no individual is excluded. NGO's supplement government services; they do not compete with them. They frequently collaborate with local governments, capitalising on their networks, resources, and expertise to augment the scope and effectiveness of public programs. Through partnerships with governmental entities, they can ensure a coordinated effort to address societal needs and more comprehensively cover service gaps. NGO engagement extends beyond direct service provision to encompass capacity building and advocacy, aiming to influence government policies and priorities (Kaur K., 2020). They champion the rights of marginalised communities, demand reforms in domains with a dearth of government services, and ensure that governing bodies are held responsible for fulfilling their responsibilities.

Additionally, they strengthen the ability of local communities to actively engage in decision-making processes and advocate for improved services from the government.

NGO's play a vital role in assessing the efficacy of government services and programs. They perform data collection, assessment, and outcome evaluation to identify areas that require improvement and guarantee the efficient utilisation of resources. By providing independent oversight, they contribute to improving public service delivery's transparency, accountability, and quality.

- *Targeted Interventions:* Non-governmental organisations can concentrate their efforts on specific communities or concerns that the government may miss for a variety of reasons, including a lack of money or political priorities. They may, for instance, focus on educating young women, healthcare to underserved communities, or environmental conservation in particularly vulnerable areas.
- *Innovative solutions:* Non-governmental organisations are frequently more adaptable and creative in addressing social concerns. In response to the communities' requirements, they can quickly adapt to new ideas, test out novel solutions, and pilot new concepts. Because of their flexibility, they can react rapidly to new difficulties or constantly shifting situations.

These are the central nodes for knowledge exchange and education in the social sector. They disseminate case studies, best practices, and insights gained from their experiences to policymakers, practitioners, and other organisations. This learning culture encourages a dynamic exchange of ideas and continuous refinement, generating more inventive solutions throughout the industry (Sahmey, 2013).

Increasingly, non-governmental organisations leverage technology and digital innovation to effect social change. Blockchain technology, mobile applications, data analytics, and remote sensing are instruments they employ to enhance community empowerment, service delivery, and impact monitoring. Through the utilisation of technological advancements, non-governmental organisations (NGO's) can surmount geographical limitations, optimise operations, and engage broader demographics through inventive interventions.

- *Participation of the Community and Empowerment of the Community:* Non-governmental organisations (NGO's) often collaborate closely with the communities they serve, involving them in the decision-making processes and the execution of initiatives. This participatory method guarantees that interventions are suitable for the culture in which they are implemented, that they are durable, and that they are adapted to meet the requirements of the targeted population (Shukla, 2018). NGO's also allow communities to take ownership of their development by incorporating them in the process.

A sense of togetherness and collective action toward common goals is fostered via the efforts of non-governmental organisations, which encourages the

collaboration among community members, local groups, and government institutions. Non-governmental organisations (NGO's) provide communities with resources, technical experience, and assistance, which enables these communities to handle obstacles and capitalise on possibilities for individual development and advancement.

- *Awareness and Advocacy*: Many non-governmental organisations (NGO's) in India are actively engaged in advocacy initiatives to bring attention to social problems, promote policy reforms, and hold governments and other stakeholders accountable (Kumar, 2024). NGO's contribute to the development of a society that is more just and equitable by campaigning for the rights of marginalised groups or by pressing for legislative reforms.

  Because the general public is the primary source of support for non-governmental organisations, these organisations frequently make efforts to educate the general public about human rights issues. A higher knowledge of these issues and of the techniques of defending them may engender a larger respect, which, in turn, will raise the likelihood of being able to mobilise support in particular cases in which human rights have been violated (Human Rights Activism and the Role of NGO's, 2014). This assistance, or the possibility of receiving support, is the foundation upon which the success of the non-governmental organisation community in enhancing the environment for human rights is built.

- *In the field of capacity building*: NGO's frequently offer training and capacity-building programs to local communities, government agencies, and other stakeholders. Individuals and organisations can improve their ability to address societal concerns and improve their own lives due to these initiatives, which involve enhancing their skills and knowledge. (Aishwarya, 2023)

  NGO's increase the efficacy and sustainability of local institutions through their guidance on governance structures, organisational management, and strategic planning, which contributes to their development and strengthening. NGO's serve to facilitate networking opportunities and encourage collaboration among stakeholders. This fosters the exchange of resources, best practices, and lessons learned, thereby augmenting collective capacity and encouraging synergistic endeavours.

By conducting research, pilot projects, and innovative initiatives, NGO's contribute to advancing disciplines, including education, healthcare, social development, and environmental conservation, by generating new knowledge, testing solutions, and identifying best practices (Baviskar, 2001). To influence government policies and programs in a manner that supports capacity-building initiatives and advances sustainable development, NGO's engage in policy advocacy.

They promote implementing policies that facilitate capacity development by increasing accessibility to education, healthcare, livelihood opportunities, and other vital services. To facilitate cross-sectoral collaboration and innovation, NGO's collaborate with academic institutions, private sector entities, international organisations, and government agencies to leverage diverse expertise and resources for capacity-building initiatives.

- *Natural disasters or public health emergencies*: NGO's play a crucial role in providing immediate relief and long-term rehabilitation aid. This is especially true in the case of emergency response and disaster relief. The capacity of these organisations to quickly and effectively mobilise resources can be a substantial supplement to the government's efforts in reducing the effects of catastrophes and providing assistance to areas that have been impacted.
- *Support for Sustainable Development:* A significant number of non-governmental organisations (NGO's) in India place a high priority on sustainable development strategies that strike a balance between economic growth, social fairness, and environmental protection. (The Business Standard, 2023) To contribute to the long-term prosperity and resilience of communities, NGO's work to promote sustainable livelihoods, natural resource management, and environmentally friendly activities.

  These organisations engage in advocacy efforts to influence policies and practices that affect sustainable development. At the local, national, and international levels, they advocate for policies that are ecologically sustainable and environmentally beneficial to the poor by doing research, generating recommendations based on data, and mobilising public support. Together with government agencies, corporate partners, academic institutions, and other stakeholders, non-governmental organisations (NGO's) endeavour to harness

resources, skills, and networks to advance sustainable development initiatives. (Sehgal Foundation, 1999) They encourage partnerships between multiple stakeholders, which promote innovation, increase the scale of impact, and more effectively handle complex development concerns.

- *Evaluation and Monitoring*: Non-governmental organisations frequently monitor and evaluate government programs and policies to evaluate the success and impact of these initiatives. They contribute to the improvement of public programs' efficiency and accountability by offering objective feedback and insights driven by data.

  This ultimately results in improved outcomes for society as a whole. To monitor the implementation and results of programs, NGO's collect qualitative and quantitative data via interviews, focus groups, and surveys, among other techniques. Through data analysis, they discern patterns, obstacles, and insights gained, which subsequently guide modifications and enhancements to the program. Beneficiaries, members of the community, and other stakeholders are involved in the monitoring and evaluation process by NGO's. (Funds for NGO,) In order to ensure that programs are responsive to the needs and priorities of the communities they serve and that diverse perspectives are taken into account, they maintain a record of review meetings, feedback sessions, and participatory assessments. NGO's perform regular quality assurance reviews to ensure that program activities are carried out under established protocols and standards. They promote a corporate environment that values understanding and introspection, motivating personnel to engage in rigorous evaluations of program effectiveness, exchange exemplary methods, and pinpoint opportunities for enhancement. (Humanitarian Global, 2021)

  NGO feedback mechanisms are implemented to actively seek input from stakeholders and beneficiaries at various stages of the program life cycle. Feedback on program design, implementation, and impact is gathered, facilitating ongoing enhancements and ensuring that the organisation remains accountable to the communities it serves.

  Program activities, outputs, and outcomes are documented by NGO's via routine reports, case studies, and success stories. Their responsibility is to

communicate findings transparently to donors, partners, government agencies, and other stakeholders. This includes sharing program successes, obstacles, and insights gained. NGO's may involve external evaluators or peer organisations to carry out autonomous assessments of their programs. External assessments validate program results, provide unbiased feedback, and offer valuable insights that can inform programmatic enhancements and strategic planning.

Monitoring and evaluation results are utilised by NGO's to modify program strategies, improve implementation methods, and scale up successful interventions. An organisation that values ongoing progress adopts an iterative approach to program refinement, utilising feedback and evidence to optimise outcomes and ensure long-term viability.

- *Finance & Collaboration on an International Scale:* NGO's in India routinely work together with international organisations, donors, and partners to gain access to finance, technical expertise, and model practices from all over the world. By facilitating the exchange of knowledge and mobilising resources, these alliances make it possible for NGO's to double their impact on societal welfare and increase their reach (Joshi, M. K., & Klein, J. R., 2018).

NGO's promote cultural comprehension and exchange by uniting individuals from diverse nations and backgrounds to pursue shared goals. It foster cooperation, respect, and dialogue among heterogeneous communities through international seminars, conferences, cultural events, and exchange programs; in doing so, they contribute to peacebuilding and global solidarity. Numerous non-governmental organisations operate across multiple countries and regions, carrying out initiatives and programs that tackle transnational concerns, including crisis management, refugee aid, and global health endeavours. (Vakil Search,2019) NGO's promote collaboration and cross-border cooperation by facilitating exchanges and cooperation between nations, thereby nurturing mutual learning.

Hence, NGO's serve a varied and vital role in promoting societal welfare in India. They do this by bolstering the government's efforts, advocating for underprivileged groups, empowering communities, and creating sustainable development. The contributions they provide are varied, innovative, and absolutely necessary for developing a more egalitarian and inclusive society.

6.3 PROMINENT NGO's IN INDIA

- *Save the Children*: Across 19 states, Save the Children, India's premier independent NGO for children's rights, has made a positive impact on the lives of more than 10 million children in India. The most marginalised populations in both urban regions and the most rural reaches of the country are the focus of its efforts to empower them. Moreover with the help of Save the Children, children are provided with high-quality education and healthcare, protection from injury and abuse, and assistance that can save their lives in times of emergency. Moreover, it collaborates with the government in order to influence policy changes that are in the best interest of children. The non-governmental organisation also strives to improve the conditions of children in over 80 different nations. (Save the Children, 2021)
- *Child Rights and You*: In India, CRY is regarded as one of the most reliable NGO's. CRY addresses child labour, child marriage, child education, health & nutrition, and child labour through its 102 programs distributed throughout 19 states in India. CRY NGO endeavours to tackle the pressing concerns of children through collaborative efforts with communities, Anganwadi workers, parents, instructors, district and state governments, and the children themselves, all to establish a lasting transformation. (CRY, 2001)
- *Child Help Foundation*: The focus of nongovernmental organisations (NGO's) is on fundamental issues such as education, health, food, and shelter. They take a holistic approach, and there teaching method is hands-on. At this point, they are on the ground, which is where the child is most concerned. Both families and communities are able to benefit from them. Numerous programmes for children are of a grassroots nature for the betterment of children (Child Help Foundation, 2009).
- *Pratham Education Foundation*: Pratham is a forward-thinking educational organisation established to enhance the standard of education in India. Pratham was founded in 1995 to provide education to children living in the slums of Mumbai. Since then, the organisation has expanded both in terms of its scope and scale, and its programs now reach children and teenagers all throughout the country. (Pratham Education Foundation, 1995)

Pratham, which is one of the largest non-governmental organisations in the country, is committed to addressing deficiencies in the educational system through the implementation of interventions that are of high quality, low cost, and repeatable. Each year, Pratham programs impact millions of people's lives by working directly with children and young people and collaborating through large-scale partnerships with government systems. The Teaching at the Right Level technique, developed by Pratham, has been shown to positively impact children's learning outcomes, and it is currently being adapted to accommodate contexts that are not located in India.

- *Smile Foundation:* Across India's 25 states, the Smile Foundation is a non-governmental organisation that directly assists over 7,50,000 children and their families annually. This is accomplished through more than 350 live welfare projects focusing on education, healthcare, livelihood, and women's empowerment. These projects are carried out in over 1000 isolated villages and slums (Smile Foundation, 2002).

  Education is the means to a better life, according to the non-governmental organisation, which believes education is both the means and the end of a better life. Moreover, it enables an individual to earn his or her livelihood, and in the end, it raises one's awareness on a variety of issues, ranging from healthcare to appropriate social behaviour to understanding one's rights, eventually assisting him or her in developing into a better citizen.
- *Snehalaya:* Women, children, and LGBT communities impacted by poverty and the commercial sex industry comprise the majority of the service recipients (Snehalaya, 1989). They contribute to efforts to combat HIV and AIDS, end human trafficking, improve education for disadvantaged children, and advocate for justice in order to provide those in need with rescue, rights, and rehabilitation.
- *Katha*: Beginning in 1988 with a publication targeted at children from marginalised communities, Katha's oeuvre now encompasses the entire spectrum from literacy to literature. Through the seamless integration of grassroots education initiatives and municipal revitalisation, Katha ensures that impoverished children have access to quality education and reading materials. Over the course of the last thirty years, Katha has assisted more than one million

children in lifting themselves out of destitution via its numerous programs (Katha, 1988).

- *Muktangan:* The Muktangan model of education is a one-of-a-kind educational approach that offers cutting-edge and child-centred instructional strategies to the disadvantaged youngsters residing in Mumbai. (Muktangan, 2003) A holistic approach is utilised by Muktangan, in which education is provided in a manner that is easily accessible to all individuals, with an emphasis placed on community involvement and sustainability. Their program places an emphasis not just on academic achievement but also on the whole development of the children's well-being within a holistic framework.
- *Make a Difference*: One of the largest non-profit organisations in India that is driven by millennials and works to improve the lives of children who are in need of care and protection. MAD's vision is that all children raised in care in India will be able to achieve equitable outcomes on par with those of the middle class. MAD's mission is to ensure that all children housed in shelters across India can achieve equitable outcomes within the next 25 years. (MAD, 2007) This will be accomplished by mobilising the community, empowering the child, enabling the sector, and altering the ecosystem.

6.4 NGO'S IN RAJASTHAN TO REHABILITATE JUVENILES

- *Gramin Vikas Vigyan Samiti:* GRAVIS is for Gramin Vikas Vigyan Samiti, and it is an organisation that works in rural Rajasthan to address a variety of social issues, such as education, health, and child welfare. It is situated in Jodhpur. Education, vocational training, and awareness campaigns are some of the activities that they operate intending to uplift vulnerable people, particularly juveniles. (Gravis, 1983)
- *Prayas Institute of Juvenile Justice:* It is a non-governmental organisation that works on topics pertaining to child rights and juvenile justice. Legal assistance, rehabilitation programs, and educational support are some of the things that they seek to provide to juveniles who have been in confrontation with the law. There are various states in which Prayas works, one of which being Rajasthan. (Development Aid, 1988)

- *Salaam Baalak Trust:* To provide shelter houses and rehabilitation centres for children and adolescents living on the streets in Rajasthan and other regions of India, there is the Salaam Baalak Trust. They offer various services to assist children and juveniles in reintegrating into society, including housing, education, medical care, and vocational training. (Salaam Balak Trust, 1989)
- *Rajasthan Bal Kalyan Samiti:* This non-governmental organisation, known as Rajasthan Bal Kalyan Samiti, is committed to the well-being of children, including juveniles who confront the law. They provide programs for juveniles that are centred on rehabilitation, the development of skills, and counselling to promote the reintegration of these individuals into society (Rajasthan Bal Kalyan Samiti, 1981).
- *Child Rights and You (CRY):* It is a national non-governmental organisation (NGO) that actively works to protect children's rights throughout India, especially in the state of Rajasthan. They fund grassroots projects and advocacy efforts that are focused at improving the lives of vulnerable children, especially juveniles who require rehabilitation and support with the goal of making their lives better. (CRY, 2001)
- *Save the Children:* There are programs in Rajasthan that are focused on child protection, education, and healthcare. Save the Children is an international non-governmental organisation (NGO) that operates in Rajasthan. Their mission is to support rehabilitation initiatives for children who have been in dispute with the law and strive to prevent Child in Conflict with Law. (Save the Children, 2019)
- *Bachpan Bachao Andolan:* It is a non-governmental organisation that works to eliminate child labor, trafficking, and exploitation. To rescue children from dangerous working situations and provide them with possibilities for rehabilitation and education, they operate in Rajasthan and other states. Nobel Laureate Kailash Satyarthi started it. (BBA, 1980)
- *Manjari Founation:* This NGO has been established near Jaipur the district in Dholpur. It deals with child Marriages, children who are being sexually exploited and those who have suffered domestic violence. Apart from patriarchal culture in the state, illiteracy, unawareness, and unemployment are the fundamental causes of children who are found juvenile offenders and

children in need of care and protection. The organisation also works for the children found with substance abuse in the border areas of Jaipur.

- *Antakshari Foundation:* It was by the youth for the development of the youth. The organisation tries to build a network for the society, government and community. Their main focus is upon the socially deprived and marginalised groups, poor communities with a special emphasis on the children who are vulnerable and living in hardship. They specifically works in the Jaipur, Kota and Ajmer. They are also working under the Integrated Child Protection Scheme and running a Railway Child Line (1908) at Jaipur Railway Station (antaksharifoundation, 2024).
- *Apna Ghar Ashram:* Orphaned, abandoned, and destitute children, especially adolescents who require care and protection, are the beneficiaries of the services offered by Apna Ghar Ashram, a non-governmental organisation (NGO) in the state of Rajasthan. Apna Ghar Ashram offers such services as housing, education, and rehabilitation. (Apna Ghar, 2000)
- *Childline India Foundation:* Childline operates a toll-free helpline (1098) across India, including in Rajasthan, to provide emergency aid and support to children who are in distress. This includes assisting juveniles who are in conflict with the law.

6.5 VARIOUS INITIATIVES BY NGO'S FOR REDUCING CHILD IN CONFLICT WITH LAW

- Community-based rehabilitation programs are implemented by numerous NGO's with the aim of assisting at-risk adolescents residing in rural areas, urban slums, and other marginalised communities (International Journal of Indian Phsychology, 2021). Through counselling, vocational education, also life skills training, and recreational activities, these programs divert youth away from delinquent behaviour and toward positive life decisions.
- Education and skill development schemes are implemented with the aim of equipping young individuals with practical knowledge and marketable abilities. These initiatives reduce the delinquency risk of disadvantaged youth by preventing school abandonment, improving academic performance, and expanding employment opportunities.

- Legal Aid and Juvenile Justice Support Services provides support services and legal aid to juvenile offenders in order to safeguard their rights during the course of the justice system. They assist juveniles in conflict with the law by providing legal representation, counselling, and advocacy, thereby facilitating their navigation of the legal system and enabling them to access suitable rehabilitation services. (Justice Alive Foundation, 2019)
- Numerous organisations offer counselling and psychosocial support services to adolescents who have been subjected to abuse, neglect, or trauma. These services promote healing and resilience among vulnerable youth by addressing underlying emotional and psychological issues that may contribute to delinquent behaviour.
- Youth leadership and empowerment programs are orchestrated by such organisations with the dual purpose of involving young individuals in constructive endeavors and nurturing their aptitude for leadership. (Medium, 2020) By empowering youth through mentoring, peer support groups, volunteer opportunities, and community service projects, these initiatives foster positive change in their respective communities.
- These organisations coordinate recreational and sports initiatives that offer young individual constructive means to channel their energy and express their creativity. These activities mitigate the risk factors for delinquent behaviour of boredom and idleness while fostering self-assurance, discipline, and cooperation.
- Family Support and Strengthening Programs works, in order to address dysfunctional family dynamics and strengthen parental relationships, NGO's implement family support and strengthening programs. These initiatives offer support services, family counselling, and parenting seminars in an effort to strengthen families and decrease the likelihood of Child in Conflict with Law.
- Awareness Campaigns and Prevention Initiatives help to educate communities, parents, educators, and policymakers about the causes and consequences of Child in Conflict with Law; NGO's conduct awareness campaigns and prevention initiatives. These endeavours seek to galvanise community support for at-risk youth, advocate for reforms in the juvenile justice system, and promote positive parental practices.

- Aftercare and Reintegration Services play a very pivotal role after their release from correctional facilities; NGO's provide aftercare and reintegration services to adolescent offenders (Pathshala, 2014). These services also offers ongoing assistance, counselling, educational support, and vocational skill development to aid in their successful reintegration into society and deter recidivism.

6.6 CONCLUSION

NGO's, which were founded during the early 20th century, are currently responsible for upholding the social welfare goal of improving overall welfare and quality of life. Hence, it encompasses initiatives that seek to enhance human and societal conditions, while also mitigating suffering and addressing social challenges. NGO's, as compassionate experts, aid individuals in improving their skills and talents, obtaining social resources and assistance, creating compassionate and responsive social services, and reinforcing societal frameworks that provide equitable possibilities for everyone. The core roles of such organisations encompass prevention, resource provision, and restoration, which are interconnected and mutually reliant. The recovery of impaired social functioning can be further classified into two distinct components: rehabilitative and curative. The curative part of social functioning involves the elimination of conditions that have contributed to its collapse, whereas the rehabilitative aspect focuses on the reorganisation and reconstruction of interactional patterns.

Exemplary cases of restoration may encompass offering assistance in acquiring a hearing aid for a youngster with partial hearing impairment or helping the placement of a marginalised and socially isolated child into a residential facility for children. The categorisation of educational and developmental components includes the provision of social and individual resources aimed at enhancing social functioning.

The developmental components aim to optimise the utilisation of existing social resources to promote more efficient social interaction. The educational spectrum, in contrast, seeks to acquaint the general public with the specific circumstances and demands of developing or evolving social resources. An additional demonstration of this can be seen in public conversations led by staff

members of a family service organisation (such as an NGO or other community-based service unit), where counselling services are highlighted as a beneficial resource for addressing problems inside the family.

The third role of preventing social dysfunction involves promptly identifying, managing, and eliminating events and conditions that could hinder normal social functioning. The two main sections are the prevention of issues that arise from interactions between organisations and individuals, and the prevention of social ills.

Crime and delinquency represent prominent socioeconomic concerns in the contemporary era. These concerns have an impact not only on individuals who are directly impacted, whether as victims or not, but also on those who consider the current and future ramifications of the increasing occurrence of antisocial behaviour. They play crucial roles throughout the entire correctional process.

Over the course of its development, social work has broadened its scope of services to encompass interventions specifically designed to prevent or alleviate delinquency. The aim is to utilise the knowledge and comprehension of the area in a remedial manner, with the purpose of rehabilitating persons, aiding them in self-assistance for successful reintegration into society, and guiding in fostering self-acceptance and harmonious relationships with peers.

Moreover, these organisations assume a crucial position inside our society. They play an essential role in addressing various social, economic, and environmental issues by providing aid and assistance, advocating for human rights, promoting sustainable development, advocating for the underprivileged, fostering social and economic development, raising awareness, and encouraging civic participation.

NGO's provide the capacity to deliver crucial services to persons who exhibit the highest degree of need, hence addressing the deficiencies that governments fail to address. In the absence of NGO's, a significant portion of the population would be denied the aid they require, and crucial social, economic, and environmental issues would remain unattended. Consequently, we must persist in providing support and fostering the endeavours undertaken by non-governmental organisations within our local community.

Through the provision of direct services, the advocacy for policy change, the building of community capacity, the response to emergencies, the conduct of research, and the collaboration with a variety of stakeholders, these organisations played an essential role in promoting the well-being and rights of children. The efforts that they make are vital in order to guarantee that every child will have the chance to develop in a secure and caring environment, one in which their rights are honoured and their potential is realised. Hence, NGO's have played a crucial role in bringing the best interests of a juvenile so that they get decent services and are protected from committing further crime.

CHAPTER 7: INTERPRETATION & ANALYSIS OF DATA

7.1 INTRODUCTION

The present research is focused on the assessment of the achievement of the Juvenile Justice (Care and Protection of Children) Act, 2015, which shifted the Indian Juvenile Justice system from punishment towards the idea of rehabilitation (Singh, 2022). However, the enforcement of the Act has several challenges arising from socioeconomic, cultural, and legal barriers, including in Rajasthan. Being one of the states with the highest poverty and fragmented families, high peer pressure, and low literacy rates (Mathur, 2021). Rajasthan has its specific problems in combating juvenile justice. The achievement of the Juvenile Justice Act is subject to how different actors understand and observe it, including the judiciary, supporters of juvenile care, NGO's, children in conflict with the law and government institutions.

Data was collected for this study from the respondents through structured questionnaires and interviews to determine how they implement and perceive the law. Juvenile care staff are more concerned with identifying the juvenile's emotional, psychological, and vocational needs, while judges try to achieve legal certainty and reformative justice. This chapter presents the survey findings and covers key areas of concern, including family stability, peer pressure, academic performance, and the achievement of rehabilitation interventions.

The analysis is based on questions about the causes of Child in Conflict with Law, the adequacy of rehabilitation measures, and the roles of NGO's and government schemes in reforming juveniles. The study findings seek to inform the debate on juvenile justice reform and recommend improvements in its implementation in Rajasthan. The study uses both primary and secondary data to increase the understanding of the causes of Child in Conflict with Law as well as the reformation process. Quantitative data is analysed numerically, while qualitative feedback from the respondents is analysed based on themes. The results are discussed in light of the general principles of the juvenile justice system based on the literature and shifts in the system. Finally, the implications of the findings of this study for the Juvenile Justice reforms in Rajasthan and the limitation of the data analysis forming a basis for the future improvement of the implementation of the Juvenile Justice Act in the region are discussed.

7.2 HYPOTHESES ANALYSIS

The analysis of data is done to achieve the research objectives which form the basis of hypotheses. The following hypotheses were tested using **Chi square measure** as a test of association/independence. The nature of the data is categorical seeking an appropriate association between independent and criterion variables.

Each of the hypothesis has some underlying questions which are inspired by operational definitions of the terms like, government agencies, social stakeholders and recidivism. As the hypothesis involves various variables, so it has been broken for the proper evaluation,

- Implementation of the Juvenile Justice Act, 2015 is associated with the involvement of Government Agencies.
- Implementation of the Juvenile Justice Act, 2005 is not associated with the involvement of Government Agencies.
- Implementation of the Juvenile Justice Act, 2015 is not associated with the involvement of Social Stakeholders.
- Implementation of the Juvenile Justice Act, 2015 is associated with the involvement of Social Stakeholders.
- There is no association between getting released from reform and recidivism.
- There is an association between getting released from reform and recidivism.

The data was categorical in nature, hence a suitable statistical test – **Pearson's Chi square test** was conducted in order to arrive at an understanding of independence of variables. This test is also known as the test of association. It tells us if there is an association between the independent and the dependent variable.

1. The first test of association/independence was carried out between variables called stake holders and their opinion on Rajasthan having highest number of juveniles. This query supports our quest for testing hypothesis H_1, since the independent variable- stakeholders covers govt. officials Judges lawyers and police officers.

$$\chi 2=\sum(O_{ij} – E_{ij})2 / E_{ij}$$

Where,

- O_{ij} = observed frequency in the i-th row and j-th column
- E_{ij} = expected frequency = (Row Total$_i$ × Column Total$_j$)/Grand Total.

This is the formula depicting how test has been conducted.

The following are the test variables,

- **Variable 1 (Independent):** *Role* (Judge, Lawyer, Police Officer, NGO staff, Juvenile)
- **Variable 2 (Dependent):** *District* (Bikaner, Jaipur, Jodhpur, Kota)

However the researcher has used IBM's SPSS software (Statistical Package for Social Sciences). Applying it to query-1 the results are following:

- Chi-square statistic (χ^2) = 13.17
- Degrees of freedom (df) = 4
- P-value = 0.0105

One can interpret that the *p*-value < 0.05, which ideally forms the basis of rejecting the null hypothesis. Since the query is a part of H-1, one can say that there is a **statistically significant association** between **stakeholder** type and their **opinion** about Rajasthan having the highest number of juvenile delinquents. This implies different stakeholder groups (e.g., Judges, Lawyers, Police, NGO's, Juveniles) have distinct perceptions, and these differences are not due to random variation.

2. Another, query seeking the association between the variables of H_1 are as following:
   - **Variable 1 (Independent): Stakeholders/ िहतधारक** (Judges, Lawyers, Police Officers, NGO's, Juveniles)
   - **Variable 2 (Dependent): Perception on Amendments in Juvenile Justice Act** (Yes/हाँ or No/नह%)

Upon conducting the test, the results are given below:

- Chi-square statistic (χ^2) = 4.53
- Degrees of freedom (df) = 4
- P-value = 0.3395

Since the *p*-value (0.3395) > 0.05, we fail to reject the null hypothesis, which means that stakeholder perception about whether the recent amendments in the Juvenile Justice Act ensure welfare and reformation of children. There is no statistically significant association between the type of stakeholder and their perception. In other words, stakeholders—regardless of their roles—do not significantly differ in their views.

3. H_2 seeks to examine association between implementation of JJ Act, 2015 and involvement of social stakeholders. There are several queries to address the same. Here 1st Query is between following variables:

- **Variable 1 (Independent):** Age group of juveniles (Age/ ×e)
- **Variable 2 (Dependent):** Participation in vocational activities (Do you participate in any vocational activities in the Juvenile Justice Homes?)

The Test output is:

- Chi-square statistic (χ^2) = 5.82
- Degrees of freedom (df) = 3
- P-value = 0.1209

Since the *p*-value (0.1209) > 0.05, we fail to reject the null hypothesis, hinting at no statistically significant association between age group and participation in recreational programs among juveniles. This suggests that the likelihood of participating in such programs is relatively similar across different age brackets.

4. The current query deals with stakeholder type and conduction of vocational activities juvenile care centres. The test variables are as following:

- Stakeholder Type (e.g., NGO staff, age groups)
- Response to Conducting Vocational Activities (Yes/हाँ or No/नहk़ं)

Chi square test results indicate at extremely small indicating a very strong association:

- Chi-square statistic (χ^2) = 40.31
- Degrees of freedom (df) = 4
- P-value = 3.73×10^{-8} = 0.0000000373

Since the *p*-value < 0.05, we reject the null hypothesis. There is a strong and statistically significant association between stakeholder type and whether they conduct vocational activities for juveniles. This indicates that the likelihood of conducting such activities **varies significantly** across different groups (e.g., juvenile care facilitators like NGO stakeholders).

5. One more query with crucial criterion variable of educational activities is also tested with age of juveniles.

Test Variables:

- **Independent Variable:** Age group of juveniles (Age/ ×e)
- **Dependent Variable:** Participation in educational programs (Do you participate in any educational programs here?)

Test Results:

- Chi-square statistic (χ^2) = 4.46
- Degrees of freedom (df) = 3
- P-value = 0.2156

Since the p-value (0.2156) > 0.05, we fail to reject the null hypothesis, indicating that there is no association between aforementioned variables. There is no statistically significant association between juvenile age group and participation in educational programs. This suggests that access or participation in educational activities is relatively uniform across different age groups in the dataset.

6. H_3 is a quest for testing association between juveniles released from Juvenile homes and recidivism. Following are the variables:

- **Independent Variable:** Juvenile Age Group (Age/ ×e)
- **Dependent Variable**: Whether they deter from committing offences after release (Do you deter to commit any offence after leaving juvenile home?)

The test results indicate a significant *p* value:

- Chi-square statistic (χ^2) = 10.82
- Degrees of freedom (df) = 3
- *p*-value = 0.0127

Since the p-value (0.0127) < 0.05, we reject the null hypothesis. There is a statistically significant association between age group and whether a juvenile deters from committing offences after leaving the juvenile home. This implies that the effectiveness of reform (or readiness to refrain from crime) varies significantly by age group.

7. Recidivism is considered to get reduced if the process of the reformation has been effective. Accordingly the researcher tried to assess the association between the age of the juveniles and their responses towards preparedness for life after getting released. Here, the following variables were tested for independence,

- **Independent Variable:** Juvenile's Age Group (Age/ ×e)
- **Dependent Variable:** Belief in being prepared for life after release (Do you believe you are being prepared for life outside the juvenile home?)

The test results are,

- Chi-square statistic (χ^2) = 23.55
- Degrees of freedom (df) = 3
- P-value = 0.00003106 ($\approx 3.1 \times 10^{-5}$)

Here, the *p*-value < 0.05, we reject the null hypothesis. There is a statistically significant association between juvenile age group and their perception of being prepared for life after release. This suggests that juveniles of different age groups differ in how adequately they feel prepared to reintegrate into society, and age may play a key role in perceived reform effectiveness.

7.3 DATA PRESENTATION

This study collected data through surveys and was categorised into 3 key groups involved in the juvenile justice system in Rajasthan: juveniles residing in care homes, juvenile care staff (including those from NGO's), and group 3, consisting of judges, lawyers, police officers, and other officials.

7.3.1 Group 1: Juveniles

The first group surveyed consisted of 233 children in conflict with the law, both male and female, with an average age range of 16-18 years. These juveniles, who had first-hand experience with the juvenile justice system, shared insights

on the reasons behind their delinquent behaviour and their experiences with rehabilitation programs. A significant portion of juveniles identified the breakdown of parental care and the influence of peers as key factors contributing to their involvement in crime.

Their responses reflect the broader social challenges many youth offenders face, emphasising the role of a lack of education and peer pressure in shaping delinquent behaviour. The experiences of the juveniles highlight the need for more targeted interventions addressing these root causes.

7.3.2 Group 2: Juvenile Care Staff

The second group surveyed comprised 119 juvenile care staff, including workers from correctional homes, rehabilitation centres, and NGO's. These staff members are directly involved in the day-to-day care and rehabilitation of young offenders. Many of the surveyed workers had long-term experience with juvenile offenders, giving them a deep understanding of the causes of delinquency and the challenges in rehabilitation programs.

They identified several key themes, such as the socio-economic background of the juveniles, family relations, and accessibility to rehabilitation facilities. According to these staff members, inadequate resources and systemic challenges hinder the effectiveness of rehabilitation efforts. The care staff emphasised the need for emotional, psychological, and vocational support to rehabilitate juveniles and reintegrate them into society successfully.

7.3.3. Group 3: Judges, Lawyers, and Policemen

The third group consisted of 179 respondents, including judges, lawyers, police officers and other officials who play crucial roles in the juvenile justice system. These individuals are responsible for ensuring that all juvenile cases are handled within the Juvenile Justice (Care and Protection of Children) Act, 2015 framework. Their decision-making and parental involvement are critical to achieving the system's rehabilitation objectives. Judges and legal professionals identified challenges in consistently applying the law due to resource constraints, societal pressures, and varying levels of understanding of the rehabilitation-focused approach among stakeholders. They stressed the importance of legal certainty, procedural fairness, and the need for stronger

collaboration with juvenile care institutions to enhance the system's overall effectiveness.

Summary of Findings

The data collected from these three groups underscores several critical issues facing Rajasthan's juvenile justice system. Common themes included lack of parental care, socioeconomic challenges, peer pressure, and inadequate rehabilitation resources. The responses from juvenile care staff highlighted resource deficiencies and the challenges posed by the system application. Judges and legal professionals, meanwhile, pointed out gaps in the legal framework and its execution.

Juveniles themselves expressed the need for stronger family and peer support systems. The following sections of this study will present a detailed thematic and statistical analysis to provide a deeper understanding of these findings, contributing to a more coherent view of the system's strengths and weaknesses.

7.4 DEMOGRAPHIC PROFILE OF RESPONDENTS

Understanding the demographic characteristics of the respondents is critical for contextualising their views on Child in Conflict with Law and the effectiveness of rehabilitation programs. It includes gender, age, and professional experience of the three key groups surveyed: juvenile care staff, judges, lawyers, policemen, and juveniles. These demographics offer valuable context for analysing challenges and perspectives within Rajasthan's juvenile justice system.

Survey group 1: Juvenile

1. Gender Distribution:

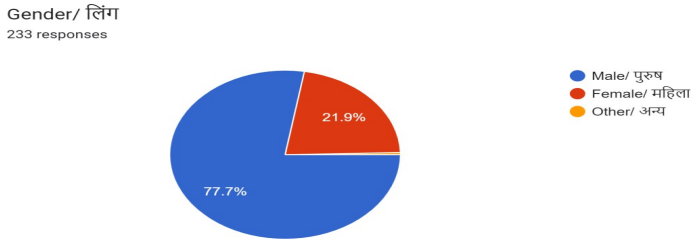


Figure 7.1 Gender among juvenile in Rajasthan

From the finding of fig. 7.1, out of 233 respondents, 77.7% are male, 21.9% are female, and 0.4% are of other gender categories. This information also suggests

that the number of male juvenile respondents in Rajasthan is significantly higher than that of female juvenile respondents. There is very little representation of other gender categories. That shows more young males are involved in the commission of offences compared to females.

2. Age Distribution:

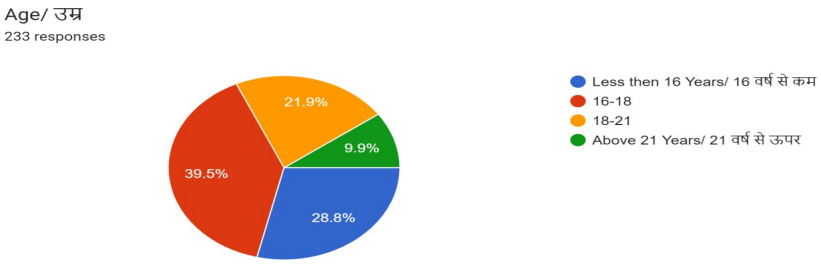


Figure 7.2 Age gap among juvenile in Rajasthan

The fig. 7.2 shows the age group distribution among the respondents. The findings show that the highest percentage of 39.5% is between 16-18 years, while the second largest group is the less than 16 years at 28.8%. This shows that most juveniles belong to the age group under 16 and 16-18 years. The 18-21 age group, with 21.9%, is likely due to college students or those still beginning their careers. The above 21 age group, with 9.9%, shows lower interest in older respondents, as many of the juveniles leaves the after attaining the age of 21 years.

3. District Distribution:

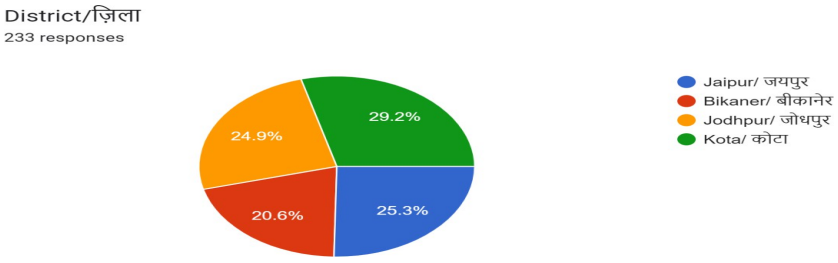


Figure 7.3 Districts classification among juveniles

The fig.7.3 highlights the district-wise distribution of juvenile respondents across Rajasthan. **Kota** has the most juveniles with **29.2%** of the respondents, followed by **Jaipur** at **25.3%**, **Jodhpur** at **24.9%**, and **Bikaner** with **20.6%**. This shows that Kota has the highest number of juvenile delinquents out of the four major divisions.

Survey group 2: Juvenile Care Staff

1. Gender Distribution:

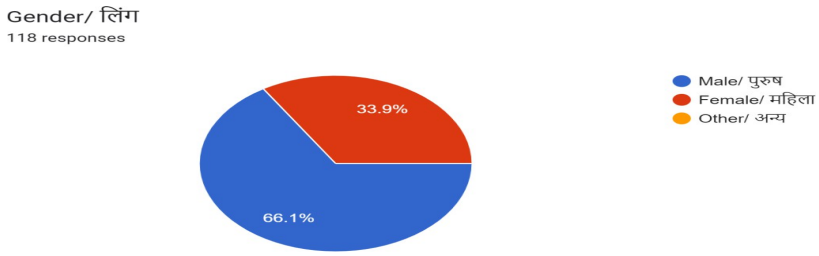


Figure 7.4 Gender distribution among juvenile care staff

The fig.7.4 clarifies that most juvenile care staff are male, with **66.1%** of the total while **33.9%** were female. As for other categories of gender, there is no representation at all. This means that the majority of employees in juvenile care organisations are male, with only one–third of respondents being female employees.

2. Age Distribution:

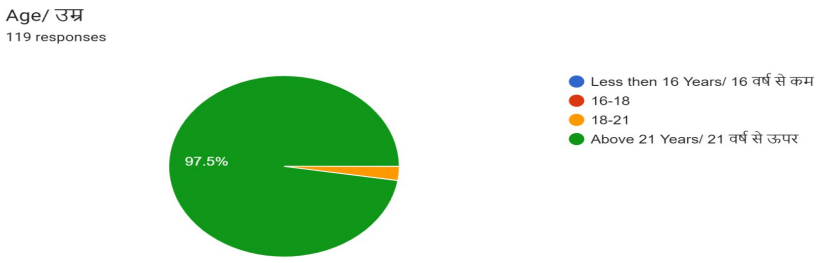


Figure 7.5 Age distribution among juvenile care staff

The fig.7.5 shows the age distribution of the respondents. It is evident from the results that 97.5% of the Juvenile care staff taking part in the survey were aged above 21 years, with only 2.5% in the age bracket of 18-21 years. This explains that most of the staff of juvenile care homes are probably adults having experience of years and are mature enough to deal with juvenile Delinquents.

3. District Distribution:

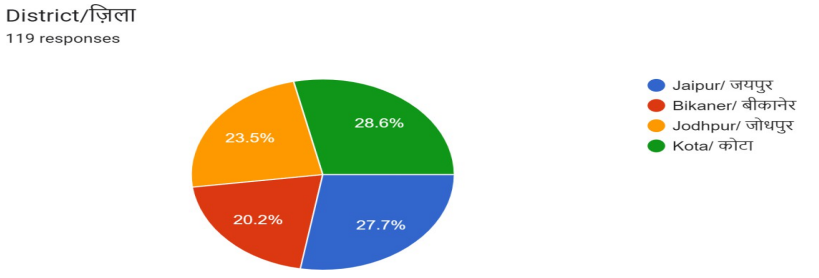


Figure 7.6 District distribution among juvenile care staff

The fig. 7.6 shows the responses of the care staff for juveniles by district. The largest share is Kota, with 28.6% of the respondents. Jaipur comes second with 27.7%, Jodhpur 23.5% and Bikaner 20.2%. This distribution shows that there is reasonable responses of juvenile care staff in these four significant districts of Rajasthan, out of which kota has more shares.

Survey group 3: Judges, Lawyers, and Policemen

1. Gender Distribution:

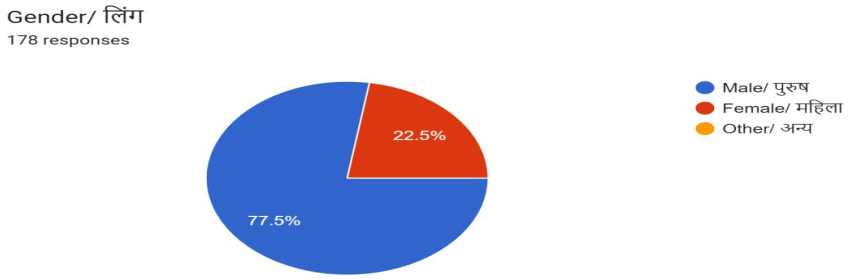


Figure 7. 7 Gender distribution among judges/police/lawyer

The fig. 7.7 breaks down the respondent gender: 77.5% of 178 participants are male, and 22.5% are female. None of the other gender categories is depicted here. This means that most judges, lawyers and policemen are male, while a few females who responded to the survey questions.

2. Age Distribution:

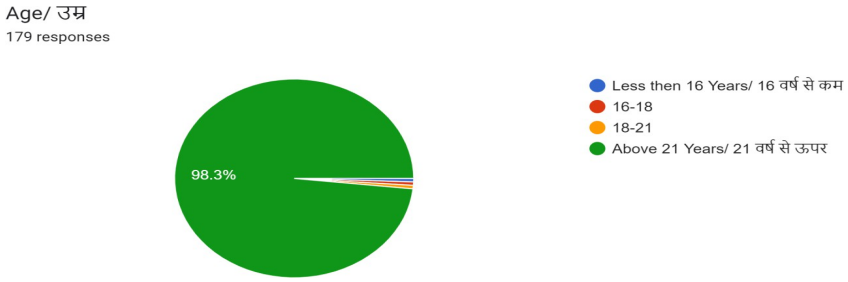


Figure 7.8 Age distribution among judges/lawyers/policemen

The fig. 7.8 shows that 98.3% of the total 179 respondents are above 21 years of age; very few are in the age group of less than 21 years only. This proves that the officials of these professional categories are qualified and experienced adults.

3. Stakeholder Distribution:

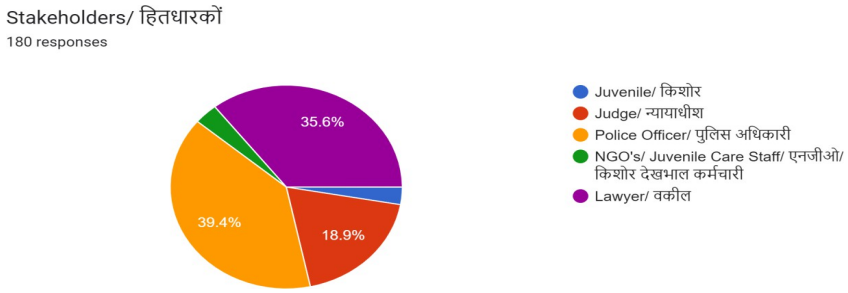


Figure 7.9 Stakeholders in survey group 3(judges/lawyers/policemen)

The results showed the distribution of the stakeholder roles among 180 respondents. The highest density is the Police Officer with 39.4% of respondent; the second is lawyers, 35.6%. Judges are 18.9% of respondent. This distribution shows that the largest number of participants belong to law enforcement and legal occupations. All of these three stakeholders under this survey group are directly or indirectly in the touch with the Juveniles.

4. District Distribution:

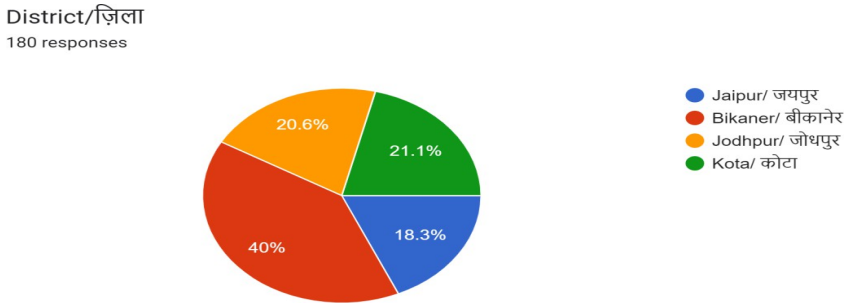


Figure 7. 10 District distribution among judges/ lawyers/policemen

The fig. 7.10 represents the distribution of the lawyers, policemen and judges throughout the Rajasthan. Out of all the regional centres, Bikaner has the maximum participation with 40%, while Kota has 21.1%, Jodhpur 20.6% and Jaipur 18.3%. This suggests that a reasonable number of Judges, Lawyers and Police Officers have participated in the current research.

5. Law Enforcement Responses District-wise

Table 6 Law Enforcement Responses District-wise

District	Police Official	Lawyers	Judges
Bikaner	**32**	40	**2**
Jodhpur	**9**	**16**	**7**
Jaipur	**13**	13	12
Kota	**20**	**14**	4
Total	**74**	**83**	**25**

The Table:6 represents the data collected actually from the Legal enforcement authorities. As it was expected more legal authorities too responded, but still, above mentioned authorities respondents as many of them would not able to express their views on the questionnaire due to the limitations of the Job privileges and fear of getting their identities revealed.

7.5 THEMATIC ANALYSIS (FOR QUALITATIVE DATA)

The qualitative data collected from Juvenile care staff, Judges, Lawyers, Police and juveniles were analysed using thematic analysis to identify patterns that explain the causes of Child in Conflict with Law and assess the efficiency of the Juvenile Justice System in Rajasthan. This analysis revealed five key themes:

1. **Rajasthan's Ranking 4th in Child in Conflict with Law**
2. **Identifying and Analysing Gaps in Legislative Frameworks and Amendments for Juvenile Rights Protection**
3. **Evaluating the Effectiveness of Vocational Training Programs as a Reformatory Mechanism for Juveniles**
4. **Analysing Recidivism Rates among Released Juvenile Delinquents**

These themes provide valuable insights into the social and legal factors influencing juvenile behaviour and the complexities of the rehabilitation process.

Theme 1: Rajasthan's Ranking 4th in Child in Conflict with Law

This theme revolves around testing the hypothesis and the research area, whether Rajasthan is considered as one of the states that have highest number of juvenile delinquents. The figures depict the opinions of two major groups: Judges /lawyers / Policemen, and other staff that takes care of juvenile persons.

1. (Group 3) Judges, Lawyers, and Policemen:

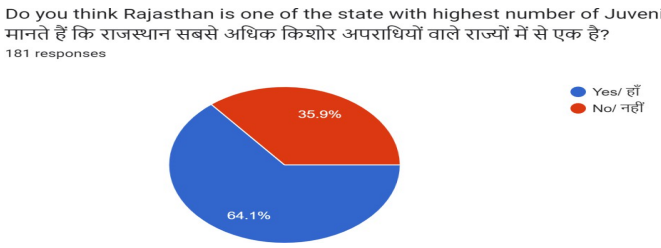


Figure 7.11 Opinion of Group 3 judges/lawyers/policemen on Rajasthan with highest number of juvenile delinquents

Among the 181 respondents in this group, 64.1% said “Yes” as they agreed that Rajasthan is one of the states with a high Juvenile Rate, while 35.9% wrote “No” to disagree. This majority view of respondents' opinions is rooted in their first-hand exposure as legal professionals or police personnel handling Child in Conflict with Law in Rajasthan. Based on the knowledge derived from these data, the researcher’s perception is developed from these law enforcement professionals who encounters with the state justice system.

2. Juvenile Care Staff:

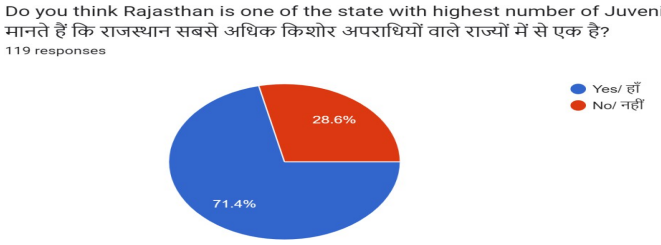


Figure 7.12 Opinion of Juvenile care staff in Rajasthan with the highest number of juvenile delinquents

Among the 119 respondents from the juvenile care staff, 71.4% believe that Rajasthan is one of the states with the highest number of juvenile delinquents, while 28.6% disagreed. This result from staff in juvenile care reflects a perception of important need for care and rehabilitation services as Rajasthan is one of the 4 states having highest number of juveniles.

7.5.1. Rajasthan's Position in Child in Conflict with Law Statistics

As per the National Crime Records Bureau (NCRB), Rajasthan stands fourth among various states with high juvenile crime index in the country Juvenile criminality has recently increased across the country, with the NCRB reporting 29,768 cases of Child in Conflict with Law in 2020 (refer to Fig 7.13 in Affairs, 2020). This social issue impacts millions of children and families. In north western India, Rajasthan experiences particularly high rates of adolescent delinquency. Effective prevention and intervention strategies require a thorough understanding of the risk factors associated with Child in Conflict with Law. However, NCRB data indicates that adolescent delinquency rates have remained relatively stable, showing no significant upward or downward trend.

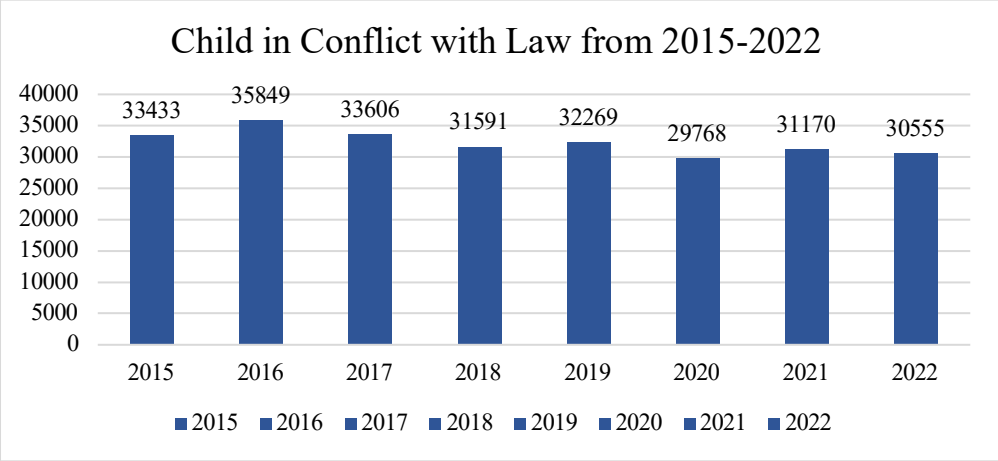


Figure 7.13 Child in Conflict with Law from 2015-2022

It is essential to examine adolescent delinquency in Rajasthan, particularly the types of offences committed. Additionally, the legislative and institutional frameworks in Rajasthan require evaluation to address Child in Conflict with Law effectively. Youth crime in Rajasthan continues to rise, impacting individuals, families, and society. The NCRB recorded 2,757 cases of Child in Conflict with Law in Rajasthan in 2021, representing 9.8% of all juvenile offences in India that year *(National Crime Records Bureau - Crimes by Juveniles).*

In 2022, India reported a total of 5,824,946 offences, with 3,561,379 cases under the Indian Penal Code and 2,263,567 under other legislation, marking a 4.5% decrease from the previous year's 6,096,310 cases. Youth crime also declined by 2.0%, with 30,555 cases in 2022 compared to 31,170 in 2021 (Crimes in

India - 2022). Of the 37,780 juveniles arrested, the majority (aged 16–18) came from metropolitan areas, where juvenile cases dropped by 8.2% to 5,352 cases from the previous year.

Among the judges, lawyers and policemen, 64.1% think that the state has one of the highest rates of juvenile crime, and 71.4% of Juvenile care staff respondents agree. This finding reveals that Rajasthan stands among one of the highest in juvenile crime states in the country.

An assessment of Child in Conflict with Law's frequency and trends in Rajasthan is required, focusing on the various kinds of offences committed in the state. Moreover, it is necessary to examine the legal framework and institutional mechanisms to address Child in Conflict with Law in Rajasthan. In Rajasthan, Child in Conflict with Law is a growing problem that requires urgent attention. Child in Conflict with Law is a serious problem that has significant consequences for the individuals involved, their families, and society. According to the NCRB, a total of 2,757 cases of Child in Conflict with Law were registered in Rajasthan in 2021, which is 9.8% of total juvenile offences committed in India in 2021 (National Crime Record Bureau-Crimes committed by Juveniles, 2021). In the year 2022, India witnessed a total of 58,24,946 reported offences, comprising 35,61,379 under the Indian Penal Code and 22,63,567 under other statutes (Crimes in India-2022, 2022). This marked a 4.5% decrease from the previous year's total of 60,96,310 offences.

In 2022 around 30,555 Juvenile cases were registered, a 2.0% decline from 2021's 31,170 cases (Crimes in India-2022, 2022). Of these cases, 37,780 juveniles were apprehended, with the majority falling in the 16-18 of years age bracket. Metropolitan areas reported 5,352 cases involving juveniles, an 8.2% decrease from 2021. Notably, Jaipur topped the list of cities with the highest offences under the Juvenile Justice Act of 2015, registering 109 cases involving 129 victims, followed by New Delhi with 51 cases affecting 329 victims. As per (Fig.7.14) Rajasthan led the states in offences under the JJ Act, with 547 cases affecting 590 victims, followed by Telangana, Kerala, and Gujarat. Investigative authorities probed 1,019 out of 1,830 reported cases, while 9,069 cases await resolution in Juvenile Justice Boards, with 1,636 cases from the

current year pending (Crimes in India-2022, 2022). In 2022, 207 previously instituted cases resulted in juvenile sentences, alongside 92 cases from the current year. Additionally, in 162 cases judgement of acquittal is passed and 468 cases underwent trial, with 487 cases disposed of. Of the 1,774 juveniles arrested under the JJ Act, 1,593 were male, and 181 were female.

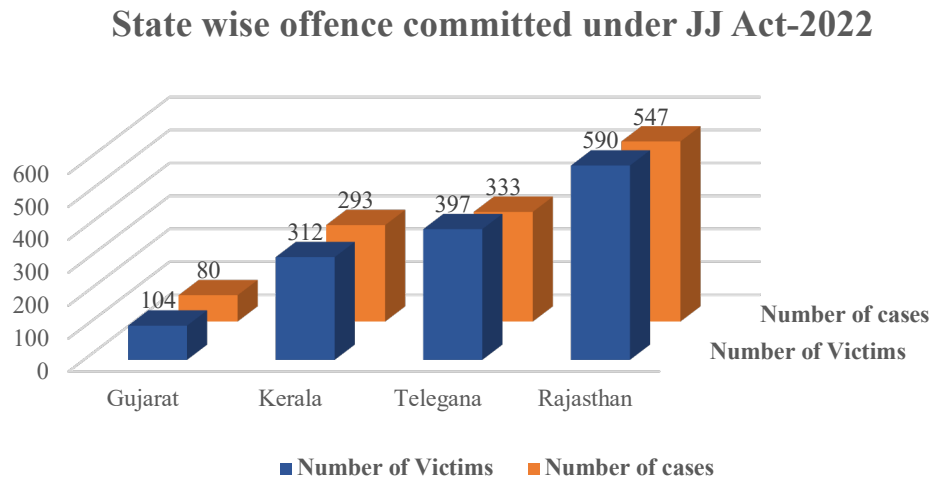


Figure 7.14 State wise offences committed under JJ Act-2022

Out of 3,063 offences, children have committed 733 cases of Hurt, 528. cases of theft and then rape 226 cases. In the case of Sexual offences, Rajasthan is at the 2nd Position after Madhya Pradesh (237) (National Crime Record Bureau-Juveniles in Conflict with Law-Offences affecting Human Body, 2022). As per Fig 7.15 offences committed by juveniles against Human Body are 1,518, against Property were 887 offences and other offences are 656.

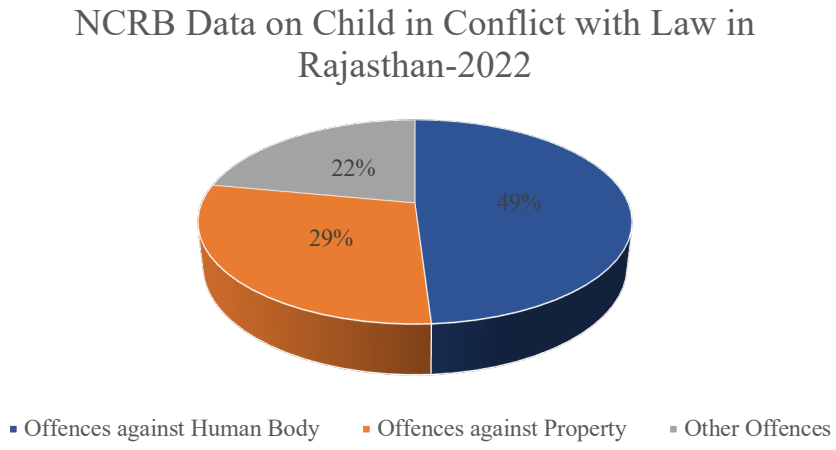


Figure 7.15 Child in conflict with Law in Rajasthan-2022 (NCRB)

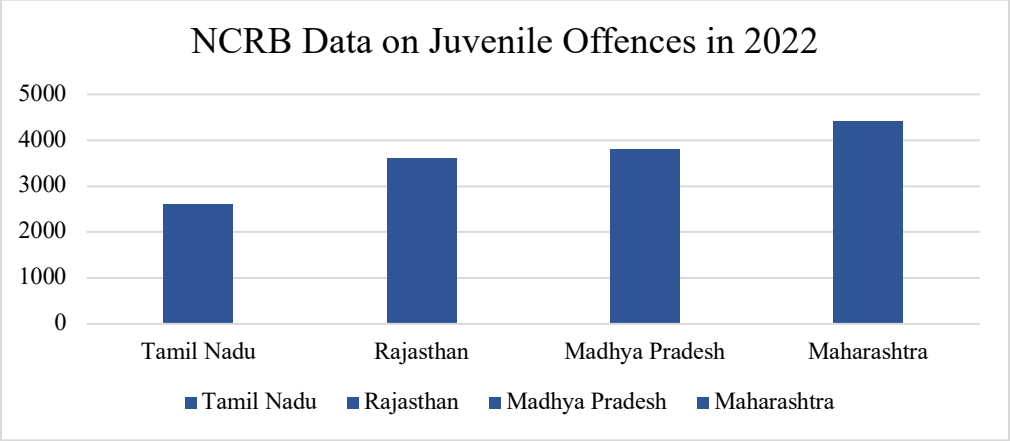


Figure 7.16 NCRB Data on Juvenile Offences in 2022

As per fig.7.16, the NCRB data of 2022 shows that Child in Conflict with Law cases have risen up to 30,555 and in that Rajasthan still maintains its 3rd place with 3,063 cases of Juvenile Delinquents i.e 10% of total offences by children committed in India, after Maharashtra with 4,406 and Madhya Pradesh with 3,795 (National Crime Record Bureau-Crimes Committed by Juveniles, 2022, 2022). The data indicates the consistency in the increase of the number of Juvenile Delinquents majorly in these three states.

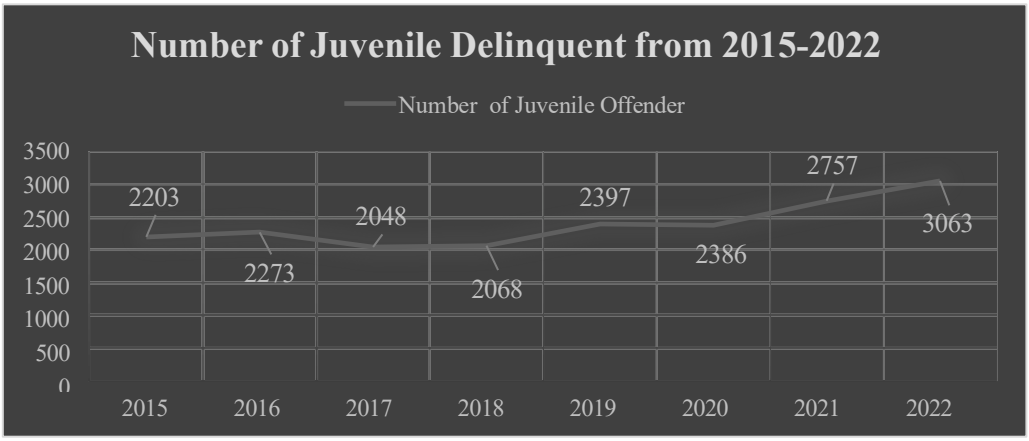


Figure 7.17 Number of Juvenile Delinquents from 2015-2022

From 2015-2022, thee NCRB data shows that increase of offences in Rajasthan 39.01% increase in cases of crimes committed by juveniles. The most common offences committed by juveniles in Rajasthan were theft, burglary, and causing hurt. Moreover, as per NCRB Data, there is a static increase in Child in Conflict with Law in Rajasthan. (Fig.7.17)

Theme 2: Identifying and Analysing Gaps in Legislative Frameworks and Amendments for Juvenile Rights Protection

From the enactment of the Juvenile Justice (Care and Protection of Children) Act in 2015, juveniles aged 16-18 years are tried as adults in heinous cases under Sec.15. This section enables young offenders to be transferred to children court for trial whenever the offence punishable for more than a minimum sentence of 7 years or more. In the recent judgment of *Shilpa Mittal v. State of NCT of Delhi*, the court pointed out a major lacuna. The Supreme Court stated that an offence including juveniles cannot be tried as an adult in reference to sec.15 of JJ Act while offences that carry out sentence where punishment is less than 7 years or where no minimum punishment but maximum punishment of 7 years, which were excluded from definition of 'heinous offences.' This concerns the police, especially in cases where the offence is severe, though not qualified for 7 years imprisonment. The police have claimed that even those offences with a relatively less than 7 years category also be included. For instance, a 17-year-old juvenile who commits a crime that attracts less than 7 years imprisonment or more would not be tried as an adult. This generates misconceptions among juveniles. Judges and policemen want to widen the definition of the crime category and demand that strict and serious offences done with the intention of crime must be included along with heinous crimes. The apex court also stated that to add or remove anything from the statute can be done only by the Legislature, but till the legislature cures this lacuna, the precedent laid down by the apex court shall be maintainable for the JJBs. The crime's severity must be reviewed to provide juveniles who commit serious crimes to be tried as adults regardless of whether the penalty is less than 7 years.

7.5.2 Effectiveness of Recent Amendments in the Juvenile Justice Act on Child Welfare and Reformation according to Judges, lawyers, and policemen.

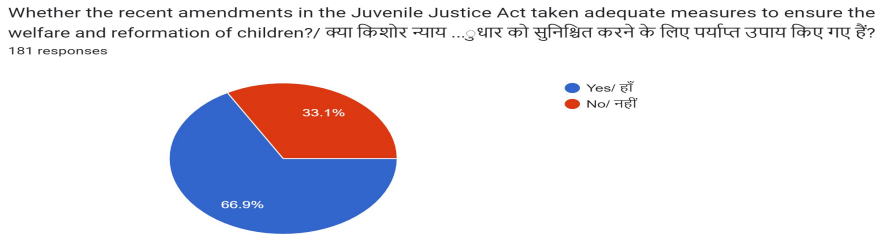


Figure 7.18 Opinion of judges/lawyers/policemen on recent amendment in the juvenile justice act

The recent amendments in the JJ Act have taken adequate measures for juvenile welfare, 70.6% of judges, 56.9% of lawyers, and 74.3% of police officers agree that the amendments are sufficient. However, 29.4% of judges, 43.1% of lawyers, and 25.7% of police officers feel the amendments are inadequate. This suggests that the amendments are inadequate especially among lawyers. As lawyers are most familiar with laws this high percentage suggest that effective measure must be taken into action regarding Child in Conflict with Law. Also the lacunae pointed out by the Shilpa Mittal Judgement has been rectified in the 2021 Amendment Act.

Theme 3: Evaluating the Effectiveness of Vocational Training Programs as a Reformatory Mechanism for Juveniles

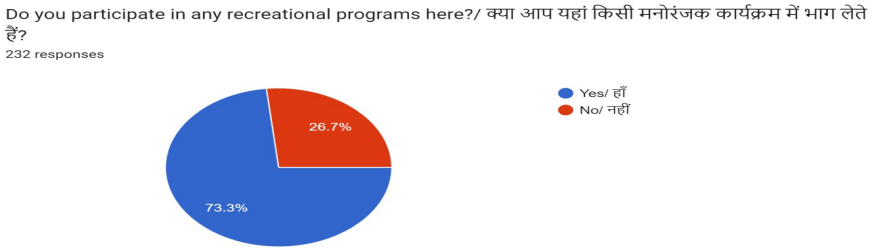


Figure 7.19 Participation of juveniles in recreational programs

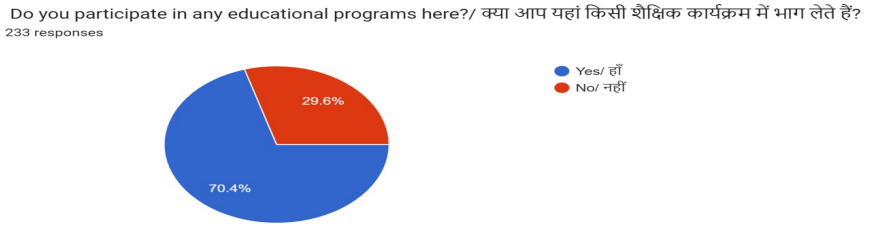


Figure 7.20 Participation of juveniles in educational programs

Based on the results in fig. 7.19 and fig. 7.20, it can be stated that the presence of recreational and educational programs among juveniles is decent. A slight majority of the juveniles, with 73.3% of the respondents engaged in recreational programs, were seen to be participating in activities that are constructive, designed to offer the proper manners. Such programs help develop social skills, teamwork, and health. They reduce stress, improve focus, and promote resilience. Addressing the challenge for the 26.7% non-participants can improve accessibility. These activities surely contribute in the reformation of the Juveniles serving their sentence in the juvenile care homes. The Objective of

these programs was to make these juveniles a law abiding citizen after being released from the Juvenile care homes.

In educational programs, the 70.4% participation is remarkable but it is still a little lower than our recreational participation. The non-participation of juveniles in educational programs is 29.6% of juveniles is crucial to the reformation and reintegration of juveniles into society. Comparative to the participation in recreational programs, participation of juveniles in the education would not only help them to rehabilitates but allows them to get good opportunities to work after being released from the reformation rooms. So authorities should work out more to get maximum participation of juveniles in these education programs so that various child should get reformed.

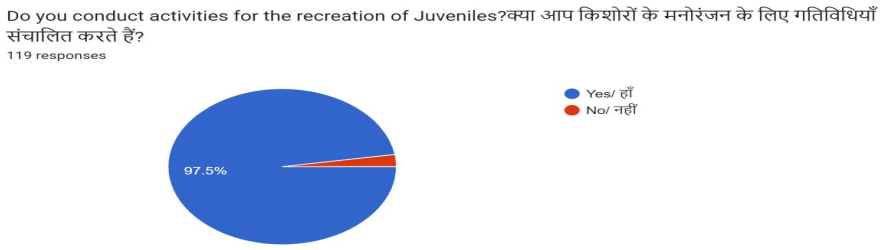


Figure 7.21 Conduction of recreational activities by juvenile care staff

The findings in Fig. 7.21 show that 97.5% of juvenile care staff organise recreational activities for juveniles, to signify their adherence to the provision of programs meant to productive and reformative to juveniles. A small portion 2.5% of respondents indicated that they did not conduct such activities to show that the majority of them are dedicated to organise such recreational activities for the improvement of the juveniles.

Theme 4: Analysing Recidivism Tendency among Released Juvenile Delinquents

An Evaluation of Recidivism Rates among Juvenile Delinquents is aimed at explaining how the juvenile offender's system is accomplished in terms of preventing the offenders from further committing various crimes once they are released from Juvenile care homes. It also examines the effectiveness of rehabilitation programs in fostering positive behavioural change among youth who are being previously found guilty for committing any offence.

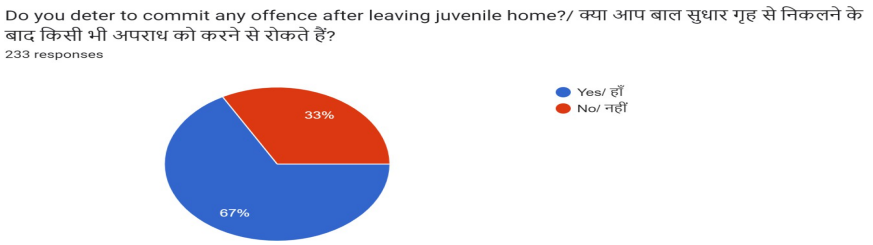


Figure 7.22 Opinion of juvenile deter to commit any offence after leaving juvenile home

Fig. 7.22 reveals 67% of the juveniles said 'yes' to 'deter to commit any offence outside juvenile home' while 33% said 'no' which suggest there is a significant number at high risk of recidivism. The data depicts that out of 10 juveniles, around 3 juveniles will re-try to commit any offence after leaving the juvenile care centre. It shows that, various juveniles needs more counselling sessions and mentorship to reinforce positive behavioural change in the way which will lead to reduction in the chance to enter the criminal world again.

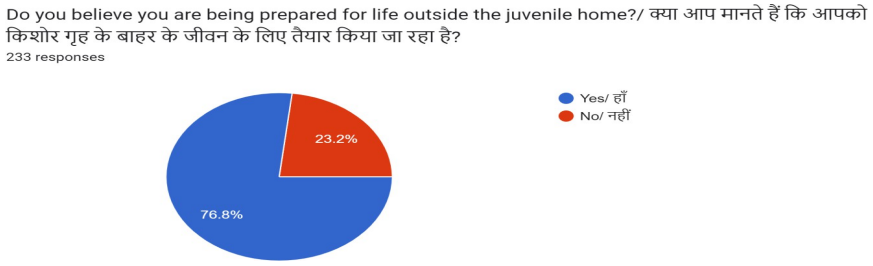


Figure 7.23 Opinion of juvenile prepared for life outside the juvenile home

The Fig. 7.23 shows 76.8% of juveniles are confident that they are provided with good preparation to prepare towards life aftercare, while 23.2% do not, which points out the motivation to close the rehabilitation gap. Such findings suggest that while most juveniles feel they are capable of rehabilitation, to mitigate the risk of reformation and ensure that all juveniles who undergo the juvenile justice system must be well prepared for life outside the juvenile home. Still, it shows that 23.2% of the juveniles do not feel prepared for life outside juvenile home, which means that rehabilitation programs may be inadequate to help all juveniles re-enter the community successfully. Filling this gap is important in the goal of making all juveniles to have an equal chance, which includes counselling, follow up care, and programs targeting the need of the individual. To fill this gaps NGO's can contribute a lot, as they are one of the sector who can help the juveniles to rehabilitate them back in to the society.

7.6 STATISTICAL ANALYSIS (FOR QUANTITATIVE DATA)

The quantitative data collected for this study provides a comprehensive view of the demographics, opinions, and experiences of key stakeholders in Rajasthan's juvenile justice system. The analysis focuses on gender and age distribution, the occupations of respondents, as well as their perspectives on issues such as the effectiveness of government schemes, factors contributing to Child in Conflict with Law, and the role of educational and recreational programs in rehabilitation. It presents the statistical findings, offering insights into the various components that influence juvenile justice and rehabilitation in Rajasthan.

7.6.1 Impact of Social Organisations on Policy Decisions Regarding Juveniles

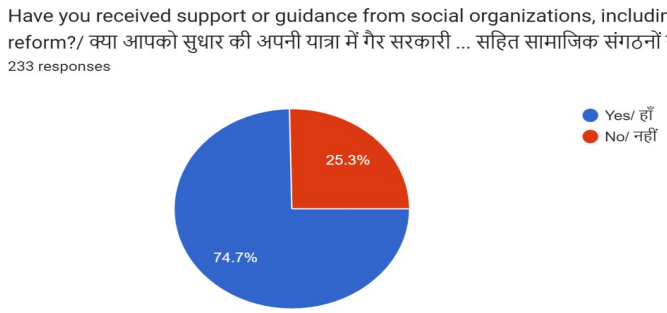


Figure 7.24 Opinion of juvenile on receiving support and guidance from social organisation/NGO

Fig.7.24 shows that 74.7% of juveniles have received support or assistance from Social organisations including NGO to facilitate their reformation, 25.3% has not received such support. This shows how much society depends upon the social organisations bringing change in juveniles as these social organisations are important their overall reform process.

The lack of support for 25.3% focuses a gap in service availability. Wider outreach by NGO's & social organisations will improve reformation results, decrease recidivism, and strengthen the juvenile justice system's goals. Moreover, it's true that keeping a juvenile in a Juvenile care centres could not reform them, in that case NGO's and other social organisations contribution more would surely help in the juvenile reformation.

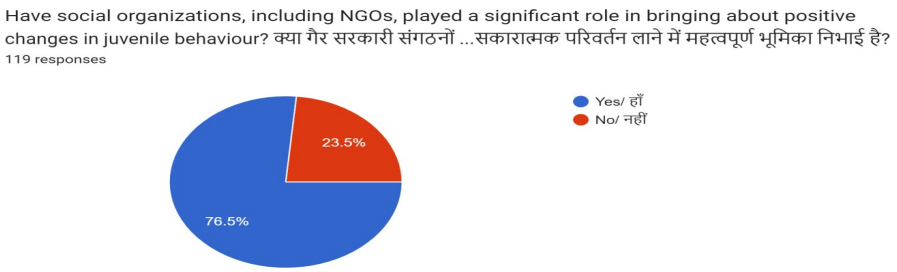


Figure 7.25 Opinion of juvenile on social organisation or NGO's play significant role in juvenile behaviour

As per Fig. 7.25, 76.5% commented 'yes' NGO's social organisations has played important role in changing juvenile behaviour positive while 23.5% answered 'no'. This demonstrates the contributions made by social organisations in changing the behaviours of youths proves that eradicating recidivism among youths, the society would attain more improved results in its Juveniles.

7.6.2 Factors Contributing to Child in Conflict with Law

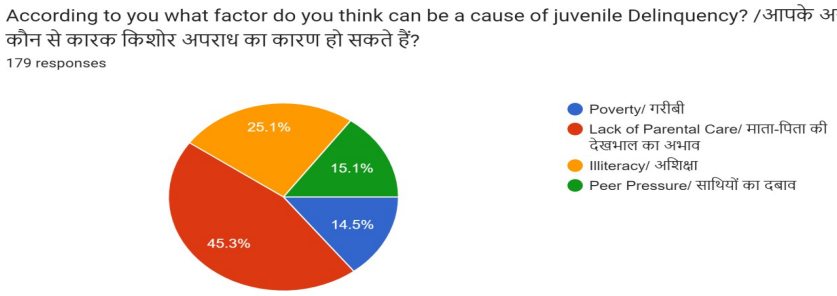


Figure 7.26 Factors causing Child in Conflict with Law according to judges/lawyers/policemen

Judges, lawyers, and policemen, 45.3% believe that the lack of parental care is the leading cause of Child in Conflict with Law amongst all the other factors, followed by poverty at 25.1%. Peer pressure accounts for 15.1% of the responses, while 14.5% attribute the issue to illiteracy. These law enforcement authorities straightway pointed out that if the parents keeps an eye over there ward, there are very less chances that child would become delinquent.

Parents are the first teacher of any child, and if parents are not giving attention to their child, it would affect the lives of their children. Apart from the parental care, illiteracy is also one of the factors that makes a juvenile to enter in to criminal world, because education leads a pathway to know what is correct and what is wrong. After illiteracy, Poverty is a factor makes any child to fulfil his desire by any means, it can be either legitimate or illegitimate. Many Juveniles

enters in to criminal world be seeing their counterparts, as in peer pressure children are forced to enter to criminal world.

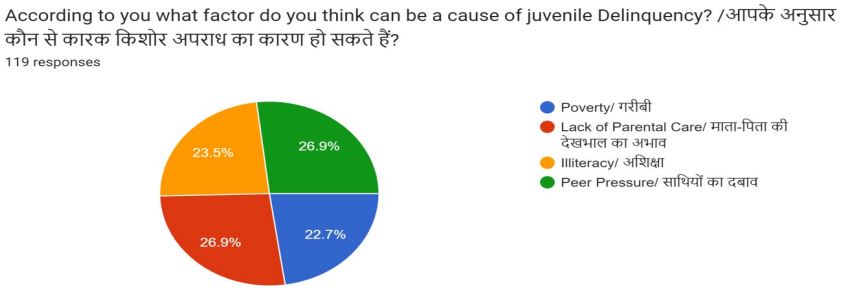


Figure 7.27 Factors causing Child in Conflict with Law according to juvenile care staff

Fig.7.27 shows the opinion of juvenile care staff respondents on the factor causing Child in Conflict with Law. The two most emphasised factors being responsible for Child in Conflict with Law are Peer Pressure (26.9%) and Lack of Parental Care (26.9%). There is an illiteracy factor with 23.5%, and poverty, at 22.7%. This survey also reveals that social and educational problems are perceived as a promotion of Child in Conflict with Law. Even the staff agreed that Lack of parental care can be a factor of Child in Conflict with Law with the same data percentage of Peer Pressure. Even staff agreed that poverty is one of the prominent factors of Child in Conflict with Law after illiteracy.

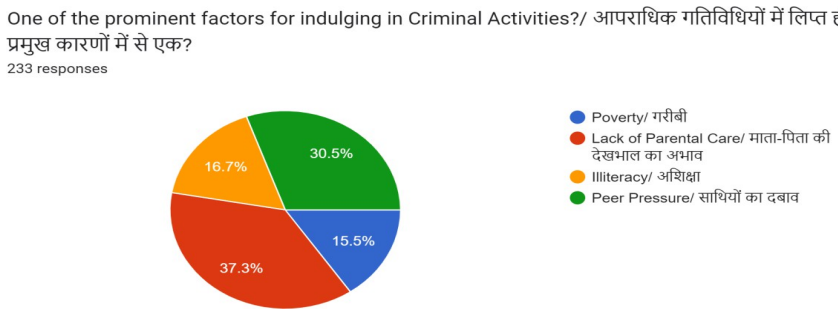


Figure 7.28 Factors causing Child in Conflict with Law according to juveniles

Juveniles themselves indicate that the lack of parental care is the most significant factor (37.3%), followed by peer pressure (30.5%), poverty (16.7%), and illiteracy (15.5%). These findings were similar in all the respondents, including juvenile, juvenile care staff, and judges/lawyers/policemen believing that a better relationship with their parents could have reduced the likelihood of becoming delinquent. This observation across groups underscores the importance of family support and education in preventing Child in Conflict with Law comparative to all other factors.

7.6.3 Influence of Parent-Child Communication Gap on Child in Conflict with Law

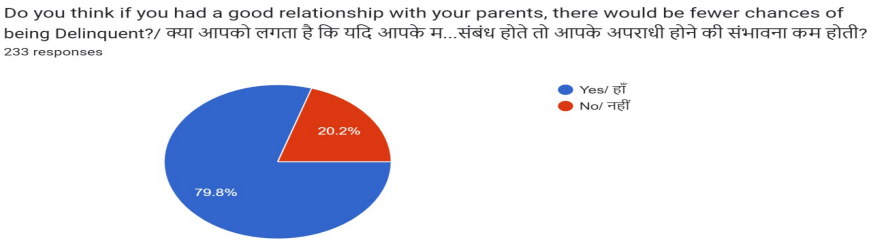


Figure 7.29 Opinion of juvenile on good relationship with parents may have stopped them from being delinquents

When juveniles were asked about whether having a good parent relationship, 79.8% of juveniles think that they could not have been delinquents, on the other hand, 20.2% disagree. This data provides more evidence regarding just how important parent-child relationships are to a child's development. A good relationship with parents includes love and support that children need from parents, direction and security, which keeps a child away from participating in unlawful acts. Furthermore, good parental relationship will minimize the chances of juvenile seeking social acceptance through associating with negative peers. Through this question, Juveniles at first hand admitted these facts that a healthy relationship with their own can save themselves from engaging in to unscrupulous activities. Survey shows that out of 10 juveniles, 8 juveniles have admitted that bonding with their parents has a positive impact on their lives and prevented them from entering in to criminal world.

7.6.4 Efforts by Authorities to Address the Causes of Child in Conflict with Law

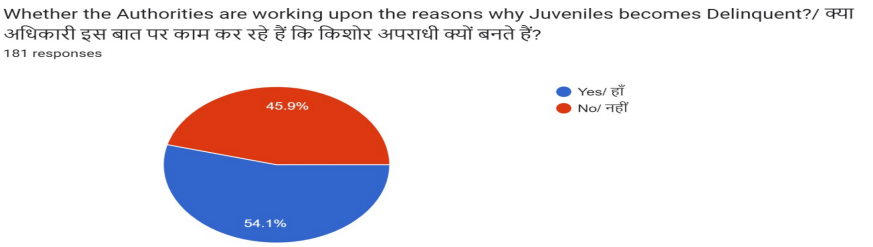


Figure 7.30 Opinion of judges/lawyers/policemen on whether authorities are working on the cause of delinquency

The fig.7.30 highlights that an equal percent, 54.1% of respondents agreed that authority is in the process of identifying the causes of Child in Conflict with

Law, the remainder 45.9% disagreed. This also shows that the experts in the legal field, such as judges, lawyers and even policemen, do not have a clear agreement over the efficiency of the authorities in dealing with the causes of Child in Conflict with Law. From the responses to the survey of police officers, 50 agreed that authorities are undertaking the causes of Child in Conflict with Law effectively, while 24 disagreed otherwise. Such differences in views indicate implicit failures in collaboration or dissemination of policy, or even the absence of attempts by agencies to opt for a common approach for countering Child in Conflict with Law more effectively. The objective of these juvenile care authorities, including NGO's and law enforcement authorities, is not only to confine the juveniles within the 4 walls of the care facilities but also to identify the factors or causes that contribute to the Child in Conflict with Law, so that the policies can be made accordingly. These authorities and NGO's are having hand-on experience with these children, so if they work efficiently figures of the Child in Conflict with Law would be lower down.

7.6.5 Effectiveness of Government Schemes in Protecting Juvenile Rights

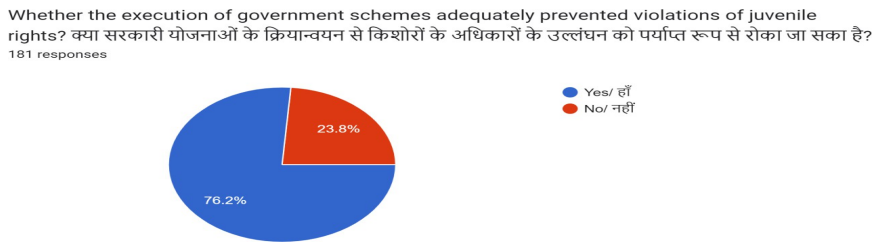


Figure 7.31 Government Schemes Preventing Violations of Juvenile Rights according to judges/ lawyers/ policemen

As per Fig.7.31, From the results judges, lawyers, and policemen, 76.2% answered 'yes' that the implementation of governmental programs made prevention of violations of the rights of juvenile. This is revealing a high degree of confidence in the government's efforts towards the prevention of Child in Conflict with Law. Although, a total of 23.8% of respondents disagree in the survey, which suggests that there are still some professionals who feel that there is need for refinement regarding the implementation of these schemes. The findings also imply that, although the majority of the professionals have positive perception toward such initiatives, there is given requirement for enhancements.

These issues could be resolved by increasing the effectiveness of training, improving mechanisms of monitoring, and changing the policy that are not only effective but also can protect juvenile rights against new challenges. The objectives of these schemes are to prevent the rights of juveniles from being violated.

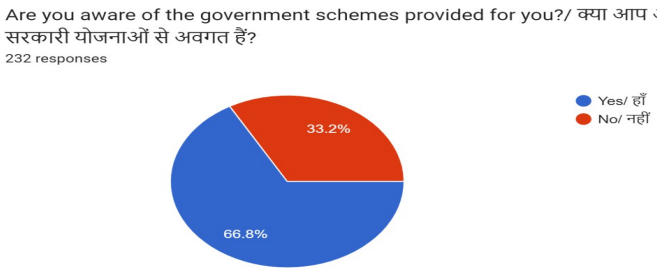


Figure 7.32 Awareness regarding government scheme among juveniles

The percentage of juveniles having knowledge of government schemes meant for their welfare is 66.8%, but 33.2% are still unaware of them. Such ignorance indicate the need to enhance a public education and awareness to ensure juveniles have the rights at their disposal and the available resources.

The analysis of government schemes designed to protect juvenile rights revealed differing levels of awareness and satisfaction. This gap in awareness highlights the need for better communication and outreach to ensure that juveniles fully understand their rights and the resources available to them. By addressing this difference, authorities can guarantee a wide and more comprehensive effect, strengthening the support structure for juveniles. Having various schemes for the welfare of the children in conflict with is law is insufficient unless children are aware about such schemes. So awareness of these schemes are necessary so that every young offender can get benefit of such schemes.

7.6.6 Role of NGO's and Social Organisations in Reforming Juveniles

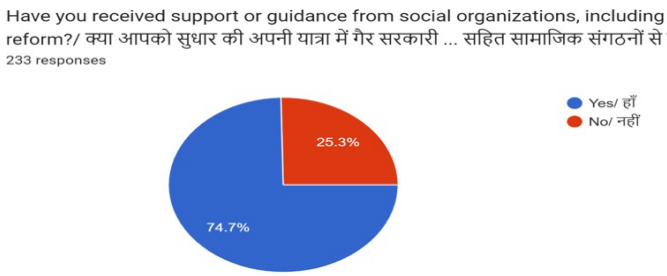


Figure 7.33 Response of juveniles on receiving support and guidance from social organisations or NGO's

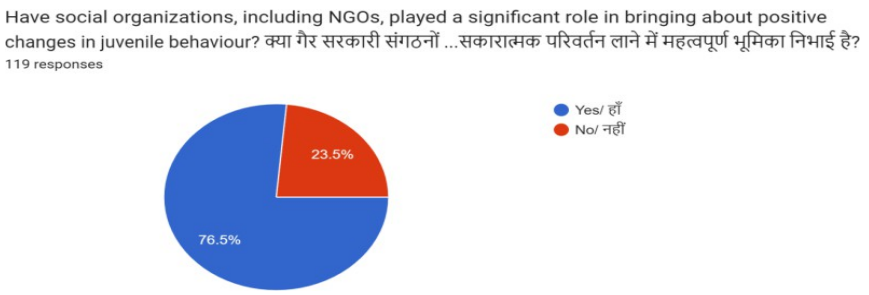


Figure 7.34 Response of juvenile care staff on weather NGO's play a significant role in bringing positive change

NGO's play a significant role in the rehabilitation of juveniles. Among juveniles, 74.7% affirmed that receiving support from social organisations or NGO's during their reformation journey was very beneficial for them. This support was seen as crucial by juvenile care staff, with 76.5% agreeing that NGO's played an essential role in helping juveniles reform. This finding highlights the critical contribution of social organisations in the juvenile justice system and the need for continued support from NGO's to ensure the successful rehabilitation of juveniles. Both Juvenile and juvenile care staff agreed with more than 70% that NGO's contribution in the journey of reformation of juveniles is essential. So from this a supposition can be made that NGO's are fulfilling their duties in the reformation of the juveniles.

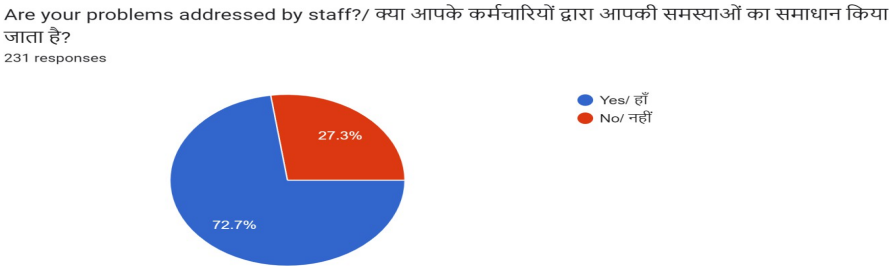


Figure 7.35 Responses of juveniles on problems being addressed by staff

The survey result reveals that 72.7% juveniles think that they have corresponding problems solved by staff, while 27.3% believe their problems are still unsolved. This is in support of the need for staff and social organisations to improve in their interaction with juvenile's problems. Generally adding more training in active listening and empathy, or the development of routine feedback systems might increase support's efficiency and accessibility to all juveniles. Although the survey does not question the efficiency of the juvenile care staff, as all of them are appointed only. After having a required qualification in taking

care of Juvenile Delinquents, also if the staff have more interaction with the juveniles that would not only contribute on solving problem of the juvenile but also gives sense of the satisfaction in the mind of juveniles. The data shows that out of 10, 7 juveniles are able to get their problems resolved by the staff.

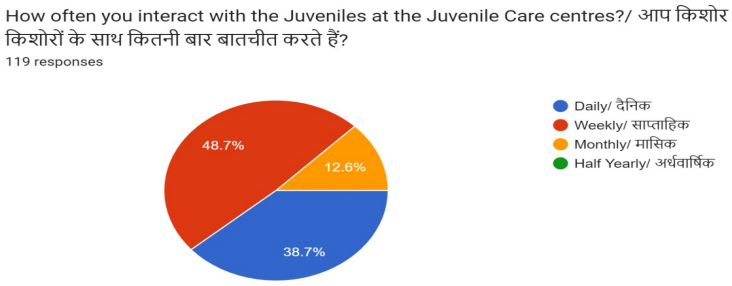


Figure 7.36 Opinion of Juvenile care staff on interaction with juveniles

The result shows for juvenile's staff 48.7% stated that they interact with juvenile on weekly basis while 38.7% interact with the juveniles on a daily basis. These frequent interactions would be beneficial to check the behaviour of these juveniles and provide them various rehabilitation methods to bring necessary change in them. The rest of the staff which consist 12.6% may have occasional interactions on a monthly or half-yearly basis is not good in the interest of juveniles. For less interactive staff, for example, monthly or bi-annually, they should increase frequency of interaction to improve the effectiveness of the rehabilitation. A frequent interaction with these children would help the juvenile care staff to understand problems of these children effectively and built a sense of trust between children and care staff. So even if staff is not able to interact with them on daily basis, at least try to interact with juveniles once in three days, so that Juveniles have a sense of confidence among them.

7.6.7 Measures to Reduce Child in Conflict with Law

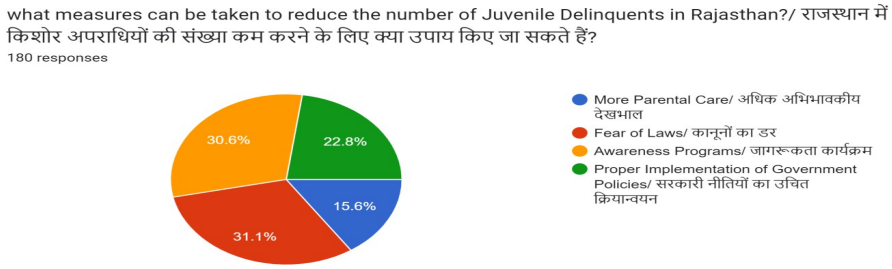


Figure 7.37 Measures to Reduce Child in Conflict with Law according to judges/policemen/lawyers

A major proportion, 31.1%, believe that "Fear of Laws" is essential for reducing juvenile crime rates, while 30.6% who emphasize the need for "Awareness

Programs." Additionally, 22.8% of respondents feel that "Proper implementation of Government Policies" is necessary to address Child in Conflict with Law. A small portion with 15.6%, the option specified "More Parental Care," which means that some believe in nurturing family circumstances as the basis for anti-delinquency. It suggested that strong parental involvement will decrease risky behaviours, since all needed stability, direction and emotional support in most cases delinquents lack the mentioned factors. Fear of laws in the mind of juveniles would surely provide a sense of the accountability in the mind of juveniles and that would deter these juveniles to enter in to criminal world. Apart from fear of law, as discussed above due to lack of the awareness about various programs and schemes initiated by the government for the juvenile, that prevent them from entering in to criminal would, like free education, three-time meals, various opportunities for their carrier building, would contribute in reducing the delinquency.

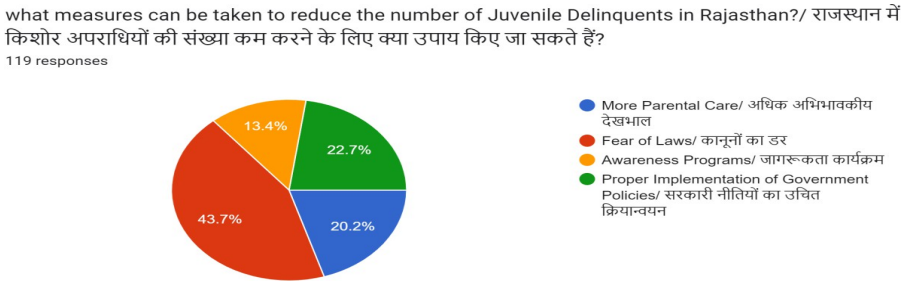


Figure 7.38 Measures to Reduce Child in Conflict with Law according to juvenile care staff

The observation from the opinions of juvenile care staff, 43.7% of juvenile care staff prioritize "Fear of Laws" as the most effective deterrent to Child in Conflict with Law, suggesting that stronger enforcement of legal consequences is crucial to prevent the children entering in to criminal world. Meanwhile, 22.7% believe that "Proper Implementation of Government Policies" can play a significant role in reducing the number of juvenile delinquents, as various government and non-governmental organisation are working to indulge children who are found involved in criminal law, should get rehabilitated. "Awareness Programs" and "Proper Implementation of Government Policies" were also seen as important by smaller portions of the respondents. Even the juvenile care staff also affirmed that fear of laws can be one of the prominent solutions that can contribute in reduction of Child in Conflict with Law. The government schemes made for the

development of the juveniles should aware of such schemes as it would help can also help child to be a law-abiding citizen.

7.6.8. Analysis of the Statistical Data

The statistical analysis provides a detailed understanding of the demographic and opinion-based data collected from law enforcement authorities, juveniles, and juvenile care staff. The findings reveal key areas for improvement in the juvenile justice system, including fear of laws among the juveniles, increased awareness of government schemes, better implementation of policies, and enhanced family support systems. The data underscores the importance of educational and recreational programs in rehabilitation and highlights the critical role of NGO's in providing support to juveniles. These insights can inform future policy changes and contribute to a more effective juvenile justice system in Rajasthan.

7.7 INTERVIEWS FROM THE JUVENILES:

7.7.1 Interview with a 13-Year-Old Boy (Involved in a Family Feud)

- *Interviewer's Inquiry:* The interviewer explores the circumstances that led to the boy's Common Intention involvement in a murder case under Section 103 of the BNS, probing why the boy accompanied adults during a conflict between two families.
- *Juvenile's Response*: The child explains that there was a very old enmity between our family and another family. One day my family decided that today we have to take revenge from the other family. Some 10-15 people from my family gathered and went to their house, I also insisted to go with them. Without understanding the seriousness of the situation and consequences, the family members took me along with them. On reaching there, a heated argument started between both the families. Suddenly a member of one family said that today let's end the game of the other family. I got scared on hearing this, I was not able to understand what to do, meanwhile my uncle took out a gun from his pocket and killed a person from the other family. Seeing this I started trying to run away. Then some people from the opposite family caught all of us and handed us over to the police. I told the police that I did not know that my uncle would kill someone like this, but the police registered the case against me under Sec:3

BNS and 103 BNS. JJB also held me guilty and sent me to child welfare for 2 years. Here, due to the many facilities provided by the government, I am completing my studies and also get good food. This question will definitely remain in my mind throughout my life that one wrong step taken with the family has ruined my entire life.

- From the testimony of the child, it can be deduced that this child was unnecessary implicated for such heinous offence and even after repeated request that he was not aware about the severity and consequences of the offence, JJB sentenced him for 2 years.
- यह 13 साल का बच्चा बताता है कि हमारे परिवार में और एक और परिवार मे काफी पुरानी दुश्मनी थी। एक दिन मेरे परिवार ने निश्चिन्त किया की आज दूसरे परिवार से बदला लेना है। मेरे परिवार के कुछ 10-15 लोग एकत्र हो कर उन लोगो के घर गए, मैंने भी उन लोगो क साथ चल ने की जिद की। अपराध की गंभीरता को समझे बिना परिवार के सदस्य मुझे अपने साथ ले गए। वहां पहुंचने पर, दोनों परिवारिओ के बीच बहुत जोरो से कहा सुनी होने लगी। अचानक से किसी एक परिवार ने सदस्य ने बोला की आज दूसरे परिवार का खेल खत्म करते हैं। यह सुन कर में घबरा गया, समझ नहीं आ रहा था की क्या करू, इतने मे मेरे ताऊजी ने जेब से बन्दूक निकल कर दूसरे परिवार ने एक व्यक्ति की हत्या कर दी। यह देख में भागने की कोशिश कर ने लगा। तभी सामने वाले परिवार ने कुछ लोगो ने हम सब लोगो को पक्कड़ कर पुलिस के हवाले कर दिया। मैने पुलिस वालो को खूब कहा की मुझे नहीं पता था की मेरे ताऊजी ऐसे किसी की हत्या कर देंगे, पर पुलिस वालो ने धारा 3(5)/103 BNS. , के अनुसार मेरे खिलाफ मामला दर्ज कर दिया। JJB ने भी मुझे दोषी मान कर 2 साल के लिए यहाँ बाल कल्याण मे भेज दिया। यहाँ सरकार की काफी सुविधाओं की वजह से में मेरी शिक्षा पूर्ण कर रहा हु, खाने को भी अच्छा मिल जाता है। जीवन मे यह सवाल जरूर मन मे रहेगा की एक गलत कदम परिवार क साथ उठाया हुआ, मेरा पूरा जीवन खत्म कर दिया है।

7.7.2 Interview with a 15-Year-Old Boy (Defending His Sister's Honour)

- *Interviewer's Inquiry:* The interviewer questions the boy about his motivation to kill another boy, asking if he verified his sister's claims of harassment before taking action.
- Juvenile's Response: This 15-year-old explains that he acted on his sister's words without seeking additional information, trusting her implicitly. I felt my sister's claim alone justified his violent response, showcasing a strong sense of her security and there is no need to corroborate this story and trusted her words that shows that sense of responsibility towards the family. After some days, I met some of my friends who also had the supposition that the boy did wrong to your sister and the boy needs a lesson.

After that I conspired with my friends to cause death of that child and caused his death. I don't have any sorrow for my acts, whatever I did was in interest to prevent my sister. Moreover, staying in juvenile care facility is in benefit for me as in home, my family was not able to afford meal once in a day but here I am getting it thrice. Apart from receiving regular meals, education, and the possibility of re-entering society with skills he would not have acquired otherwise, my lawyer had also told me that, even after committing such heinous crime, there would be no stigma of convict over me and that would surely help me to re-integrate in to the society. Now you tell me sir, I killed that eve teaser who was teasing my sister, even I did not send to the jail, no tag of criminal over me, getting food thrice a day, getting the opportunity to study and after all this I would also get a job when I would get released from here. Moreover, such statutes are really favourable to us.

- This view reflects his perception of juvenile detention as a reformative rather than punitive experience, indicating an awareness of the system's supportive aspects, which, in his case, he perceives as more advantageous than a deterrent. Also, the statement of the child shows that he was not even under fear while committing such a gruesome act and even after such act, he can start a new life without taking any antecedents of previous acts. Such mind set not only motivates uncertain killings but also gives a sense of confidence and satisfaction in commission of these acts. Objective of the statute is to give justice to such young offender but who would provide justice to that deceased, is still a question that statute could not answer.
- यह 15-वर्षीय बालक बताता है कि एक दिन मेरी बहिन ने मुझसे कहा की एक पड़ोस का बालक उसको छेड़ने का प्रयास करता है और उसका रास्ता रोकता है, इस बात को सुन कर मुझे बहुत गुस्सा आया मुझे लगा की ,मेरी बहिन को कोई खतरा न हो इस बालक से तो मैंने बिना अपनी बहिन से अतिरिक्त जानकारी लिए, अपनी बहिन पर पूरा भरोसा करते हुए, उसकी बातों पर अमल किया। जो पारिवारिक वफादारी की मजबूत भावना को प्रदर्शित करता है। कुछ रोज़ के बाद मैने उस बच्चे जिसकी उम्र 14 साल थी, उसकी बातें जब अपने दोस्तों को बताई तो वह सब भी बोले की यह तो तेरी बहिन से साथ गलत कर रहा है और उस लड़के को सबक सीखना पड़ेगा। फिर मै एक दिन अपने दोस्तों के साथ उसकी हत्या का प्लान बनाया और उसकी हत्या कारित कर दी। मुझे मेरे कृत्य पर बिलकुल भी कोई पछतावा नहीं होता और एक भाई का फ़र्ज़ मुझसे बेहतर कोई निभा भी नहीं सकता था, साथ ही उसको मारने के बाद मे इस किशोर सुधार गृह में रहने को फायदेमंद मानता हूँ। मुझे मेरे घर में एक वक़्त का खाना मिलता था और यहाँ तो नियमित भोजन, शिक्षा और साथ ही वकील जी मुझे बताया है की मेरे ऊपर कोई अपराधी का टैग भी नहीं लगेगा और ऐसे कौशल के साथ समाज में फिर से प्रवेश करने की संभावना भी भढ़ जाएगी। अब आप मुझे बताये मैने मेरी बहिन को छेड़ने वाले को भी मार दिया , मुझे जेल भी नहीं जाना पड़ा, मेरे पर अपराधी

का टैग भी नहीं लगा, 3 वक्त का खाना भी खा रहा हूँ, अच्छी पढाई भी पूरी कर रहा हूँ और बहार जा कर अच्छी जगह नौकरी भी कर लूंगा। ऐसा कानून मेरे जैसे बच्चो के लिए बहुत फायदे मंद है।

- The view of the girl shows that she was in great agony as there was no one to hear her sorrow, but that does not mean that law gives him the authority to murder her own husband, we have various statutes that could address the issue that persisted with the girl. Even during the interview, she was not even under any fear and was feeling privileged that she would not be treated like an adult and would not be kept in jail. Objective of the statute does not allow the juvenile to take law in your hand. Moreover, she does not even try to resolve the matrimonial dispute through discussing it with her parents, might be issue could be resolved and the girl won't took such grave step to kill her husband.

7.7.3. Interview with a 15 Year Old Girl (Domestic Violence and Retaliation)

- *Interviewer's Inquiry:* The interviewer prompts the girl to share her perspective on the incident with her husband and her reaction to his abusive behaviour.
- *Juvenile's Response:* The girl explains that my husband often used to beat me after drinking alcohol. Many a times I tried to stop him but he kept hitting me. Also, it came to my mind that I should talk to my parents about this, but I knew that I would have to find the solution to this problem because the problem was mine only. One night, like every day, my husband came drunk and started beating me. At that time, I realized that I was no longer able to bear the daily pain. My husband's axe was lying nearby. In one attack, my husband's neck was severed from his body, due to which he died. Once my heart was very scared that I might took a big step in anger today, but then I explained to my mind that all this was bound to happen one day or the other. I know very well that what I did was wrong but it was necessary for me to do it and now my lawyer also told me that I would not be put in jail for my actions, only in this juvenile correction home because I was only 15 years old at the time of committing the crime. I was well aware of the seriousness of my crime. Here Bal Sudhar Graha, my life is going very well, here along with eating, I am also learning skills like sewing and ironing. This training would help in earning livelihood after release. After completing my tenure, I will breathe in the open air because I have killed the one whom I was afraid of.

- लड़की बताती है मेरा पति अक्सर शराब पीकर मेरे साथ मारपीट करता था। बहुत बार मैंने उसे रोकने की कोशिश करी लेकिन वह मुझे मारता ही जाता था। कई बार मन में यह भी आया की माँ-बाप से इस बारे में बात करू लेकिन यह जानती थी की इस समस्या का हल मुझे ही ढूंढ़ना पड़ेगा क्यूंकि समस्या मेरी ही है। एक रात पति हर रोज की तरह दारु पीकर आया और मेरे साथ मार-पीट कर ने लगा, मुझे उस वक़्त इस बात का एहसास हो गया था की अब रोज-रोज का दुःख सहा नहीं जा रहा, वही पास में पति की कुल्हाड़ी पड़ी थी, एक ही वार में पति की गर्दन शरीर से अलग कर दी, जिससे उसकी मृत्यु हो गई। एक बार दिल बहुत सहम गया था की कही आज गुस्से मे एक बड़ा कदम तो नहीं उठा लिया लेकिन फिर मन को समझाया की एक न एक दिन यह सब होना ही था। मुझे इस बात का बहुत अच्छे से पता था कि मैंने जो किया वह गलत था, लेकिन मुझे यह करना जरुरी था और अब यह बात भी मुझे मेरे वकील ने बताई की मुझे मेरे कृत्यों के लिए जेल में तो डाला जायगा नहीं, बस यही बाल सुधार ग्रह में रखा जायेगा क्योंकी अपराध करते समय मेरी उम्र 15 वर्ष ही थी। मुझे मेरे अपराध की अच्छे से गम्भीरता की जानकारी थी। यहाँ बाल सुधर ग्रह में मेरा जीवन बहुत अच्छे से गुजर रहा है, यहाँ पर में खाने के साथ-साथ सिलाई और इस्त्री जैसे कौशल भी सीख रही हूँ। इस प्रशिक्षण से रिहाई के बाद आजीविका कमाने में मदद मिलेगी। अपना समय पूर्ण करने के बाद, बाहर खुली हवा में साँस लुंगी क्यूंकि जिसका डर था उसको तो मार दिया।

7.7.4. Additional Insights on Peer Influence and Economic Pressures

- *Interviewer's Inquiry:* The interviewer touches on the influence of peer pressure and economic challenges that might lead children into criminal behaviour, exploring gang affiliations and the influence of socio-economic conditions.
- *Juvenile's Collective Response:* Some of the juveniles disclosed that gang members exploited their vulnerable economic conditions, offering money or promising family support in exchange for participation in criminal activities. In their defence, they describe how they were lured by promises of financial security or pressured by gang members to perform criminal acts, sometimes under the influence of substances like drugs.

  They recount a system where crime is incentivized and supported by external pressures, with minimal fear of long- term consequences due to the leniency shown to minors. This portrayal underscores the impact of external socio-economic factors on juvenile crime, highlighting how such factors can overshadow moral considerations.
- कुछ किशोरों ने खुलासा किया कि गिरोह के सदस्यों ने उनकी कमजोर आर्थिक स्थिति का शोषण किया, आपराधिक गतिविधियों में भाग लेने के बदले में पैसे भी दिए और साथ ही साथ परिवार को भी मदद करने का वादा किया। अपने बचाव में, किशोरों ने अपना लालच का कारण वित्तीय सुरक्षा के वादों का दिया जो की विभिन्न गिरोह के सदस्यों द्वारा आपराधिक कृत्य करने के लिए बताया, कभी-कभी गिरोह के सदस्यों ने उन्हें नशा पत्ता जैसे पदार्थों की भी आदत डाली ।

वे एक ऐसी प्रणाली का वर्णन करतेहैं जहां अपराध को बाहरी दबावों द्वारा प्रोत्साहित और समर्थित किया जाता है, जिसमें नाबालिगों के प्रति दिखाई गई उदारता के कारण दीर्घकालिक परिणामों का न्यूनतम डर होता है। यह चित्रणकिशोर अपराध पर बाहरी सामाजिक-आर्थिककारकों के प्रभाव को रेखांकित करता है, इस बात पर प्रकाश डालता है कि कैसे ऐसे कारक नैतिकविचारों पर हावी हो सकते हैं।

7.7.5. Interview with one of the Superintendent of Police of Rajasthan

- *Interviewer's Inquiry:* The Interviewer asked a Question on the issue of the rising number of the Juvenile cases in their District and whether the age of juvenility should be reduced from 18 years.
- *Response of the Police Officer*: The officer responded to this question by stating that. Officer has participated in the various reformation sessions organised by the Juvenile Reformation Centres and while questioning them officer came to a conclusion that one of the Factor for Juveniles to become Delinquent is the lack of participation of the Family members in to the lives of their Children and which gives an opportunity to the peer pressure to indulge the Juveniles in to the Criminal World. Also, Officer also stated that, there are certain juvenile Offenders who took a garb of the Juveniles statutes and get prevented from the harsh punishment, even if there nature of crimes is much more severe than adult offenders. Also, the issue of rising of the number of juveniles is that, many of children are not getting adequate time to discuss their usual problems with their family members, that gives an edge to certain group of society indulged in to criminal activities and engages them to participate in criminal activities. Officer also stated that, as the statutes mandates that past criminal record of juvenile should be destroyed in such case, we would not able to trace whether the child is first time offender or habitual offender. Moreover, officer also stated that now a days children are much mature to decide that content they want to watch, as everyone have access to the social media, where content is boundaryless and children got influenced from it, a 15-16 years teenager child knows what he is watching and how such videos would influence his/her life. In such situation it is expected that age of juvenility should have some sort of reduction in the crime commission by the teenage children.

7.7.6. Interview with the Principal Magistrate of Juvenile Justice Board Rajasthan

- Interviewer's Inquiry-The Interviewer asked about the recent amendment made by Parliament in Juvenile Justice Act, 2015 and which methods can be adopted to reduce the Child in Conflict with Law.
- Response of the Judicial Officer: The Officer stated that, the amendment made by parliament are in the consonance of the JJ Act, 2015 objective, also as per the precedents made by the Apex Court, and it would prevent the Juvenile to be tried as an adult but contrary to this the current scenario is different, actually in reality such amendments are providing an immunity to the juveniles as they have no fear in committing any offence. Moreover, they know that if in any case they are found guilty, the maximum sentence that they have to serve is to be in the Juvenile care home for a maximum duration of 3 years, and after that, neither they would have a label of Convict nor have to serve any harsh punishment like an adult. In other words, there is a necessity to check whether if juvenile age is reduced it would give any sense of accountability to Juveniles to not participate in any offence. Also, the Amendment 2021 is very beneficial for the judiciary as it contributed to the reduction of various duties that JJB had, and now it will be done by the District Magistrate.

  One more lacuna that I have seen is in case of a child who is not educated or where there is no document to determine the age of juvenility, in that ossification test is the last resort, and at various occasions it is not true. According to me if child is taken care properly by the family members and that include to keep an eye over the people with whom child used to meet would surely help to prevent child from entering into criminal world.

  Each interview provides a unique perspective on the juvenile justice system's impact, reflecting a mix of perceived opportunities, lack of deterrence, and contextual influences like family loyalty, economic need, and the perceived leniency toward juvenile offenders. These narratives reveal a pattern of defensive rationalization by the juveniles, who often view detention as an opportunity rather than punishment, thereby challenging the efficacy of current reformation practices in juvenile justice.

Unstructured interviews are used and proved useful in identifying the motivational and societal factors related to juvenile offenders by the researcher. These interviews were conducted to gain a qualitative data view in line with the research objectives, which, by definition, cannot be achieved quantitatively in such depth.

Consistent with the open–ended qualitative interview employed, the unstructured interview findings demonstrated a multidimensional nature to young offenders' backgrounds particularly in terms of socio–economic and family influences. For instance, some of the juveniles quoted that they have been put through to criminal activities due to failure of their parents to support the child. Thus, the majority of the youths knew that they practice different rights than adults, regarding juvenile detention centres as correctional and educational centres rather than punitive. This realization that the system lacks effectiveness made them not to be deterred and this is a concern on how reformation of juvenile justice policies needs to be perceived and fully understood. The juvenile homes are made to keep juveniles separate from the adult offenders, so that don't get mixed with them. In these places, juvenile get all sort of facilities that are indeed required in his holistic development. However, after the interviews and surveys conducted, one of the prominent causes of Child in Conflict with Law was that these children know even after they committed severe offences still, they would not be treated as adults and were given more facilities compared to adult offenders. Also after their release, no tag of convict will be upon them.

Interests elicited from interviews referred to peer pressure and socio-economic pressure as contributing to motivation. Moreover, Police officials and Judges had a similar approach in the way that they emphasise the age of juvenility, as whether in the garb of juveniles, society is itself promoting the adult offenders. Other juveniles said that they joined gangs to find some means of getting monetary gains or as a shield which is further evidence that crime has become orderly and all the while unfortunate means of coping with existing problems. The interviews highlighted the lack of countervailing structures that could otherwise offset these risk factors, and as these individuals struggled for appropriate mentoring or intervention their lives become immersed in the criminality which perpetuated their marginalization. Therefore, from the overall

data analysis and interviews, qualitative results obtained from unstructured interviews compliment the quantitative results hence supporting the call for broad based juvenile justice reform that tackles the issue of prevention/relapse and rehabilitation. This approach is consistent with the research objectives because it presents a more extensive view of the main contentious issues and the framework young offenders need to help them withdraw from a wrong way of life.

7.8 KEY FINDINGS AND INTERPRETATION

This section interprets the key findings from the statistical analysis (**Section 7.6**) to derive meaningful insights into the juvenile justice system, stakeholder perspectives, and the broader social and legal factors that contribute to Child in Conflict with Law in Rajasthan.

7.8.1 Gender and Age Distribution

From the result, it can also be identified that gender bias still exists in the Public Offices and Juvenile care staff, where 77.54% of respondents including judges, lawyers, and policemen, and 66.1% of Juvenile care staff are male. This gender disparity may help shape the reaction of Child in Conflict with Law; making it have gendered outcomes in law enforcement and care services. Also, majority of respondents are above 21years they are experienced people handling juvenile issues in the courtroom they have a better understanding of juvenile justice system.

At the juvenile level, 77.68% are male this is in contrast to advanced research findings where males are more involved in delinquent activities. Most of the juveniles are within the age of 16-18 years, which is a vulnerable age group. Adolescence is an important stage to intervene with this population, thus, new programs for this age group may be important to decrease delinquency and recidivism.

Key Interpretation: This is a very sensitive area, an aspect backed up by the avalanche of males among offenders and stakeholders who must be compelled to embrace new policies with sensitivity to the plight of female student. For instance, there could be a need of female juvenile's rehabilitation measures and gender abusers of the care and legal systems should be investigated to address them adequately.

7.8.2 Perceptions on Child in Conflict with Law in Rajasthan

A majority of respondents from survey group 3 consisting judges, lawyers, and policemen, with 64.09% and care staff, with 71.43%, said that there are many juvenile delinquents in Rajasthan. It also indicates stakeholders' awareness of the increasing problem of Child in Conflict with Law as a valid concern. Although this data was not specifically mentioned for juveniles, hence Child in Conflict with Law might be more apparent in urban centres like Jaipur, Kota or Jodhpur.

Key Interpretation: The manners in which Child in Conflict with Law has been perceived as being high risk within Rajasthan also show the importance of state-specific state-level urban as well as regional development programs. State-wide policy intercession with targeted modification may be required to eradicate those factors leading to juvenile crimes in these extension areas.

7.8.3 Effectiveness of Legislative Amendments and Government Schemes

About two-thirds of the respondents, 66.85 %, pointed out that the recent amendment of the Juvenile Justice Act has satisfactorily taken care of the protection or the rehabilitation of juveniles. This means there is an overall agreement on the reforms in legislation, while 33.15% of respondents disagreed. On the knowledge of government schemes, juveniles have a relatively mixed understanding, where 66.81% of the juveniles aware of the government schemes while 33.19% are not aware of the government schemes, thus, there is a mandate for improving the flow of information with regards to such schemes.

Key Interpretation: While there is general positivity on the legislative amendments, it is extremely important to narrow the gaps in information and compliance. This research suggests that enhancing communication and policy implementation is a key factor that will enhance the effectiveness of the government, especially in issues to do with the welfare of juveniles.

7.8.4 Factors Contributing to Child in Conflict with Law

According to the results, judges, lawyers and policemen along with care staff share similar perceptions of the primary causes of Child in Conflict with Law; 45.25% of the judges, lawyer and policemen reported that lack of parental care was the major concern. Likewise, majority of the juveniles, 79.8% of them, concurring with the above proposition that improved relations with parents could have deterred their delinquent behaviour.

Key Interpretation: Family environment with particular reference to parenting plays a major factor that influences Child in Conflict with Law. This supports an increased concentration on preventive practices such as parental education, counselling and grounded support for the family as a means of fighting delinquency and thus minimising juvenile crime.

7.8.5 Measures to Reduce Child in Conflict with Law

All the respondents share the similar perception of all the interventions, where creating a fear of laws 31.11% and awareness programs 30.56% are considered to be effective toward preventing delinquency among judges, lawyers and policemen. Among the juveniles 67% feel that they will not be involving themselves in offences after release from the juvenile home, meaning that there is improvement in rehabilitation but and 28.85% of the juveniles have remained in a no man's land with the result that some of the juveniles will continue in their criminal activities.

Key Interpretation: Although modes such as forming a fear of laws are regarded crucial, it is essential to consider a combination of the legal reformative approach that involves the correction, education, support of the family. The fact that some of the juveniles seem to be hesitant regarding their conduct after rehabilitation further complicates the issue of lack of post-release support systems adequate to help the reclaiming of their productive lives.

7.8.6 Support from NGO's and Social Organisations

The role of NGO's & social organisations in Juvenile rehabilitation is well accepted by the care staff with 74% respondent agreed and 73.3% of the juveniles also supporting the same. Education and Recreational Participation is

relatively higher amongst the juveniles 70.39% of them participate in education activities and 73.28% in Recreational activities.

Key Interpretation: Existing studies have shown that NGO's are vital for success in juvenile rehabilitation. However, it is required to facilitate more extensive involvement of NGO's in educational recreation activities to improve the rehabilitation process. Increasing the availability of favourable programs and enhancing cooperation between NGO's and government institutions can strengthen the support of juveniles in and after rehabilitation.

7.8.7 Summary of Key Interpretations

The statistical analysis reveals several critical insights into the juvenile justice system in Rajasthan:

- *Family Dynamics*: Lack of parental care is identified as the primary driver of Child in Conflict with Law, underscoring the need for family-centred interventions.
- *Stakeholder Support for Reforms*: While recent amendments to the Juvenile Justice Act are generally viewed positively, gaps in awareness and implementation remain.
- *NGO's and Social Organisations*: These organisations are critical to juvenile rehabilitation, but more structured collaboration with government agencies is necessary to provide consistent post-rehabilitation support.
- *Rehabilitation Programs*: Participation in educational and recreational programs is promising, but ensuring full engagement of all juveniles is crucial to reducing recidivism.

These findings suggest the need for a holistic approach that combines family support, better communication of government schemes, and continued NGO involvement to create a more effective juvenile justice system.

7.9 DISCUSSION

The findings of the statistical and thematic analyses in relation to overall trends in juvenile justice in Rajasthan and India. Based on the discussion and findings of this study, this section looks at rehabilitation programs, family involvement,

peer pressure, and socio-economic factors that can update improvements in the juvenile justice system in the following ways.

7.9.1 Shift towards Rehabilitation over Punishment

Perhaps the most evident finding is the shift towards rehabilitation rather than punishment. As 66.85% of the judges/lawyers/policemen consider that the amendments to the Juvenile Justice Act provide proper care and reformation of juveniles. Also, 67% of the juveniles said they would discontinue reoffending once out of the juvenile home, which should make the authority's efforts effective in rehabilitating the juveniles. Nevertheless, 33% of juveniles were rather indecisive about their further behaviour after release, which underlines the necessity to concentrate on further rehabilitation assistance, including counselling and supervision.

This corresponds with the current trend in rehabilitation as opposed to punishment, where the underlying causes of delinquency include lack of education, socio-economic barriers, etc. The rural regions of Rajasthan, with inadequate facilities and resources, fail to provide various rehabilitation services.

7.9.2. Parental care, Peer Pressure and socio-economic factor

Family instability was identified as one of the leading factors contributing to Child in Conflict with Law. Both judges (45.25%) and care staff (26.9%) cited a lack of parental care as a major driver, and (79.8%) of juveniles agreed that a better relationship with their parents could have prevented their delinquent behaviour. Broken households, unsupervised environments, and dysfunctional family dynamics often lead juveniles to seek support or validation elsewhere, often turning to delinquent behaviour as a result.

Peer pressure and socio-economic factor suggests that most of the juvenile delinquents come from very deprived backgrounds. Education and vocational training can provide the society, with a genuine chance within the society so as to eliminate criminal activities as a result of poverty and unemployment.

Family-based interventions, including parental counselling and education programs, are essential to creating a more stable home environment that can reduce the likelihood of Child in Conflict with Law. Incorporating these family-

focused strategies into the broader rehabilitation framework could significantly improve outcomes for juveniles.

7.9.3 Challenges in Implementing Government Schemes and the Role of NGO's

Regarding, Government Schemes 66.81% of the total juveniles had heard about the government welfare schemes meant for them while 33.19% had not which shows a huge gap of communication. These conclusions indicate that although the governments have been intervening, their provision and coverage is rather inadequate, especially for juvenile living in rural settings.

Specifically, vocational training, counselling, and educational needs are provided primarily by NGO's; 74.7% of juveniles said they had received support from NGO's during rehabilitation, and 76.47% of care staff said that NGO's made a significant contribution to their rehabilitation. Interaction between governmental and non-governmental organisations does not work efficiently in regards of rehabilitation programs. Closer cooperation might help to strengthen the results of programs, primarily in the territories characterized by low levels of governmental financing.

This chapter makes an assessment of trends associated with the juvenile justice system in Rajasthan and shows that there rehabilitation has replaced punishment. This result finds that parental care, peers pressure, and socio-economic risk factors cause delinquency promoting family related interventions. Administrative machinery is not well developed, especially in the rural region, and it let down the growth. Non-governmental organisations can also independently start and deliver vocation training and rehabilitation services to these juveniles. Better relations between the government and NGO's may be achieved if government can provide all the facilities required by these NGO's and hence it would lead to enhanced programme delivery.

7.10 IMPLICATIONS OF FINDINGS

The study's findings are taken into account the opinions of juvenile care staff, judges, lawyers, policemen and juveniles in Rajasthan, India. The implications of these findings for enhancing the Juvenile Justice (Care and Protection of Children) Act, 2015, for intervention areas of government and NGO's and for the management of juvenile care institutions cannot be stressed.

7.10.1 Strengthening Family Interventions

Appropriate parental care emerged as a crucial contributor to Child in Conflict with Law. Juveniles with bad parental supervision or unhealthy relationships were more likely to engage in criminal behaviour. The survey result indicates a need for family-based interventions to address the causes of Child in Conflict with Law. Better relations between parents and their child would surely help to decrease the number of Juvenile Delinquents in the area. Parental influence plays a very pivotal role in the lives of the children, as parents are the first teacher of a child.

7.10.2 Rehabilitation through Education and Vocational Training

The rehabilitation over punishment seems to be a priority in the program, educational, and vocational training regarding experience, and therefore many of the juveniles are at higher risk of reoffending. The research recommends the expansion of more funding for educational and recreational activities in juvenile care centres. These should address the juvenile's normal literacy needs and skills. A well-funded community-based education system greatly helps in preventing recidivism and helps juveniles to be able to find productivity in life. Moreover, these educational programs and vocational training are those few methods that can be used to make a child a law-abiding citizen.

7.10.3 Addressing Peer Pressure

Peer pressure is another major cause of Child in Conflict with Law, especially in juveniles with poor family background support. Survey responses and the interview revealed that many Juveniles felt compelled to commit a delinquent act after seeing their peers do it. In response to this, the social reintegration programmes, which offer such items such as mentorship, counselling and positive peer influence to the former cult members, are very important. Recreational programs from the government departments and the non-governmental organisations should provide for a mentorship and community-based programs for juveniles to enable them to stabilise in society and overcome peer pressure. Moreover, from the interview also, an opinion can be made that

children who lack support from their family are the one who gets into the clutches of these peers forced them to commit offences.

7.10.4 Increasing Awareness of Government Schemes

One of the major findings is that juveniles and families lack information about governmental rehabilitation schemes, which narrows their possibilities to get the desired rehabilitation programs. They should also promote awareness campaigns and outreach programs about various schemes made for these children and also initiatives brought by multiple NGO's and other social organisations for them that would enhance their skills. It is essential for both government and NGO's to concentrate on the process of delivering information through measured programs, community and family interventions, also increasing availability of useful sources in rural regions. Initially about these programs, parents should be aware first, as if they are aware, they can easily aware there children also. The purpose of these schemes and programs is incomplete unless such programs are not used to improve life of delinquent children.

This research also underlines the requirement for complimentary based, family-inclusive approaches, equal opportunities to learn and work, and appropriate guidelines on government programs. These recommendations should therefore be implemented by NGO's, social organisations as well as institutions that deal with juvenile care. Elimination of inequalities in terms of resources including of geographic locations and compliance issues that might hinder optimal reform implementation are parts and parcels of rectifying ruins for juveniles in Rajasthan and transforming the juvenile justice system.

7.11 LIMITATIONS OF DATA ANALYSIS

Based on the gathered data from the juvenile care staff, judges, lawyers, policemen and the juveniles in Rajasthan, certain recommendations may be implemented into the Juvenile Justice system. The research provides readers with valuable insights into Child in Conflict with Law and the principles guiding the juvenile justice system. However, certain limitations within the study may pose challenges in generalizing the findings or applying them to other regions.

7.11.1 Sample Size and Representation

A significant limitation is the sample size interviewed indicating that their problems could be under represented. The future works should attempt to involve a bigger and better sample of juveniles, staff, judged, lawyers and policemen across different regions with special emphasis on the different categories of juveniles. This will improve the interpretation and analysis of findings results in future. A stratified random sampling technique was used to get data from the various participants; the juveniles, the police, and the child care institutions staffs. Even with an overall sample of 2,100 respondents which can be construed as large and more representative, the actual response rates could vary across the sampling base. For example, juvenile's willingness to response to interviews can lead to selection bias where only those who are ready to share their experiences do so. As a result, the results may not be generalizable to all the juveniles within the juvenile justice system.

7.11.2 Geographical Limitations

The research is geographically restricted to Rajasthan hence its findings may not capture the situation in other states in India. The study was confined to specific divisions in Rajasthan: Jaipur, Bikaner, Udaipur, Jodhpur and Kota. However, these places do not expose the entire socio- economical culture of Rajasthan which is to be studied extensively in the context of rapid urbanization *(Mortensen, 2020).* Despite the attempts made by the researcher to collect data in Udaipur, no participants responded from that divisions. Consequently, the data was only collected only from four divisions of Rajasthan, i.e Jaipur, Jodhpur, Bikaner and Kota , leaving out Udaipur completely.

The regions that can have the different peculiarity comparing with big cities in the aspect of Child in Conflict with Law and justice were not included. Issues like poor economic status, poor infrastructures and limited access to rehabilitation services for cases in Rajasthan might not be the same with that of administrative states with better economy like Maharashtra or Delhi.

Thus, the outcomes cannot be regarded as representative of the whole country, or totally transferable to another region. A cross-sectional examination of the states of the nation with different socio-economic features would have provided

a clearer picture of the Juvenile Justice System of the nation. This geographical limitation may limit generalization of the study findings to other areas within Rajasthan or to other states in India with diverse cultural settings.

7.11.3 Response Bias

Response bias is major limitation, as juveniles, Juvenile care staff, and judges may have provided answers they believed aligned with socially acceptable norms or the researchers' expectations. Judges and staffs may also inflate the support they have towards the rehabilitation programs. Future studies should try to overcome this problematic by using anonymous questionnaires or by complementing quantitative data with qualitative data collected from case studies. Child in Conflict with Law by its very essence is rather delicate and that makes it hard to gather essential data. Young offenders may refuse to disclose their experiences for fear of being ostracized or suffer other punitive actions

7.11.4 Nature of the Data: Qualitative v. Quantitative

Strong opinions and views expressed from the respondents were gained from the open-ended questions which provided elaborate information in their experienced journey through juvenile justice systems Nevertheless, it is considered to be fairly subjective analysis and may lack appropriate measures to the concrete conditions of the systems.

On the other hand, quantitative data offers numbers and statistics, but culturally and socially related aspects explaining juvenile behaviour will not be acknowledged. A more demanding methodological integration of qualitative as well as quantitative data would offer a more accurate and better assessment of the system’s advantages and limitations.

7.11.5 Secondary data is restricted in terms of its scope in the following ways

In the study process, the secondary data from official reports and literature analysis were used to a certain extent the quality and accessibility of the data may be questionable (Shabran R. P., 2023). Agencies need to file comparable data since the study concerns juvenile crimes; inconsistency in the reported data is likely to affect the correctness of the context. Additionally, the study was conducted with more emphasis on recent information, thus maybe missing out

on information that is as old as five years, which are so important in charting the progression of the juvenile justice system in Rajasthan (Prasad, 2022).

A good proportion of the data gathered was based on participants reporting from the juveniles involved and other people. This strategy makes the study generate first outlooks on individual experiences and perceptions but has eventual difficulties of response biases (Tripura, 2023). Using self-assessment of social status may have the effect of systematically distorting the assessment, with social desirability affecting the outcome of the survey.

7.11.6 Temporal Constraints

The study was confined to a given duration of the research; the fact that this duration affected the study in one way or another could have been well addressed if the research had been done over time (Panickasseril, 2023). The juvenile justice system is not immune from alteration as the result of evolving culture, legislation enactment and official polices. It is suggested that carrying out the research over a wider period could have offered better insights of how the problems are dynamic in nature and therefore how trends evolve over time.

7.11.7 Study Limitations and Challenges

Several obstacles within the research methodology limited the scope of information and findings throughout this study. The study encountered major limitations because juvenile authorities, Judges and other law enforcement authorities denied permission to conduct surveys and collect data in Udaipur. The study's restricted geographical reach because of limited access to the region could affect data representation. The research demanded 2100 participants for data gathering purposes. A total of 533 participants responded to the research measures. Several obstacles prevented accomplishing the target number of 2,100 surveys because researcher struggled to contact juveniles and numerous suitable participants released from the Juvenile care homes through bail or fled care institutions before data collection began, specifically in Jaipur and Bikaner city. A reduced number of participants resulted from the studied factors thereby limiting the extent to which the research could cover its subject matter. Moreover, it's a statutory right of every child in conflict with the law to be released upon bail. Within 24 hours, they would be released on bail even if they

are alleged to be in the commission of a bailable offence or non-bailable offence. Also, it was difficult to collect data from the juveniles as many of them were not literate and not able to understand the questions and respond to them properly, so the researcher avoided collecting data from them, as it would affect the research. One crucial problem arose from the insufficient duration dedicated to the survey. Around 6 months were given for the data collection period, which was insufficient for this study since it did not allow enough time to address juvenile interview processes and administrative requirements for data collection; various juvenile care institutions required permission from various authorities to collect juvenile data. Research sensitivity caused institutional hesitance toward cooperation, making it even harder for the respondents to provide data for the study. The institutional unwillingness created difficulties in obtaining responses, which limited research expansion. During the research period, insufficient responses showed how difficult it is to reach juveniles involved in legal conflict. The researcher encountered institutional obstacles at various venues, which minimised their success in data retrieval. A reduced dataset resulted from these challenges, potentially affecting both the study findings' precision and transferability. Many of the juveniles refused to provide data as they feared their identity would be revealed.

Moreover, various Judges and police officers were reluctant to respond to the survey question as that could harm their jobs, so various judges and police officers refused to participate. Also, in Jaipur, Kota and Jodhpur, it was expected that maximum data would be collected from lawyers from these places, but very few responded because a very small number of lawyers are dealing with cases of juveniles.

These research constraints, such as restricted access to Udaipur and a minimalized sample size, along with time restrictions and institutional cooperation challenges, expose the fundamental challenges researchers encounter when studying this subject. Future academic work needs to extend its research duration while developing better relations with juvenile justice authorities and establishing access management procedures. Better solutions to these research difficulties would yield broader data collection results while supplying a deeper appreciation of juvenile justice operations.

7.12 CONCLUSION

The study indicates qualitative and quantitative factors relevant to Child in Conflict with Law and programs in Rajasthan through the survey of juvenile care staff, judges, and juveniles. Among the research findings, family instability is a strong leading cause of Child in Conflict with Law. Juveniles from homes with no parental control, dysfunctional families, and those experiencing familial poverty constraints are forced to seek acceptance from delinquent subgroups. Based on such evidence, it becomes clear that further development of elements that support juvenile delinquents is needed and must be based on family-centred parental education and counselling approaches.

According to the participants, after a lack of parental care, peer pressure, and lack of education are prominent factors that cause juvenile criminal activities. Most of the juveniles charged with engaging in delinquent activities did not have the opportunity to get education and vocational training, which also reduced their chances of finding legal means to earn a living in the future. Also, they offer juveniles assistance in reducing recidivism and transitioning back into society. Also, the role of orientation towards rehabilitation rather than retribution is explored. Counselling, education, and skill promotions seemed to be widely cherished by care employees and judges concerning rehabilitation programs. However, there are some pitfalls to achieving those goals, specifically for employing those programs in rural areas with scarce resources at their disposal. Also, the existing research undermines the lack of knowledge about available governmental programs focused on juveniles 'rehabilitation among juveniles and their families; therefore, more attention should be paid to increasing the relevant awareness. Reforms are needed to improve the juvenile justice system and the support they gain from their family, education, and understanding of government programs, where each juvenile can get what they need for their reform and reformation process.

CHAPTER-8 CONCLUSION & SUGGESTION

8.1 INTRODUCTION

The juvenile justice system is a vital component of societal efforts to rehabilitate children in conflict with the law, embodying the principles of care, protection, and reintegration. As a system designed to address juveniles' unique vulnerabilities and developmental needs, it is significant in ensuring a just and equitable society. Child in Conflict with Law, often rooted in socioeconomic disparities, family dysfunction, and inadequate access to education and opportunities, presents a multifaceted challenge that requires a collaborative and comprehensive approach.

This research focused on the changing contours of juvenile protection and care in Rajasthan, a state grappling with unique challenges in its socio-legal landscape. By examining legislative frameworks, socioeconomic dynamics, and systemic inefficiencies, the study aimed to provide a holistic understanding of the strengths and weaknesses of the juvenile justice system in this region. The Juvenile Justice (Care and Protection of Children) Act of 2015 forms the cornerstone of this system, emphasising rehabilitation over punishment. However, the gaps in its implementation, poor urban-rural differences, and lack of coordination among the stakeholders have weakened its impact.

The social and economic background of Rajasthan is another factor that intervenes in the problem faced by juveniles. This research argues that poverty, unstable family background, peer pressure, and inadequate education are leading causes of Child in Conflict with Law. In rural areas, these challenges are compounded by infrastructural development constraints and a lack of access to legal and reformation facilities.

Again, the facilities in urban areas are better placed to respond, but are usually hampered by bureaucratic procedures and a lack of adequate resources to respond within the required time. For this reason, the current research seeks to understand juvenile justice conditions to inform the need for a more sensitive and just treatment of young offenders.

It is imperative to note that key stakeholders in the Juvenile Justice System play significant roles. Most approaches to addressing Child in Conflict with Law involve the efforts of government agencies, educational institutions, law

enforcement, courts, social workers, and NGO's. The study also highlights that these stakeholders need to work co-jointly and such cooperation is crucial for the system to deliver the rehabilitative goals of society. Challenges associated with government agencies, usually the primary enforcers of statutory laws, include inadequate resources, time and access, especially in rural areas. While private and large-scale industry organisations might not meet the need for certain services such as trauma counselling, vocational training, and community outreach for refugees, NGO's and social workers offer these services and organise them in regions that often lack them.

Schools and other learning centres support the prevention process by enhancing or promoting the acquisition of life skills and learners' societal values that minimise delinquency behaviour. In this capacity, schools, in cooperation with NGO's, can handle early behavioural problems, peer pressure, and family instability and provide juveniles with the tools to handle their environments. While legal enforcement and courts play crucial roles in preventing and addressing child rights violations, they are hampered by inadequate training and a considerable workload, hindering them from adhering to child-friendly approaches. Engagement with social workers and NGO's will ensure different handling of juvenile cases and get closer to legal intervention with rehabilitation goals.

While the stakeholders have come up with several encouraging strategies, there are a lot of system-related drawbacks that hinder the implementation process. Delays in JJBs and CWCs procedures in proceedings harmfully affect juveniles and their rehabilitation, delaying the period during which juveniles remain uncertain about their future.

The lack of resources in juvenile homes and rehabilitation centres also reduces their potential to offer the services. Urban-rural differences compound these difficulties; rural juveniles may travel long distances for a court hearing or a rehabilitative program. These systematic deficiencies are compelling evidence of the need to pursue changes intended to rationalise procedures, distribute resources based on need and bolster collaboration between agencies.

Vocational training programs have become essential to the juvenile justice system's rehabilitation concept. These programs address socioeconomic risk

factors through nature and markets and promote personal resilience. The study found that juveniles participating in such programs significantly improved self-confidence and economic independence, with reduced recidivism rates. However, accessibility remains challenging, particularly in rural areas where program offerings often fail to align with local economic conditions. Partnerships between vocational training providers and local industries are essential for ensuring the sustainability and relevance of these programs.

Recidivism, or the tendency of released juveniles to reoffend, is a persistent challenge within the juvenile justice system. Family dysfunction, peer pressure, and societal stigma emerge as significant contributors to this issue. The study highlights the importance of post-rehabilitation mechanisms, such as mentorship programs and community reintegration initiatives, in addressing these challenges.

NGO-led mentorship programs and restorative justice practices have shown promise in reducing recidivism, fostering accountability, and creating supportive environments for reintegration. Societal attitudes toward rehabilitated juveniles also need to shift, with awareness campaigns playing a crucial role in reducing stigma and promoting acceptance.

The findings of this research emphasise the importance of a systemic and collaborative approach to juvenile justice reform. By addressing the root causes of Delinquency and fostering partnerships among stakeholders, the system can transition from a predominantly punitive framework to prioritising prevention, care, and reintegration. The Juvenile Justice (Care and Protection of Children) Act, 2015 and its 2021 amendment provide a strong legislative foundation, but their implementation requires infrastructure, awareness, and inter-agency coordination enhancements.

This study serves as a call to action for policymakers, stakeholders, and communities to transform Rajasthan's juvenile justice system into a rehabilitative care and social justice model. By prioritising juveniles' welfare, rights, and opportunities, the state can ensure that its justice system safeguards children and equips them to lead constructive lives. The following conclusion synthesises the findings, evaluates the research hypotheses, addresses the objectives, and outlines implications for both theory and practice.

8.2 RESEARCH OBJECTIVES AND RESEARCH QUESTIONS: EVALUATION AND RESPONSES

8.2.1 Research objectives

Objective 1: *To know the lacunas in our Legislative enactments that make the Juveniles suffer and face challenges.*

The questions developed under this objective, 'Are your problems attended to by staff?, 'Do you feel secure in this facility?, 'Do you have medical care?', are very relevant as they essentially capture the implementation of legislative measures meant to protect the well-being of juvenile persons. In this way, questions concentrated on these practical aspects show how compliant care facilities are with the requirements provided in the juvenile justice laws. For instance, the foundation of welfare measures is how friendly and responsive staff have been to juveniles and if their complaints are addressed. Likewise, the questions about safety and access to medical care are related to whether juveniles' rights, as enshrined in the law, are respected in practice. The literature review builds on these concerns by situating them within the legislative landscape and establishes a starting point for assessing implementation deficits. The study found the following gaps in this legislation from the data analysis. 72.7% of the juveniles said the staff solved their problems. In comparison, 27.3% said their problems remained unsolved, indicating a lack of consistency in the care staff's responsibility. 78.1% of juveniles said they felt safe in the facility; 21.9% reported they did not. Furthermore, issues of safety and inequitable availability of healthcare are documented evidence of the lack of systematic organisation for compliance with legislative requirements. Also, the minimum thing juvenile care homes can give is the basic safety to these children. 71.7% of juveniles reply positively towards the medical care provided, and 28.3% of respondents reply negatively to the statement.

Regarding whether authorities handle matters that lead to Child in Conflict with Law, the judges, lawyers and policemen hold 54.1% and disagreement holds 45.9%. These findings are consistent with the study's objective by pointing out areas of needed legislative protection, thus forming the basis for this study and noting the required areas of reform. From this it can be implied that objective

of these child care institutions is not only keep them but also to ensure their safety and also to point out the factors that lead the juveniles to enter in to criminal world, but the data pointed out a flaw on the part of safety of Juveniles in these institutions. These questions are relevant in linking the real-life situation of youths to legislative gaps, therefore advocating for better and proper implementation of the enforcement mechanisms and monitoring of various care facilities for youths. The conclusions drawn, thus, emphasise the need to improve accountability mechanisms to address such shortcomings adequately.

Objective 2: *To analyse whether the existing statutory laws and the Latest Amendment in the Juvenile Justice Act,2021 in India are enough to protect Juveniles' rights.*

The main research question under this objective – "Whether the recent amendments in the Juvenile Justice Act have sufficiently provided for the welfare and reformation of juveniles?" is especially pertinent because the analysis of the recent changes in the legislation is assessed for their practical adequacy. Posing this question towards lawyers and judges ensures that those in direct contact with the laws provide an accurate assessment of the amendments. The literature review supports this question by presenting a historical and theoretical appreciation of the development of juvenile justice laws that enhances the evaluation of their efficiency.

The answers to this question can be seen as a mixed verdict. Although 70.6% of judges and 56.9% of lawyers stated that the amendments were enough to address the issues of juvenile welfare and reformation, many participants pointed out problems with the amendments' implementation and lack of resources. This feedback is based on a theoretical understanding of the amendments, but at the same time, it reveals some of the real-life issues with implementing the amendments. These findings confirm the importance of the question by identifying certain aspects that reveal how systematic problems hamper legislative intent. The conclusions stress the importance of capacity building, improvement of the ways of the legislative provisions' dissemination and the improvement of the enforcement mechanisms to enhance the gap between policy and practice. Moreover, the interview conducted by the Policeman and

Judges pointed out a very significant point: that the amendment 2021 in the JJ Act is in the interest of Juveniles. Still, whether such amendment allows the juveniles to participate in criminal acts where punishment exceeds to 7 years, that need to be seen because as study deduced that one of the solutions to reduce Child in Conflict with Law is fear of laws in the mind of Juveniles, such amendments do not align with this aspect instead it gives edge to young offenders to engage in criminal activities and in that would not be tried as an adult. The question is also essential in determining practical measures to enhance the effectiveness of the legislative framework by providing solutions. Also, the amendment plays a crucial role in the accountability of the JJB's as now JJB's have to submit the details of pendency of cases to the District Magistrate apart from CJM quarterly. Also, DM would be a redressal authority for any grievances against the CWC. Also, DM has given the power to inspect the institutions made for the young offenders. Moreover, to lessen the burden of children's courts, the procedure for giving a child up for adoption is also given to the District Magistrate. So it can be said that the burden of the courts and CWC has been lessening and such function has been assigned to the DM.

Objective 3: *To assess the impact of vocational training programs as a reformative mechanism amongst Juveniles.*

The questions under this objective: "Do you participate in recreation programs?", "Do you participate in education programs?" "Would you commit any offence after leaving Juvenile homes"? "Whether Juvenile care staff conduct any activities for juveniles, if yes than how many activities are conducted by them"? "Have social organisations, including NGO's, brought positive changes in juveniles?" is highly relevant as they assess the availability, quality and effectiveness of vocational training programs for rehabilitation juveniles. The questions asked to the juveniles and Juvenile care staff are regarding their involvement in educational and recreational programs, and their answers reveal how active they are and what they think of the programs. Also questions posed to care staff, like the frequency and consistency with which reformatory activities are conducted, augment an operational dimension to the evaluation of program implementation. The place of NGO's is also discussed

based on specific questions, emphasising their work in addition to rehabilitation activities.

The data shows that 73.3% of juveniles engaged in recreational and 70.4% in educational programs, indicating moderate outreach and accessibility programs. However, many juveniles claimed non-participation, suggesting the absence of program accessibility and attractive participation techniques. Furthermore, though 67% of juveniles who participated in these programs felt that they did not want to reoffend again, 33% of the juveniles were still in the middle, and this shows that there is a need for better programs to reduce recidivism in juveniles, as the objective of these programs is to reduce the rate of recidivism in India. From the survey, 67% of juveniles admit that they will not repeat offences after being released from the juvenile home, proving that the rehabilitation system works well for most of the juveniles, while 33% still commit crimes. For them, the activities conducted by NGO and Juvenile care staff are inefficient. According to the survey, 70.4% of the juveniles attend educational programs, which means that juveniles are inclined towards education to get reformed. 29.6% of the respondents do not attend the educational programs, which demonstrates some challenges for juveniles to participate in the programs. The results show that 74.7% of juveniles were supported by social organisations, including NGO, in their reform process, while 25.3% of participants did not feel supported.

These findings are relevant to the objective by presenting the advantages and disadvantages of vocational training programs, either the authorities cannot attract the juveniles to participate in these activities, or these offenders do not know the benefits of such participation. According to the survey, the results depicts that less than 10 activities are conducted monthly as per 41.2% of juvenile care staff, 42.8% staff responding to less than 5, and 16% staff stated less then 15, figures are showing the need to increase in such activities to understand the causes of Child in Conflict with Law more thoroughly.The importance of these questions is based on the fact that they allow for assessing various aspects of reformatory initiatives, which can help enhance the effectiveness of programs for their implementation and increase the availability

of relevant programs. Moreover, the inclination of the young offenders towards these activities will surely help to make them law-abiding citizens.

Objective 4: *To Analyse Recidivism Tendency Among Released Delinquents*
The questions related to this objective are "Do you refrain from committing any offence after you leave the juvenile home?" and "Do you think you are being equipped for life outside?". These questions concern individual opinions of juveniles, which provide essential information about the reasons for their behaviour after release. The specific findings of this study are further discussed in the context of the existing literature on recidivism prevention and the concept of rehabilitation.

The study found that 67% of juveniles did not reoffend. In comparison, 33% had high chances of reoffending, showing that juveniles lack proper post-release support, or 4the objective for which they were sent to this juvenile care institution is incomplete unless the recidivism rates of juveniles are reduced. Also, 76.8% of juveniles thought they were well equipped for life outside, while 23.2% disagreed; this showed disparities in life preparation programs. These findings are relevant to the objective of measuring the rates of recidivism and the factors that contribute to it. The questions are fundamental as they correlate the concrete experiences of juveniles with the results of rehabilitation work, which will allow for the creation of adequate support systems after release. The conclusions suggest improving mentorship, counselling, and skill development programs to reduce recidivism, and also it will help the juveniles to be well-equipped after leaving the juvenile homes.

8.2.2 Research Questions

Research Question 1 (RQ-1): *Have social organisations successfully brought about a change in policy decisions regarding juveniles?*

The questions used to answer this research question as 'Have social organisations effectively influenced policy changes with regards to juveniles?' and 'Have you ever benefited from the support or guidance of social organisations, including NGO's?' as posed to the care staff and stakeholders and the juveniles respectively are relevant in determining the working and advocacy

functions of social organisations. These questions test how NGO's can effectively support juveniles and their capacity to bring about policy changes. According to the findings, social organisations play an essential role in Juvenile policy reforms. 76.5% of respondent among the juveniles responded that these organisations have enhanced juvenile behaviour, underlining their role in reducing re-offending behaviour in juveniles. Nonetheless, 23.5% respondents' feel that their impact is still relatively moderate, thus see the area of improvement. But more than 3/4th of the respondents are of the view that Social organisations contribute to making policies for the welfare of the Juveniles. Various changes in the current juvenile statute had been brought after the changes suggested by various social organisations. Furthermore, Apart from the reformation of the juveniles in these care facilities, it is necessary for the executives like police, judge and lawyers, including the juvenile care staff to know the factors that makes a child to indulge in the criminal world and became a juvenile as they are also associated on every day basis with the Juveniles.

Research Question 2 (RQ-2): *Whether authorities are working on the reasons to know why a child becomes delinquent?*

In order to answer this question, the study asked juveniles, "Does the staff solve your problem?" asked from care staff and legal professionals. The questionnaire gathered 231 responses to determine how often staff addressed problems. Survey participants indicated a preference for resolution and assigned "Yes" to their responses by 72.7% of the total respondents, whereas "No" was selected by the remaining 27.3%. The majority of respondents experienced positive staff responsiveness despite many children experiencing persistent problems. Improving employee satisfaction requires resolving the unresolved problems experienced by 27.3% of respondents. "Are authorities trying to find out why children become delinquent?" These questions are pertinent because they ask whether authorities take time to diagnose and respond to Delinquency's socioeconomic and psychological roots. Since the questions involve juveniles and professionals, the questions allow for a fair assessment of systemic endeavours.

Lawyers and judges show different attitudes on whether the authorities deal with the causes of Child in Conflict with Law. 54.1% of the lawyers, judges and policemen agreed that the authorities are concerned with eradicating the root cause of Child in Conflict with Law. A survey among judges, lawyers and policemen showed that 50 of them supported the authorities' measures, and 24 disagreed, citing some level of contradiction on how they handled Child in Conflict with Law. About juvenile perceptions, 72.7% strongly agreed that their problems were solved by staff, while 27.3% agreed that their issues were left unresolved, implying that interaction and problem-solving strategies need further improvement. These Juvenile care staff are just like the guardians to these young offenders, and they are the only people with whom juveniles can share problem.

To strengthen the improvement of these initiatives, there should be proper training, good monitoring systems and Juvenile rights-friendly policies. The leading cause reported was lack of parental care with 45.3% followed by poverty 25.1% and lastly peer pressure 17.8% by juvenile care staff. The data shows that out of 10 only 5 or 6 authorities are working for it. If the root cause of the problem is not identified, the issue of Child in Conflict with Law cannot stop.

Research Question 3 (RQ-3): *Have government schemes' efforts reached the desired target of protecting the rights of juveniles?*

The study posed several questions to evaluate this research question: "Do you know of any governmental schemes given to you?" asked the juveniles, "Has the implementation of governmental schemes effectively prevented violations of the rights of the Juvenile? Asked from law enforcement authorities, "How often do you deal with juveniles at the care and reformation centre?" asked the juvenile care staff. These questions are fundamental since they capture awareness and the implementation and operationalisation of government schemes from various perspectives.

The judges, lawyers and police officers stated these schemes are effective in preventing violations of juvenile rights, and 76.2% of the respondents said that there is scope for improvement, while 23.8% of the respondents said that there

is scope for improvement. In the case of juveniles, 66.8% are aware of such schemes, thus moderate coverage, but 33.2% were ignorant of the existing schemes, signifying poor information publicity. It was also important to establish what proportion of juveniles participate in recreational activities and educational programmes, 73.3% and 70.4% respectively, but it is important to note that non-attendance rates of 26.7% and 29.6% are clear indicators of accessibility issues. The prime objective of these organisations is to protect the rights of Juveniles, and data portrays that 23.8% of law enforcement authorities are of the view that these schemes are not effective in protecting the rights of Juveniles. Moreover, even if they are effective, still 33.2% of juveniles are not even aware of these schemes that are made for their welfare only, so this points out a very crucial point in the reformation process of Juveniles, and it is the awareness of the young offenders about the various government schemes made for them.

Juvenile care staff acknowledged and other social organisations especially NGO's as having a significant role with 74.7% of the juveniles admitting that they helped facilitate their reformation. Also, 76.5% attribute the above organisations for enhancing the behaviour of the juveniles. It is pertinent to mention here that more than 25% of juveniles are not even participating in the recreation programs organised by the government. Moreover staff from Juvenile care interact with the children involved in conflict with law as to resolve their problem, the data states that 48.7% of staff have interaction with the children once in a week and 38.7% of staff members have a daily interaction with children; such interaction gives a space to these staff members to observe or correct Juvenile's behaviour. However, 12.6% of staff have minimal interaction with young offenders through occasional social or formal meetings that may be monthly or biannually.

Research Question 4 (RQ-4): *Are the role and importance of various social organisations, including NGO's, in bringing change in Juveniles appropriately?*

The questions asked of juveniles were: "Have you ever received support or counselling from social organisations, including NGO's?" The questions asked

of the care staff are: "Have social organisations, including NGO's, made any positive change in juveniles?" and "How frequently do you organise any activities for the juveniles?" These questions measure NGO's' effects on juveniles and whether their interventions are consistent.

From the analysis of the survey it is found that 74.7 % of child in conflict with law receive support from the NGO's and other organisation in their journey to reform, whereas 25.3% deny this fact. Also, 97.5% of the Staff in Juvenile care organise recreational activities for juveniles, and approve of their proactive participation in the offering of productive and reformative programs. Figuratively, only 2.5% of participants did not participate in related activities, proving the majority's commitment to the improvement of juvenile's existent. From the results, 76.5% of Juvenile care Staff stated that NGO's and social organisations are an important factor in explaining juvenile behaviour and, on the other hand, 23.5% said they are not. This means that the social organisations play a major role in decreasing of recidivism and enhancing the behaviour of juvenile persons.

Also, 48.7% of staff have interaction with juveniles in the course of one week and 38.7% of staff members come across the juveniles daily; this makes it easy pathway for the juvenile care staff to observe or correct juvenile's behaviour. However, 12.6% of staff have minimal interaction with young offenders through occasional social or formal meetings which may be on a monthly or bi-annually basis. From the data it can be stated that around every juvenile care homes conduct re-creation activities for the reformation of the Juveniles and around 75% juveniles agreed that guidance from NGO's and other authorities helped them a lot on the journey of reformation , also the interaction of the staff with juveniles also shows the commitment of the authorities to reform young offenders as around 40% of the staff interacts daily with the juveniles and heard there problems and 50% on the weekly basis. Here the percentage at least shifts to 50% of staff interaction with juveniles then it would surely help in Juvenile Reformation. or less Interactive staff, therefore there can be agreed that a higher contact rate would improve the Rehabilitation effectiveness as well as general results of the program.

Research Question 5 (RQ-5): *Does the Legislature make the latest amendments in the Juvenile Justice Act to protect the child's interest sufficiently?*

In order to answer this research question, the study posed the following question to the participants: Have the recent amendments in the Juvenile Justice Act taken adequate measures to protect and reform children? This question is highly appropriate since it directly assesses the utility of recent legislative changes by soliciting stakeholders' opinions directly involved in interpreting and enforcing the laws. The survey revealed that 66.9% of law enforcement authorities affirmed that the JJ Amendment Act, 2021, impacts children in conflict with the law by reducing the burden on JJBs, as various tasks previously assigned to them are now delegated to the District Magistrate. The data further shows that 70.6% of judges and 56.9% of lawyers considered the amendments sufficient. However, 22.7% highlighted challenges such as a lack of funds, inequalities, and low awareness among implementing organisations. The question “Does the Legislature make the latest amendments in the Juvenile Justice Act to protect the child's interest sufficiently?” is crucial in identifying the divergence between legislative intent and practical implementation, directly addressing the research question. The conclusion emphasises the need for increased dissemination, training, and resource availability to optimise the amendments. The amendment aligns with the statute’s objective of protecting juveniles' interests, a view supported by over 70% of judges and more than 50% of lawyers.

Research Question 6 (RQ-6): Does the Communication gap between the Child and Parents cause Child in Conflict with Law?

It is one of the most pertinent questions in the quest to know the factors of Child in Conflict with Law, as how the family environment impacts the lives of children, and specifically, the lack of proper communication also contributes to the children being Delinquent. Various questions are directed to a particular aspect of the problem, and data are collected from various sources, guaranteeing the coverage of all the aspects. For example, juveniles were asked: "If you had a good relationship with your parents, do you think there would have been less

of a possibility of you being delinquent?" This question associates the behaviour of the juveniles with their perceptions of their family relationships, and as such, it is highly relevant to the analysis of parental communication. Through the question, which aims to discover the personal experiences of juveniles, the question raises crucial findings on how lack of parental care or family bond leads to Delinquency.

Likewise, questions asked of the judges, lawyers, and staff of juvenile care concerning the causes of Delinquency enrich the study. These stakeholders were required to state what they thought were the major causes of Child in Conflict with Law. Their answers give a systemic and observational approach, supporting the influence of family factors on juvenile actions. Law enforcement personnel said that a lack of parental care was a significant cause of Delinquency, whereas juvenile care staff said that family communication breakdown and peer pressure were influential in making a child delinquent. These questions are pertinent as they expand the sphere of observation from the self and incorporate professional insights and institutional observations.

The juveniles were asked if improved communication and better relationships with their parents could have helped them avoid getting into delinquent activities; 79.8% of the respondents agreed. This positively affirms a causal relationship between family communication patterns and Delinquency. Similarly, 45.3% of the respondents, consisting of judges, lawyers and police officers, attributed Delinquency due to the lack of parental care, thus underlining the structural role of family. The 37.3% observations of the care staff support the findings that a lack of communication between juveniles and parents often results in stress and behavioural problems.

These questions are important because they embrace various aspects of the problem based on a personal, systemic, and institutional approach. The questions also capture the essence of the research question and offer practical advice on closing gaps by targeting family communication. For example, the study recommends providing services such as family therapy, parental counselling, and mentorship to help solve the problems that lead to Delinquency. The coordinated views of the stakeholders ensure that the

responses are complete and accurate, which corroborates the importance of the questions.

Consequently, these are relevant in establishing the link between parental communication gaps and Child in Conflict with Law. Their relevance is seen in the sense that they present a systematic approach to analysing the given issue from the angle of juveniles, legal personnel and caregivers. The data from these questions satisfactorily responds that the lack of communication gap between juveniles and parents, underlines the importance of family-centred prevention strategies for Delinquency. This makes the questions indispensable for filling this gap and addressing this key aspect of the research. So, parents having communication with their child will surely help the child from being delinquent.

8.3 WHY RAJASTHAN WAS CHOSEN AS THE RESEARCH AREA

8.3.1 High Rate of Juvenile Crime in Rajasthan

Rajasthan was chosen as the research area, mainly due to the high juvenile crime rate that has always put the state among the top three states in India in terms of juvenile crimes. The National Crime Records Bureau (NCRB) data revealed that the state has registered 39.01% of juvenile crimes from 2015 to 2022 and 3,063 cases in 2022. These statistics show how high the rate of Child in Conflict with Law in Rajasthan is, hence the need to explore the state's juvenile justice issues and developments. Due to the high rate of offences, it is important to analyse the socio-legal factors present in the state more thoroughly. Even the various stakeholders admitted that Rajasthan is one of the state in India having highest number of Juvenile delinquents.

8.3.2 Uniqueness of the Geographical and Socioeconomic Environment

The socioeconomic and geographical context of Rajasthan makes a massive contribution to justifying the selection of the research area. The state's poverty level is high, literacy levels are low, and there is a clear rural-urban divide that defines the climate that breeds Child in Conflict with Law. According to the survey, the leading cause of juvenile crime in Rajasthan is parental care, where 45.3 % of the legal professionals said that Delinquency is due to lack of parental care. The juveniles themselves admitted that issues with economic factors were

the main reason they engaged in criminal activities since they were coerced by friends or groups that they believed would provide them with the necessary financial might. These results also support the hypothesis that economic risk factors are important in juvenile misbehaviour.

Rajasthan's challenges in education make the problem worse. The state has one of the lowest female literacy rates in the country, and overall literacy hinders juvenile rehabilitation. It was established that youths who do not attend or drop out of school have no positive things to do since they become easily influenced. Data from the law enforcement authorities states that, Illiteracy with 25.1 % of the responses was another factor along with 14.5% (poverty) and 15.1% (peer pressure), with different stakeholders pointing to its direct influence on Child in Conflict with Law.

This socioeconomic and geographical background makes Rajasthan suitable for the study, offering a rich context to analyse how structural factors interact with legal and rehabilitative configurations to shape Child in Conflict with Law. To this end, the study seeks to provide specific recommendations that can be implemented to address these structural barriers similarly to how other problems in India can be solved on a large scale.

8.3.3 Exploring Perceptions of Stakeholders and Grass Root Experiences

Interviews with legal professionals, care staff, police officers, and juveniles also supported the suitability of Rajasthan as the research area. Using surveys and interviews, 64.1% of the legal professionals and 71.4% of the care staff recognised that Rajasthan faced urgent Child in Conflict with Law issues as Rajasthan is one of the highest number of Juveniles delinquents. Delinquents pointed to systematic factors such as the breakup of homes, lack of parental care and guidance, and poverty as significant causes of Delinquency. The care staff and legal professionals identified the issues in the institutional setting and enforcement mechanisms; the problems mentioned are typical for Rajasthan but can be considered issues in the juvenile justice system.

8.3.4 Organisational Issues in Juvenile Justice

There are several systemic barriers to implementing juvenile justice in Rajasthan, which goes on to support the selection of the research area. Challenges facing implementing the Juvenile Justice (Care and Protection of Children) Act of 2015 include a lack of resources, inadequate training of personnel, and a lack of consistent rehabilitation and correctional programs. Detention centres for youths in the state are usually deficient in the reformation process, resulting in high levels of rearrested juveniles. These systematic problems offer a unique chance to analyze the discrepancies between the legislation and practices, making Rajasthan an important site for improving juvenile justice.

8.3.5 Demographic and Institutional portrayal

The study used a stratified random sampling technique to select participants from different institutions, ages and gender in Rajasthan. These included data collection from Jaipur, Udaipur, Bikaner, Jodhpur and Kota, which were chosen to capture the urban and rural areas of the state. These districts contain extensive juvenile care facilities and related laws, which enable the study to obtain a broad picture of the state's juvenile justice system. Such a distribution of geographical and institutional sites guarantees the generalizability of the findings to various contexts and problems faced in Rajasthan.

8.4 EXPLORATION OF MAJOR CAUSES OF CHILD IN CONFLICT WITH LAW

8.4.1 From the Juveniles' Point of View

- *Family Breakdown:* The most significant predictor of Child in Conflict with Law was family instability. Most of the juveniles who committed the acts said that it was due to neglect, abuse or lack of supervision in their homes. Among the respondents, 37.3% affirmed the instability of their home backgrounds or family chaos, as the primary influence that led them to engage in criminal behaviours. These juveniles explained that they had poor homes and could not thus make good decisions, so they became easily influenced. Also parents are the first teacher of any child and if teacher is not of calm mind and no affection

between the family members, it would surely affects the mind-set of the children and they start participating in unscrupulous activities.

- *Peer Pressure:* Pressure from peers was another factor that was mentioned by the juveniles as playing a significant role. About 30.5% of the Juveniles said that they were sometimes forced to engage in criminal activities by association with members of a delinquent peer group or gang. To most, these peer groups served as a society and gives acceptance to those activities which juveniles did not otherwise receive at home. Young people said that they don't even knew those peer groups who had forced or urged them to steal, vandalize or commit other offences. When a child don't get adequate acceptance of thoughts, he start taking acceptance from those peer groups who in the garb of their acceptance indulges them in to criminal activities.
- *Illiteracy:* Lack of education is another reason that was mentioned; 16.7% of juveniles said that they were illiterate, and that was the reason why they became criminals. Some of the juveniles who dropped out of school or never attended school felt frustrated, and most of the time, they were bored and thus engaged in delinquent behaviour. With little knowledge and no education; these juveniles believed they had no other way out of poverty and crime. Education helps any child to know the do's and don't in the society, which helps a child to prevent himself from engaging in to criminal activities.
- *Poverty:* Poverty was recognised as one of the major causes of Child in Conflict with Law and was mentioned by 15.5 % of respondents. Economic challenges increase risks that youth become either educationally disadvantaged, or lack other necessities of life and resources, therefore ending up as juvenile delinquents. This can be explained through policies dealing with poverty with an aim of herein eradicating vulnerability and creating stable zones. In a teenage or adolescence age a child having various manifestation and when he is unable to fulfil his manifestation, child start participating in criminal activities to get money and fulfil his manifestation.

8.4.2 Judges' and Lawyers' Perception

- *More Parental Care:* Both the judges and the lawyers reported that family dysfunction was the primary reason for Child in Conflict with Law. 45.3% of

legal professionals opined that lack of parental care, supervision and emotional support leads to juveniles ending up in criminality. Authoritative and neglectful parenting coupled with domestic violence results in children feeling helpless and lost, and they easily give in to peer pressure and join gangs. Its duty to parents to always have an eye over their children, else children would start indulging in to criminal activities.

- *Poverty:* Poverty was mentioned by 14.5% of the judges and lawyers as one of the causes of Delinquency. The legal experts observed that most of the youths from the low-income group were forced to engage in minor offences, including theft, in order to feed themselves or their families. From the discussion, it can be firmly concluded that poverty puts juveniles in a hopeless situation, forcing them to engage in criminal activities to meet basic needs.
- *Peer Pressure and Illiteracy:* Other factors, such as peer influence and illiteracy, were also highlighted with 25.1%, and 15.1% respectively, as far as responses to the factors are concerned. Judges also pointed out that juveniles form peer groups to be accepted in society, regardless of breaking the law. This is even worse for illiterate juveniles who cannot read or write and, therefore, cannot apply for lawful opportunities. This leads to a cycle of being prone to delinquent behaviour among the subjects of the criminal justice system.
- *Systemic Holes in Rehabilitation Schemes:* For their part, judges and lawyers said that there are systematic issues in the juvenile justice system setting. Some pointed out that youths and their families lacked knowledge of government rehabilitation programs; thus, the programs were ineffective. Some pointed out that this problem is made worse due to a lack of uniformity in the implemented policies and a lack of funds.

8.4.3 Proposed Solutions from the Judges' and Lawyers' Points of View

- *More parental care:* Based on responses, both the judges and the lawyers supported family-based measures to address the critical issues of Child in Conflict with Law. Survey responses from Judges and lawyers pointed at 15.6% of responses highlighting the Lack of parental care to reduce Child in Conflict with Law. They called for mandatory programs for parents to be taken through counselling to help change their attitude towards neglecting their children. Such

counselling would assist parents in appreciating the need to offer their children emotional and moral support. Also, they recommended introducing state-funded financial support services for families, especially those more likely to experience family breakdowns. If a child gets full support from the family and members of the family give the child adequate time for his thoughts, there are very few chances that a child would follow the path of crime

- *Fear of Law:* Based on the responses from judges and lawyers. 31.1% of respondents emphasised the fear of laws as a measure that needs to be considered in reducing Child in Conflict with Law. According to the judges, lawyers, and policemen, identifying fear of law as having more stress on this element may help reduce Child in Conflict with Law and some potential offenders and increase enforcement as well as awareness levels considerably. The basic instinct in a child from birth is that if he has a fear of anything, the child tries to avoid such acts. Moreover, apart from the data collected from respondents, interviews from the law enforcement authorities also emphasised that if there is fear of law in the mind of the juveniles, they would be deterred from committing such offences and that would surely reduce the Child in Conflict with Law.
- *Awareness Programme:* Based on the responses from judges and lawyers, 30.6 % of respondents emphasised Awareness programmes as a measure that needs to be considered in reducing Child in Conflict with Law. Some legal professionals argued that education and vocational training should be available to juveniles. They spoke of extending literacy facilities in less-served regions and developing open learning systems for school leavers. Various Juveniles are not even aware of the rights that are guaranteed by the statute, and such unawareness contributes to the Child in Conflict with Law.
- *Proper Implementation of Govt. Policy:* Both the judges and the lawyers opined that their policy recommendations should be aimed at improving the Juvenile Justice Act, with a total of 22.8% of responses. They proposed enhanced measures in monitoring to avoid regional implementation differences and interim studies to enhance the act address and societal challenges. Legal professionals also called for the enhancement of training programmes for those involved in the administration of juvenile justice to meet the needs of juvenile

cases with more sensitivity. Having policies for juvenile development is a step towards the interest of juveniles, and such policies are incomplete unless they are implemented properly to provide adequate benefits to the Juveniles.

8.4.4 Solution from the Staff of Juvenile Care

- *Peer Pressure and Family Dysfunction:* When asked what factors they considered as the causes of delinquent behaviour, juvenile care staff stated peer pressure and family disruption as the most dominant factors, identified by 26.9% of respondents. They pointed out that youths, especially in their teens, were searching for acceptance from their peers when they did not get it from their families. These peer groups exposed juveniles to other forms of ill behaviours and also other forms of family-related abuse or neglect.
- *Socioeconomic Barriers:* When asked about the causes of Child in Conflict with Law, care staff pointed to poverty and illiteracy as the most significant factors, with poverty featured by 22.7% of the respondents and illiteracy by 23.5% of the respondents. Most of the juveniles in their care grew up in poverty-stricken homes where education and legal means of earning a living were rare. These conditions confined them with minimal chances of improving their life standards; this made them frustrated, and they ended up committing crimes.
- *Lack of Resources in Rehabilitation centres:* Employees said that the main challenge that hampers proper rehabilitation in juvenile care facilities is the lack of resources. The challenges were lack of funds, staff shortage and a lack of training for the staff, which impacted the provision of services like counselling, vocational training and life skills. It is these systemic inefficiencies that not only hamper rehabilitation prospects but also contribute to the rate of recidivism.

8.4.5 Solutions from the Perspective of Juvenile Care Staff

- *More Parental care:* Parental care was identified to be an important problem by 20.2% of juvenile care staff. They called upon for parenting counselling classes, family therapy and other community based programs that can increase the family attachment and stability in sheltering the at risk juveniles. Parents training towards this would surely reduces the gap between juvenile and parents and allows the juvenile to withdraw himself from such prohibited activities.

- *Fear of Law:* Out of all surveyed respondents, 43.7% of the juvenile care staff expressed a belief that the fear of law should be encouraged to discourage delinquent behaviour. They supported measures such as increased polices, sensitisations, and happily built programmes to increase accountability and discourage wrongdoing amongst juveniles. If a child is being explained the consequences of indulging in criminal activities and how statutory principles can affect their whole lives, might this help in reducing delinquency.
- *Awareness Programme:* Juvenile care staff 13.4% showed concern in establishing awareness programs concerning Child in Conflict with Law. They recommended using training sessions with parents, and community and school-based programmes to raise awareness of legal penalties among the young people and to encourage proper behaviour will decrease the Child in Conflict with Law.
- *Proper implementation of Govt. Policy:* Regarding government policies about Child in Conflict with Law, 22.7% of the overall staff of juvenile care stated that the right implementation of policies was necessary. They suggested the necessity of providing sufficient human, financial and infrastructural support, supervision systems and coordination between the agencies to ensure that those policies aimed at safeguarding and restoring juveniles in such situations can necessarily be enforced.

  The study's findings indicate that Delinquency among youths has individual, socioeconomic and systemic correlates. In all the respondent groups, parental care, awareness programme, fear of law and proper implementation of government policies were identified as the major causes of delinquent behaviour. Judges and lawyers stressed family-oriented approaches to interventions and changes in educational systems; care staff focused on the fear of law and the necessity of developing more effective rehabilitation activities. There must be a multi-sectoral approach to addressing these challenges, improving family support, education, vocational training, and enhancing institutional capacity. In this way, the juvenile justice system can establish an environment that will not only help in the rehabilitation of juveniles but will also help in the reduction of future delinquency.

8.5 KEY FINDINGS AND SYNTHESIS

This study's findings provide significant insights into the juvenile justice system in Rajasthan, especially regarding its challenges and opportunities. The study highlights the system's strengths and weaknesses by analysing key research questions and objectives. This section synthesises these findings, emphasising their connection to theoretical frameworks and broader research questions while addressing the overarching themes of the research.

8.5.1 Addressing the Research Questions

- *Identifying Lacunae in Legislative Enactments*: The findings indicate substantial gaps in implementing the Juvenile Justice (Care and Protection of Children) Act, 2015. Procedural inefficiencies, such as delays in case processing by Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs), were identified as significant obstacles to the effective implementation of the law. These delays disrupt the rehabilitative process, particularly in rural areas where resource shortages and long travel distances complicate access to services. These findings align with the sociological perspective of Child in Conflict with Law, particularly Merton's Strain Theory, which suggests that socioeconomic challenges, such as poverty and unemployment, contribute to Delinquency when legal avenues for success are limited. Moreover, in the context of the increasing juvenile crime rates, existing JJBs are not in sufficient number, and because of that, there is a delay in the proceedings, even after a fixed duration of the inquiry of juvenile cases has been provided in the statute, which results in juveniles suffering a lot.
- *Effectiveness of Statutory Laws and the 2021 Amendment:* The study confirmed that while the 2021 amendment to the Juvenile Justice Act improved oversight, awareness deficits among juveniles and their families were a significant barrier to effectively utilising these laws. This directly responds to the research question on statutory law effectiveness, emphasising the need for training programs and outreach initiatives. Psychological theories, such as Erikson's theory of psychosocial development, are relevant here. The lack of awareness and resulting neglect of legal rights reflect issues with juvenile identity formation, particularly in socio-economically disadvantaged regions. There is

no doubt that the amendment is in the interest of juveniles and it would surely benefit them in overcoming legal barriers.

- *Vocational Training Programs as Reformatory Mechanisms:* The study found that vocational training significantly improved juveniles' self-reliance and reduced recidivism. For instance, the Jaipur tailoring program reduced recidivism by 30%. However, access to vocational training is limited in rural areas, mirroring the criminological insights of Routine Activity Theory, which suggests that environmental factors, such as the absence of accessible resources, create opportunities for delinquent behaviour. The disconnect between available programs and local economic needs further perpetuates this issue, suggesting that vocational programs should better align with the region's economic realities.
- *Recidivism Rates among Released Delinquents:* The findings reveal that family dysfunction, peer pressure, and societal stigma contribute significantly to recidivism. This aligns with Sutherland's Differential Association Theory, which emphasises the role of peer influence in shaping juvenile behaviour. Juveniles returning to unsupervised environments or high-risk settings were more likely to reoffend. The lack of post-rehabilitation support underscores the need for mentorship programs and community reintegration initiatives. Restorative justice practices could mitigate recidivism by fostering accountability and re-engaging juveniles in the community.

8.5.2 Overarching Themes Emerging from the Research

Several overarching themes emerged throughout the research, which provide a deeper understanding of the dynamics of juvenile justice in Rajasthan.

- *Urban-Rural Disparities*: A significant theme of the study was the disparity in access to juvenile justice services between urban and rural areas. Rural juveniles face geographical and logistical barriers, making it difficult to access services such as vocational training or legal aid. The study suggests that mobile service units and digital platforms could bridge these gaps, making resources more accessible.
- *Stakeholder Collaboration:* The research underscores the need for improved coordination among stakeholders, such as JJBs, CWCs, law enforcement,

NGO's, and educational institutions. Fragmented collaboration has led to delays and inefficiencies. By formalizing partnerships and holding regular inter-agency meetings, stakeholders can align their efforts toward a unified approach to juvenile justice.

- *Rehabilitative Justice Over Punitive Measures:* A key finding was the need to shift from punitive approaches to rehabilitative ones. Despite the focus on rehabilitation in the Juvenile Justice Act, the study found that juveniles are often subjected to punitive measures due to procedural inefficiencies. Training judges and law enforcement officers in child-centred practices and restorative justice can ensure a rehabilitative focus that better supports juveniles' reintegration into society.
- *Resource Allocation and Infrastructure:* The research highlighted resource deficiencies in juvenile homes and rehabilitation centres, especially in rural areas. The lack of infrastructure, such as vocational training facilities, counselling rooms, and adequate housing, limits the system's ability to rehabilitate effectively. Addressing these shortages through targeted investments and public-private partnerships is critical to ensuring the system's success.
- *The Role of Vocational Training and Mentorship:* Vocational training emerged as a crucial element of rehabilitation. When combined with mentorship programs, it significantly reduces recidivism. The study suggests these programs should be scaled up and better tailored to local economic needs. Integrating mentorship networks into vocational training programs can provide juveniles with long-term guidance, improving their chances of successful reintegration.

8.5.3 Synthesis of Findings

The study provides a comprehensive picture of Rajasthan's juvenile justice system, identifying systemic strengths and weaknesses. Addressing issues such as urban-rural disparities, fragmented collaboration, resource allocation, and lack of rehabilitative training will improve the system's ability to fulfil its rehabilitative mandate. Through enhanced coordination, resource distribution, and mentorship programs, Rajasthan can build a juvenile justice system that

protects juveniles and empowers them to overcome their challenges and contribute positively to society

8.6 STAKEHOLDERS SYNERGY

The assumptions that "Juvenile justice necessitates collaboration among government agencies, educational institutions, law enforcement, courts, social workers, and NGO's were proven statistically with appropriate construction of hypotheses. These were tested using multidimensional analysis of quantitative data and substantiated with qualitative findings. The target stakeholders, facilitators and functionaries are key to the study, emphasising the necessity of a collaborative, holistic approach to juvenile justice. The hypotheses were tested, interpreted and described, underscoring the interdependence of stakeholders in addressing the multifaceted challenges associated with Child in Conflict with Law and achieving rehabilitative outcomes. By analysing stakeholder roles, operational barriers, and systemic gaps, the study presents an integrated understanding of how collaboration impacts the effectiveness of juvenile justice systems.

From the statistical treatment of variable, we learned and derived associations between several independent and dependent variables. However, the researcher could only get an insight into the causes and effects by interviewing all the crucial stakeholders. Therefore, a critical finding of the research pertains to disparity in resource allocation to urban and rural areas. Moreover, one learned that collaboration among key stakeholders, including Juvenile Justice Boards (JJBs), Child Welfare Committees (CWCs), NGO's, and law enforcement authorities, is there in Rajasthan. Despite their interconnected roles, these entities often operate in silos, leading to inefficiencies and delays that undermine the system's rehabilitative goals. Procedural overlaps, inconsistent communication, and jurisdictional ambiguities create gaps that prevent timely interventions.

For instance, JJBs and CWCs—central bodies for adjudication and welfare decisions for children—face procedural bottlenecks that hinder their ability to coordinate with law enforcement and NGO's effectively. While NGO's often provide frontline support through trauma counselling and vocational training

sessions, their efforts are not always integrated into the decision-making processes of JJBs or CWCs. This lack of synergy diminishes the impact of rehabilitative measures.

Educational institutions, despite their preventive potential, remain insufficiently integrated into juvenile justice frameworks. Schools can play a pivotal role in early intervention by identifying at-risk juveniles and fostering value-based education. However, the study found limited mechanisms for collaboration between schools, NGO's, and judicial bodies, further highlighting the need for a cohesive strategy.

The contributions of stakeholders—government agencies, NGO's, educational institutions, and social workers—highlight their indispensable roles in achieving rehabilitative outcomes. NGO's emerged as particularly vital in bridging systemic gaps, especially in underserved regions. Their adaptability allows them to provide localised and culturally sensitive interventions, such as vocational training, mentorship programs, and trauma counselling. Juveniles who participated in NGO-led initiatives demonstrated marked behavioural improvements and lower recidivism rates, affirming the value of these programs. Schools, though underutilised, have immense potential as preventive agents. By incorporating life skills education and behaviour management programs into their curricula, schools can equip juveniles with coping mechanisms and constructive outlets for expression. Partnerships between schools and NGO's can further enhance the reach and impact of these initiatives, creating a robust preventive framework. Law enforcement and courts play critical roles in ensuring accountability and facilitating legal interventions. However, their capacity to adopt child-centric approaches is often constrained by limited training and high caseloads. This is where engaging with the social workers and NGO's can help to counter these challenges to ensure that the legal procedures match the rehabilitative goals.

The perceived operational barriers were found to have a strong negative impact on the collaborative initiatives' efficiency. The scarcity of resources in rural regions became apparent, cause disparities in service provision. The existing juvenile homes and rehabilitation centres remain poorly equipped within these areas, such as counselling rooms and vocational training facilities as well as

living facilities. These deficits reduce the capacity of stakeholders to deliver integrated care. Lack of training among the various stakeholders also widens the operational disparities. The majority of JJB and CWC members do not have any formal training in child-focused approaches and, therefore, cannot make well-informed and sensitive decisions. In the same manner, law enforcement agents handle juvenile cases from an enforcement perspective, which is contrary to the provision of the Juvenile Justice Act that majors in rehabilitation. It is crucial to fill these training gaps in order to achieve a coordinated effort in this area. It is worse for the rural juveniles because these barriers are coupled by urban-rural differential where rural juveniles are especially hindered when it comes to accessing for legal aid, rehabilitation services and vocational training respectively. Such a geography underlines the importance of differential and rights-based approaches to the distribution of resources and services.

The results underscore the importance of system-level changes that will enhance the implementation of partnerships and cooperation between agencies. For the purpose of stakeholder collaboration, stakeholders require a common understanding that is backed by sound frameworks that define roles, responsibilities, and communication.

It is therefore important to institutionalize such partnership to develop a coherent model of juvenile justice. There is a great potential for enhancing the co-ordination of the efforts that are aimed at achieving rehabilitative goals by formalising the relationship between JJBs, CWCs, NGO's and schools. This would improve the cohesiveness between agencies and allow for a common understanding of rehabilitative goals and objectives with key stakeholders involved on a single channel.

Resource management comes out as another major implication of the study. The persistent problems of shortages of resources, especially in rural settings, can be solved only by increasing funding and using the principles of public-private partnerships. Increased infrastructure is essential for equal delivery of rehabilitative services hence reducing geographical barriers which affect the delivery of juvenile justice system. Improving the structures' capacity in the rural areas would help in providing a fair system for accommodating all the juvenile's needs without discrimination by their location.

Also from the data it has been deduced that around 54.1% of the law enforcement authorities admitted the facts that various juvenile care authorities are not working efficiently to identify the factors or causes that contribute in the Child in Conflict with Law. Such negligence on the part of authorities contribute to the hypothesis that, if any of the stakeholders puts a step back from his responsibilities in reference to the juveniles, the number of Child in Conflict with Law could not be reduced.

The study also emphasizes the need to enhance training for the right stakeholders in order to produce positive results. The intensive training activities concerning JJB and CWC members, policemen, and teachers play an important role in child-centred practices. Such training programs should comprise such modules as trauma sensitivity, rights of juveniles, and behaviour management that prepares stakeholders in order to meet the demand that is posed by juvenile delinquents. The system can improve its functioning to correspond to the rehabilitative goals by developing a well-trained and sensitive staff.

Technology also plays a pivotal role in enhancing collaboration and efficiency within the juvenile justice system. Digital platforms can facilitate real-time communication and case tracking among stakeholders, streamlining processes and reducing procedural delays. Moreover, online training modules can ensure consistent capacity-building across regions, addressing the disparities in stakeholder preparedness and knowledge. Leveraging technology in these ways can significantly improve both the quality and accessibility of juvenile justice services.

The impact of collaboration is further demonstrated through several case studies. One notable example is an NGO-led vocational training program in Jaipur, where a partnership between an NGO and local industries provided training in tailoring and small-scale manufacturing. This initiative resulted in a 30% reduction in recidivism among participants, highlighting the transformative potential of vocational training. Another case study involved a school-NGO partnership for preventive education. A pilot program integrating life skills education into school curricula, supported by NGO-led workshops, significantly reduced behavioural issues among at-risk students, demonstrating

the prophylactic potential of such collaborations. Additionally, an NGO-led mentorship initiative in rural Rajasthan paired juveniles with community leaders, fostering accountability and reducing stigma. This program yielded notable improvements in reintegration outcomes, underscoring the importance of community-based approaches.

The findings of this study unequivocally validate the hypothesis that juvenile justice there is lack of collaboration among diverse stakeholders. The interdependence of government agencies, NGO's, educational institutions, law enforcement, and social workers underscores the need for a unified approach to rehabilitation. By addressing coordination challenges, leveraging stakeholder contributions, and overcoming operational barriers, the juvenile justice system can achieve its goal of transforming lives and fostering societal well-being. The study calls for systemic reforms and sustained commitment to collaboration, ensuring that every juvenile has the opportunity to lead a constructive and fulfilling life.

8.7 INSIGHTS IN TO SYSTEMIC AND WEAKNESS

This study's findings reveal a juvenile justice system with notable strengths but significant implementation challenges. By aligning these findings with theoretical frameworks, the analysis provides a comprehensive understanding of the system's operational dynamics.

8.7.1 Systemic Strengths

- *Progressive Legislative Framework*: The Juvenile Justice (Care and Protection of Children) Act, 2015, and its amendments provide a robust legal foundation for addressing Child in Conflict with Law. The framework emphasises rehabilitation, aligning with international standards such as the CRC. This statutory emphasis on care and reintegration marks a progressive shift from punitive justice to child-centric approaches.
- *Role of NGO's and Community Initiatives*: NGO's have emerged as pivotal actors in delivering rehabilitative services, particularly in underserved areas. Their initiatives in vocational training, trauma counselling, and community reintegration address gaps that government agencies struggle to fill. For example, NGO-led tailoring programs in Jaipur significantly reduced

recidivism among participants, demonstrating the transformative potential of localized interventions. Also the frequency of attraction with juveniles at juvenile care homes also shows that accountability of the Juvenile care staff in the re-formation and rehabilitation of juveniles

- *Community Engagement*: Programs involving families and local communities in rehabilitation have fostered supportive juvenile environments. Family counselling sessions and community awareness campaigns have reduced stigma, improving the reintegration prospects for rehabilitated juveniles.

8.7.2 Systemic Weaknesses

- *Resource Deficiencies*: Juvenile homes and rehabilitation centres often lack adequate infrastructure, staffing, and funding. Rural facilities, in particular, struggle to meet the demands of individualized care, with limited access to trained counsellors and vocational trainers. These resource gaps compromise the system's rehabilitative potential.
- *Fragmented Collaboration:* The lack of coordination among stakeholders—government agencies, judiciary, NGO's, and educational institutions—frequently delays interventions. For instance, delays in case processing by JJBs often result from poor communication and resource-sharing among stakeholders, prolonging juveniles' exposure to systemic uncertainty.
- *Awareness Deficits*: Limited awareness among juveniles and their families about legal rights and rehabilitative services remains a critical barrier. This issue is particularly pronounced in rural areas, with minimal outreach initiatives. As a result, many juveniles fail to access the protections and opportunities guaranteed under the Juvenile Justice Act.

  Integrating theoretical frameworks with empirical evidence provides a nuanced understanding of Child in Conflict with Law and rehabilitation. While Rajasthan's juvenile justice system demonstrates commendable strengths, including its legislative foundation and community initiatives, significant weaknesses highlight the need for systemic reforms. Aligning theoretical insights with practical interventions can bridge gaps, ensuring the system fulfils its rehabilitative mandate. Doing so can empower juveniles to reintegrate into society and lead constructive lives.

8.8 IMPLICATIONS FOR PRACTICE AND POLICY

The following actionable recommendations are proposed to address the systemic, institutional, and socioeconomic challenges identified in Rajasthan's juvenile justice system. These are designed to be practical and implementable, offering clear pathways to enhance the system's rehabilitative effectiveness and equity.

- *Strengthen Stakeholder Coordination:* Effective stakeholder collaboration is essential for cohesive and impactful juvenile justice interventions. District-level coordination forums should be established, bringing together representatives from government agencies, judiciary, law enforcement, NGO's, educational institutions, and social workers. These forums facilitate regular communication, resource sharing, and joint problem-solving. Formalized agreements between government agencies and NGO's, outlining specific roles and responsibilities, can prevent duplication of efforts and ensure seamless delivery of services. Additionally, joint training programs focused on child-sensitive practices and trauma-informed care would align stakeholders' approaches, fostering a unified and empathetic juvenile justice framework.
- *Enhance Resource Allocation and Infrastructure*: Juvenile homes and rehabilitation centres must have adequate resources to provide comprehensive care. Infrastructure upgrades should prioritize adding counselling rooms, vocational training areas, and recreational facilities, creating child-friendly environments conducive to rehabilitation. Recruitment of specialized personnel, such as psychologists, social workers, and vocational trainers, should be prioritized to address critical staffing shortages. To bridge geographic disparities, satellite centres and mobile units must be deployed in rural areas, extending access to underserved regions' legal aid, counselling, and skill development services.
- *Expand and Diversify Vocational Training Programs*: Many vocational training programs should be designed to address the socioeconomic characteristics of various states and increase their impact. Training in agriculture-related areas should be provided to juveniles from rural areas, while technology training and small-scale industries should be provided to juveniles from urban areas. Remedial education must be incorporated into these programs to accommodate

the Juveniles with interrupted schooling. Making partnerships and working relations with local businesses, industries, and other employers could mean that the juveniles could quickly secure internships, apprenticeships, and employment immediately after they are released or leave the facility.

- *Strengthen Post-Rehabilitation Support*: There is a need to have well-structured frameworks after rehabilitation to prevent individuals from returning to the same habits. Counselling has to be provided to the Juvenile on their release, including the concept of foster parenting, where the Juvenile is taken under a particular tutor and followed up on for counselling and other close follow-ups. Therefore, any community-based reintegration strategies must ensure that reintegration brings the inmates back to their families and society with open arms. Financial support may help reduce economic demands such as scholarships or stipends, allowing juveniles to embark on education or vocational training to eliminate economic burdens. Such measures would lead to the formulation of orderly structures by the juveniles to enable them to be productive once again.
- *Promote Restorative Justice Practices*: The policies of restorative justice, which promote responsibility and, to the greatest extent, the restoration of both the victim and the offender, should be routinely incorporated into the structure of the juvenile justice system. Community justice programs should be increased; these are programs in which juveniles can talk to victims and community members to mend the harm done. Hence, schools are strategically positioned to initiate programs such as peer mediation, extraordinary classes, workshops involving the solution of conflicts, recognition and handling of early behaviour problems, and delinquency prevention measures can be initiated as early intervention tools. Mandatory and extensive training in restorative justice for law enforcement, the judiciary, and social workers would ensure its repeated application with a positive appreciation for the offenders, victims, and the community.
- *Increase Awareness Through Targeted Outreach*: There is a need to carry out sensitisation on legal rights, legal remedies and rehabilitation services for juveniles and their families. Such campaigns should opportunistically use regional languages, local media houses and influential persons in the regions.

Mobile applications and extensible web options can give families the correct information about the cases, legal procedures, and programs they can follow independently. Involving teachers, religious officials, and social workers as community champions can help to improve outreach and increase the sense of its necessity and credibility.

- *Implement Robust Monitoring and Evaluation Frameworks*: It is recommended that monitoring and evaluation frameworks be designed to measure the effectiveness of juvenile justice programs. Based on the outcome, new measures of success have to be created: recidivism rates, employment outcomes, and educational progress. Sometimes, specific problems may be detected or addressed during independent review board audits, and targeted suggestions for improvement may be developed. Juveniles and their families should be engaged in feedback mechanisms informing policy and program formulation. Such practices would enhance accountability and transparency as well as improve the system.
- *Address Gender-Specific Needs*: Therefore, the issues arising from female juveniles require special consideration to be solved. Targeted educational programmes should be promoted, including the vocational character corresponding to a given culture and counselling based on stigma. Female juveniles must be protected, and therefore, a provision must be made that requires rehabilitation centres to provide safe and separate accommodations for juveniles. Education must involve extension programs that would create awareness of the rights and protection of female juveniles and enable them and their families to access the system. These actionable recommendations address the critical challenges impeding the effectiveness of Rajasthan's juvenile justice system. By focusing on collaboration, resource optimisation, tailored rehabilitative programs, and post-rehabilitation support, these measures can transform the system into a model of child-centric care. Implementing these recommendations requires a collective effort from all stakeholders, guided by a commitment to equity, empathy, and empowerment

8.9 RECOMMENDATIONS

- While this research provides an in-depth exploration of the juvenile justice system in Rajasthan, it also reveals areas where further research is necessary to address existing gaps and adapt to evolving challenges. The recommendations for future research that can improve the knowledge and efficiency of juvenile justice systems at both micro and macro levels. These directions focus on the methods that have not been extensively investigated due to a paucity of time and the topics that have not been studied enough to be incorporated into practice-based reforms and policies.
- Subsequent studies ought to assess the current status and demands of female juvenile offenders since they are excluded from most juvenile justice systems. Research proposals should focus on the difficulties that female juveniles have to go through to find Legal Counselling, training, and Parole services. Pervasive cultural stigma, early marriage, and domestic violence add to the factors that need more scrutiny in explaining their vulnerability. Due to this, prevention and intervention research focusing on these multiple intersections should be used to design gender-sensitive programs to enhance access to resources and opportunities.
- The use of technology has brought about new forms of Child in Conflict with Law, such as cyberbullying, internet fraud, and accessing obscene materials. Subsequent research should examine how digital behaviours are related to Delinquency and to what extent digital behaviour enhances traditional risk factors. The study could also analyse the possibility of using technologies in the context of rehabilitation, skills development, and legal enforcement. Such insights enable one to incorporate technology into preventive and rehabilitative approaches for Juveniles properly.
- Further, there is a lack of follow-up studies that look at juvenile offenders after rehabilitation to evaluate the intervention's effect after being released from a Juvenile care home. Such indicators for assessment of the outcomes of the current rehabilitative programs should include employment stability, educational level and family ties. Longitudinal studies help identify the factors contributing to success or recurrence, adjust the strategies, and select the most effective interventions.

- Though restorative justice practices have been acknowledged, there is not enough literature in the Indian context. Subsequent studies should assess the effects of other restorative approaches to justice, such as victim-offender mediation, community reconciliation, and peer conflict resolution. Research should address their efficacy in decreasing the rearrest rate, increasing understanding, and integrating into society. Comparisons with other retributive justice models can be used to present empirical support for the expansion of restorative practices.
- Subsequent research should make more efforts to gain a profound understanding of the socioeconomic factors that influence the recurrence of Child in Conflict with Law. These factors include poverty, unemployment, family disruption and lack of community support. Research can thus use both an exploratory quantitative study of recidivism rates and an explanatory qualitative study among juveniles. Such studies would give a more elaborate understanding of the structural conditions of juvenile conditions, enhancing the formulation of policies that address causative factors rather than effects.
- This study revealed some areas of weakness in the functioning of JJBs and CWCs; however, to provide a systematic evaluation of the effectiveness of these centres, further and more extensive investigations are needed. Future research should compare the performance of urban and rural areas in terms of case processing rates, staff and stakeholder training, and child-friendly practices. Research could also examine the effects of training JJB and CWC members on the quality of their decisions made during meetings about the rehabilitative objectives.
- Psychological factors have, however, not been given much attention in juvenile justice despite their impact on Delinquency and rehabilitation. The topics of the studies should concern the rates of mental disorders among youth and the availability/quality of psychological assistance and counselling in juvenile homes. Investigations could also measure outcomes regarding implemented complex psychiatric care models like trauma-sensitive practice and cognitive-behavioural therapy for core concerns and protective factors.
- Comparative research studies regarding the juvenile justice system in India and other countries can be helpful for change. The studies should concentrate on

countries with similar socioeconomic conditions to discover practices that could be implemented in a given setting. Subtopics include post-acute community rehabilitation, technology-supported interventions, and culturally appropriate restorative justice. These comparisons would help align India's juvenile justice system with global best practices while accommodating local realities.

- Public-private partnerships (PPPs) can enhance the reach and quality of rehabilitative services. Future research should evaluate the feasibility and impact of PPPs in areas such as vocational training, post-rehabilitation mentorship, and employment placement. Case studies of successful PPPs can provide a roadmap for scaling similar initiatives, fostering collaboration between the government and private sector to achieve shared goals.
- Families play a pivotal role in the rehabilitation and reintegration of juveniles. Future studies should examine the dynamics of familial relationships and their impact on juveniles' behaviour and rehabilitation outcomes. The need could be made wider to explore the effect of family counselling services in this case, to minimise conflict, re-establish trust and create healthy family environments. Such understanding would stress engaging families as key participants in Juvenile justice processes.
- Moreover, further research should be done in the context of not taking all the juveniles as one entity, but there is a need to establish age criteria for juveniles. Accordingly, research needs to be conducted. As per the research, it has been seen that 76.8% of juveniles have agreed that they are prepared for life outside the juvenile home, i.e they are reformed. Now they would be law-abiding citizens, but it is to be seen that the remaining 23.2% are not ready. Most of these juveniles are between 16 and 18 or 18 and 21. In this case, if released, they would be a threat to society as they agree that they are not ready to join the mainstream of society. In such a case, there is a need to revisit the statutory embargo, which states that in no case can a child below 16 years be tried as an adult, even if he has committed a heinous offence.
- Moreover it has been also seen during the research that juveniles who are not literate, so they would not have any certificate from school or any birth certificate to determine their age at the time of commission of offence, so now whether they are adult or not depends upon the Ossification test and that test is

not much reliable in determining the exact age of juvenile. In this case, even if a child has sufficient maturity to commit such a gruesome offence, it was identified. In contrast, in the ossification test, the child would have taken advantage of such a statutory benefit and would only be dealt with as a minor.

- These proposed research areas cover essential gaps in knowledge and practice regarding the frameworks of juvenile justice. As the presented work is claimed to enrich the existing literature on criminal rehabilitation by exploring new topics, the subsequent investigations must help to develop more evidence-based approaches and policies. These will help improve the mechanisms of working with juvenile justice and also help to create a society without unfairness for every child. Even from the data, it has been deduced that Fear of laws in the mind of juveniles would be an effective method to reduce the Child in Conflict with Law, and that has been affirmed by the Judges, Lawyers, police officers and Juvenile care staff, as from the interview of the juveniles there would be the same supposition that juvenile even after the commission of the offence doesn't have any guilt as they know they would get the advantage of not being tried as an adult.
- The juvenile justice system is an important mechanism that protects the rights and human dignity of children who violate the law. At the heart of the rehabilitative perspective is the understanding that youths, due to their developmental risks and socioeconomic trajectories, require rehabilitation, not punishment. This thesis has also provided a detailed analysis of the socio-legal aspects of juvenile justice in Rajasthan concerning the laws, systems, and actors involved. These concluding remarks summarise the findings, discuss the verification of the hypothesis, evaluate the accomplishment of the research objectives, and offer a vision for the future of juvenile justice. The findings of this study call for a paradigm shift in how Child in Conflict with the Law is addressed. Rehabilitation must extend beyond institutional care to encompass holistic, community-based support systems. Key priorities include:
  - ⇒ **Restorative Justice**: Embedding restorative practices within the justice framework to promote accountability and healing.
  - ⇒ **Post-Rehabilitation Support**: Establishing mentorship programs and financial assistance mechanisms to ensure sustainable reintegration.

⇒ **Capacity Building:** Investing in infrastructure, training, and technology to enhance the system's operational efficiency.

⇒ **Justice Delivery:** The judiciary should not only protect the interests of juvenile offenders but also check whether dealing with such juvenile offenders as children would give justice to the victim of the offence.

- The present research also contributes to the academic discourse on juvenile justice by integrating theoretical insights with empirical findings. It provides actionable recommendations for policymakers and practitioners, emphasising collaboration, resource optimisation, and child-sensitive approaches. The study also identifies areas for future research, such as gender-specific challenges, the role of technology, and long-term rehabilitation outcomes, ensuring that the juvenile justice system remains adaptive and effective. Research struggles among juveniles encountered significant difficulties during data collection. The research sample decreased because children eligible for the study received bail permission or left detention before researchers could gather their data. A limited number of police interactions with juveniles, alongside the complex nature of child-offender interactions, produced an undersized research sample. Also, due to a lack of production of age-related documents, various juveniles evade being tried as adults.

  As this thesis concludes, it leaves a message of hope and responsibility. Juveniles in conflict with the law are not merely offenders but children in need of care, protection, and opportunities to rebuild their lives. To reduce the number of juvenile delinquents, there is a need to work in two ways: i.e. identify the factors that instigate a juvenile to enter into the criminal world, and secondly, during their detention period in juvenile care homes, they should get proper reformation care so that they won't get involved in unscrupulous activities. The Juvenile Justice Act aims to provide justice to the Juvenile offender and the victim. Realising the potential of the juvenile justice system requires the collective effort of all stakeholders—government agencies, judiciary, NGO's, law enforcement, educators, and communities. By fostering collaboration, addressing systemic barriers, and prioritising care over punishment, society can transform the lives of these juveniles, enabling them to contribute positively to their families, communities, and the nation. The journey

ahead demands compassion, equity, and unwavering commitment. By embracing these principles, the juvenile justice system can fulfil its promise of creating a just and inclusive society where every child has the opportunity to thrive.

Bibliography

Abhishek, R., & Balamurugan, J. (2024). Factors and patterns associated with Juvenile Delinquency with reference to Juvenile crimes in India. *RGSA – Revista de Gestão Social e Ambiental*, 3-17.

Abiddin, N. Z., Ibrahim, I., & Abdul Aziz, S. A. (2022). Non-Governmental Organisations (NGO's) and Their Part towards Sustainable Community Development. *Sustainability*.

Acharjee, S. (2021). Juvenile Delinquency: Understanding the Constitutional and Criminal Jurisprudence in Light of the Changes Incorporated in the Recent Amendments. *International Journal of Law, Management and Humanities, 04*(1), 245-260.

Acharya, S. (2017). *graph.co.uk*. Retrieved March 6, 2024, from graph. co.uk: https://garph.co.uk/IJARMSS/Nov2017/2.pdf

Agarwal, D. (2017). Juvenile Delinquency in India- Latest trends and entailing amendments in Juvenile Justice Act. *International Journal of Social Sciences, 3*(3), 1365-1383.

Agarwal, S. (2020). *Ipleaders*. Retrieved March 9, 2024, from Ipleaders :https: // blog.ipleaders.in/critical-analysis-of-juvenile-justice-act-2000/

Agarwal, H. O. (2007). Human rights. *Central Law Review*.

Agew. (2005). *juvenile delinquency causes and control.* Roxbury.

Aggarwal, R. (1999.). Street Children: A Social-Psychological Study. *Shipra Publications*, 49-52.

Aishwarya A. (2023). Retrieved from https://www.startupfino.com/ blogs/ overview -of-functions-of-NGO's/

Akshaya. (2022). Juvenile delinquency causes and prevention.

An Overview of the Indian Juvenile Justice System. (2021, May 24). Retrieved from the law reporter.in: https://thelawreporter.in/2021/05/24/an-overview-of-the-indian-juvenile-justice-system/

Anand, A. Retrieved from Aequitas Victoria: https://www.aequivic .in/ post/the-juvenile-justice-amendment-bill-2021-the-changes-and-concerns

antaksharifoundation. (2024). Retrieved from antaksharifoundation: antakshari foundation.org

Apna Ghar.(2000). Retrieved from https://apnagharashram.org/

Arif, M. (2016-17). Reconsidering Juvenile Justice in Contemporary Period: in the Light of Juvenile Justice (Care & Protection of Children) Act, 2015. *Aligarh Law Journal*.

Association, I. B. (2013). Retrieved from https://indianbarassociation.org/wp-content/ uploads/ 2013/12/JUVENILE.pdf

Bachpan Bachao Andolan (1980). Retrieved from https://bba.org.in/about-us/

Baishya, D. (2020). *Delinquency Of Addicted Juvenile with Special Reference to Kamrup (Metro) District of Assam.* Gauhati: Mahapursha Srimanta Sankaradeva Viswavidyalaya.

Barnes, H. E. (1922). Historial Origin of the Prison System in America. *Journal of Criminal Law and Criminology*, 35-53.

Barr, Abigail, Marcel Fafchamps, and Trudy Owens. 2004. "The Governance of Non-Governmental Organizations in Uganda."

Basu, D. D. (2021). *Introduction to Constitution of India.* New Delhi, India: Lexis Nexis.

Baviskar, B. S. (2001). NGOs and Civil Society in India. Sociological Bulletin, 50 (1), 3–15. http://www.jstor.org/stable/23620147*BBA*. Retrieved from https://bba.org.in/

Bebbington, A. J. 2007. “Introduction: Can NGOs Make a Difference. The Challenge of Development Alternatives.”

Bebbington, Anthony. 2003. “Global Networks and Local Developments: Agendas for Development Geography.” Tijdschrift Voor Economische En Sociale Geografie 94(3):297–309. doi: 10.1111/1467-9663.00258.

Belwal, A. (2016, December). *Manupatra.* Retrieved March 3, 2024, from Manupatra: https://docs.manupatra.in/newsline/articles/Upload/ B4443 CDC-5144-4816-946C-7C5EBE5122FC.pdf

Belwal, A. B. (2016). JUVENILE DELINQUENCY IN INDIA. *Bharti Law Review*.

Bhakhry, D. (2006). *Children in India and their Rights.* New Delhi: National Human Rights Commission.

Bhakry, D. S. (2016). *National Human Rights Commission*. Retrieved from https://nhrc.nic.in/sites/default/files/NHRC_Children_Issues_2712201 6.pdf

Bharadwaj, P. Human Rights of Children in India. *Journal on Rights of Child*.

BNB Legal. (2001) Retrieved from BNB Legal: https://bnblegal.com/doli-incapax/

Brain Booster Articles. (2018) Retrieved from https://www.brainboosterarticles. com/post/adoption-under-juvenile-justice-care-and-protection-of-children-act-2015

Business Standard. (2024). Retrieved from https://www.business- standard. Com/india-news/criminal-cases-registered-against-juveniles- increased-in-2022-in-rajasthan-123082700141_1.html

CA No 1153 of 2018 (High Court of Bombay).

CR No. 2366 of 2018 (High Court of Punjab and Haryana).

Chauhan, A., Shukla, V., Ankesh, & Sharma, M. (2022). Juvenile delinquency in India: Causes and prevention. *International Journal of Health Sciences*, 3752-3761.

Chauhan, T. (2022). Juvenile Justice in India after Nirbhaya Rape case.

Childline India. (2018) Retrieved from https://www.childlineindia.org/pdf/ National-Plan-of-Action-for- Children-2005.pdf

Child Help Foundation. (2009) Retrieved from: https://in.childhelpfoundation.in /index.php/Who_are_We

Child Rights and Child well being. (2009).

Choubey, S. S. (2024). Juvenile Delinquency-A Socio- Ecological Problem.

Chronicle India. (2023) Retrieved from https://www.chronicleindia.in/year-book/chro nicle-year-book-2023/national-policy-for-children-2013

Chronicle. Retrieved from https://www.chronicleindia.in/year- book/ chronicle-year-book-2022/the-juvenile-justice-care-and-protection-of-children-amendment-act-2021

Cr.A. No.1045/2007.

CRA No. 818 of 2024 (High Court of Madhya Pradesh 09 21, 2024).

CRY. (2001). Retrieved from https://www.cry.org/donate-to-children/?utm_ sour ce=google&utm_medium=cpc&utm_campaign=61420&utm_term=cry %20website&MatchType=e&utm_content=search+text+ad+brand+broa d+restofindia&Network=g&Device=c&devicemodel=&target=&adp osition = &campaign_ Name=cry-brand+e

Dasgupta, S. (1990) Child Welfare Legislation in India: Will Indian Children Benefit from the United Nations Convention on the Rights of the Child. *Michigan Journal of International Law*.

Debroy, B. (2023). *The Hindu*. Retrieved from https://www.thehindu .com /opin ion/op-ed/strengthening-the-icds- scheme/article66968361.ece

Development Aid. (1988). Retrieved from https://www.developmentaid.org /organizations/view/360546/prayas- institute-of-juvenile-justice

DeMars, William E. (2017). "NGOs and Transnational Networks." NGOs and Transnational Networks. doi: 10.2307/J. CTT18FS3Q9.

Dipankar Chakraborty, M.P. (2023). *International Journal for Law, Management and Humanities*. Retrieved march 7, 2024, from International Journal for Law, Management and Humanities

Dutta, D. (2020). The Role of Non-Governmental Organizations in Protection and Promotion of Child Rights in the North Lakhimpur Sub-Division of Lakhimpur District. *IJRTE*.

Dutta, S. (2022.). *Prevention and Control of Juvenile Delinquency in India: A Need To Re-Look At The Loopholes in The Laws Dealing With Juvenile Delinquency*. Retrieved March 7, 2024, from Prevention and Control of Juvenile Delinquency in India: A Need to Re-Look at The Loopholes in The Laws Dealing with Juvenile Delinquency: https://ijalr.in/volume-3/issue-1/prevention-and-control-of-juvenile-delin quency-in-india-a-need-to-re-look-at-the-loopholes-in-the-laws-dealing-with-juvenile- delinquency-by-shubham-dutta/

Dutta, S. (2022). Prevention And Control of Juvenile Delinquency in India: A Need to Re-Look At The Loopholes in The Laws Dealing with Juvenile Delinquency. *Internal Journal of Advanced Legal Research*.

Econ. (2015) Retrieved from https://econpapers.repec.org/paper/esswpaper/ id_ 3a5358 .html

Edwards, Michael, and David Hulme. (1996). "Too Close for Comfort? The Impact of Official Aid on Non-governmental Organizations." World Development 24 (6):961–73. doi: 10.1016/0305-750X (96)00019-8.

Epstein, Gil S., and Ira N. Gang. 2006. "Contests, NGOs, and Decentralizing Aid." Review of Development Economics 10 (2):285–96.doi:10.1111/ J.1467-9361.2006.00318. X.

Express, T. I. (2022) Retrieved from https://indianexpress.com/article/explained/ juvenile-justice-trial- explained-child-adult-8033429/

Forum for Restorative Justice. (2001) Retrieved from https://www.euforumrj.or g/en/ ngo-roles-promoting-restorative- juvenile-justice-programmes

Fundamental Rights of a Child in India. (2024, June 02). Retrieved from https://www.cry.org/:https://www.cry.org/blog/rights-of-child-in- india/

Funds for NGO. Retrieved from https://www.fundsforNGO's.org /featured-articles/monitoring- evaluation-important-NGO's/

Garg, S. (2024). Role Of Indian Judiciary in Empowerment of Women: An Analysis Through Case Laws. Educational Administration: Theory and Practice, 30(4), 6473-6484.

Gaur, K. (2018). *Indian Penal Code.*

Gauri Pillai, S. U. (2017). Juvenile Maturity and Heinous Crimes: A Re-Look At Juvenile Justice Policy In India. *NUJS LAW REVIEW*.

Geeks for Geeks. (n.d.). Retrieved from https://www.geeksforgeeks.org /integrated-child-development-scheme/

Gehlot, R. (2023). Juvenile Delinquency (Reference Rajasthan). *International Journal of Trend in Scientific Research and Development (IJTSRD)*.

Ghosh, A. Juvenile Delinquency: A detailed Study. *Jus Corpus Law Journal*.

Gill, Lesley. 1997. "Power Lines: The Political Context of Non-Governmental Organization (Ngo) Activity in El Alto, Bolivia." Journal of Latin American Anthropology 2(2):144–69. doi: 10.1525/JLCA.1997.2.2.144.

Gopinath Ghosh v. State of West Bengal (Supreme Court August 19, 1947).

Gravis. (1983). Retrieved from https://gravis.org.in/

Gupta, D. S. (2024). Law Relating to Women and Children. Central Law Agency. 46, 47(7), 139.

Handbook of basic principles and promising practices on Alternatives to Imprisonment. (2007). New York: United Nations Publications.

Harii Ram v. State of Rajasthan and Others, Criminal Appeal No 907 of 2009 (The Supreme Court May 05, 2009).

Hiralal Mallick v. State of Bihar, AIR1978 SCR (1)301(Supreme Court of India).

Human Rights Activism and the Role of NGO's. (2014) Retrieved from https: //www.coe.int/en/web/compass/human-rights-activism-and-the-role -of-NGO's

Humanitarian Global. (2021) Retrieved from https://humanitarianglobal.com/ why-monitoring-evaluation-is- important -to-NGO's/

India, G.o. *The company Rule 1773-1858.* Retrieved from cbc.gov.in: https:// cbc.gov.in/cbcdev/british/british1.html

Indian Law Portal. (2021). Retrieved from https://indianlawportal.co.in/ juvenile- justice-board/

India Penal Code, 1860, Section 82.

Indian Penal Code, 1860, Section 83.

International Journal of Indian Psychology. (2021). Retrieved from https:// ijip.in /wp-content/uploads/2021/12/18.01.139.20210904.pdf

iProbono. (2021). Retrieved from https://i-probono.com/articles/juvenile-justice-amendment-act-2021-a-critical-view/

Jitendra Singh & Babboo Singh v. the State of UP, AIR 2016 SC (CRIMINAL) 50 (Supreme Court of India July 10, 2013).

JJ (Care and Protection of Child) Act, 2015.

Joshi, V. (2020). Juvenile Delinquency and Evolution of Juvenile Justice in India. *International Journal of Law Management and Humanities*.

Joshi, M. K., & Klein, J. R. (2018). The role of non-governmental organizations (Vol. 1). Oxford University Press. https://doi.org/10.1093/oso/ 9780198827 481.003.0006

Justice Alive Foundation. (2019) Retrieved from https://justicealive.org/legal-aid/empowering-NGO's-in-India-legal-framework-and-challenges/

Juvenile Delinquency in Rajasthan. (2019). Retrieved from rajasthan.gov.in: rajasthan.gov.in

Juvenile Justice Act, 1986 (Act No. 53 of 1986)

Juvenile Justice (Care and Protection of Children) Act, 2000 (Act No. 56 of 2000).

Juvenile Justice (Care and Protection of Children) Act, 2015, Section 21.

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

Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

Juvenile Justice (Care and Protection of Children) Model Rules, 2016.

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

Kadam, S. S., Bhume, P. R., & Jagtap, R. B. (2023). *A Research Study on The Juvenile Justice System and Its Impact on Juveniles".* Maharashtra State Human Rights Commission.

Kangda, S. (2024). Exploring Juvenile Delinquency and The Juvenile Justice System in India: Challenges and Solutions. *Indian Journal of Integrated Research in Law*, 1159- 1171.

Kannan, M. (2018, January). Geographical Analysis and Assessment of Juvenile Delinquency in Rajasthan. *Journal of Global Resources, 4*(1), 75-80.

Kashmir Reader. (2023) Retrieved from https://kashmirreader.com/2023/09/19/ who-are-the-children-in-need-of-care-and-protection/

Katha. (1988). Retrieved from https://www.katha.org/who-we-are/

Kaur, K. (2020). Judicial Trends on Juvenile Delinquency of India. *Journal of critical review*.

Kaur, N. (2022). Role of Non-governmental Organisations To tackle Child Labor in India: A Review.

Khan, A. (2020) *The Law Related to Juvenile Justice System In India: A Critical Analysis*. Retrieved march 7, 2024, from The Law Related to Juvenile Justice System in India: A Critical Analysis: https://www.legalserviceindia.com/ legal /article-9482-the-law-related-to-juvenile-justice-system-in-india-a-critical-analysis. Html

Khan, D. N. (2009). Constitutional and Legal Right of Child. *Naya Deep*.

Khan, S. (2022). A Study on the Juvenile Delinquency in India: Sociological Aspect and Judicial Response. *Supremo Amicus*.

Khan. (2018). "Child Rights and the Juvenile Justice System in India: A Comprehensive Review. *Journal of Juvenile Justice*.

Kohli, M., & Mittal, K. (2015, April). *Juvenile Delinquency in India*. Retrieved from Researchgate.net: https://www.researchgate.net/ publicati on /342734513_JUVENILE_DE LINQUENCY_IN_INDIA

KRITHIKA, R. (2017, March 10). *Serpents to the RESCUE.* Retrieved from the hindu.com: https://www.thehindu.com/children/serpents-to-the-rescue/ article17441428.ece

Kulijinder Kaur, R. M. (2020). *Judicial Trends on Juvenile Delinquency of India*. Retrieved March 7, 2024, from Judicial Trends on Juvenile Delinquency o f India: https://www.jcreview.com /admin/Uploads /Files /61d d722 e864d77.665 67246.pdf

Kumar, M. (2024, July 16). *Juvenile Delinquency: Social Disorganization Theory.* Retrieved from jusscriptumlaw.com: https://www.Jusscriptum law.com/post/juvenile-delinquency-social- disorganization-theory

Kumari, V. (2004). *The Juvenile Justice System in India.* New Delhi, India: Oxford University Press.

Kumawat, M. K. (2020). *Juvenile delinquency in india an analytical study.* Uadipur: Mohal Lal Sukhadia University.

Law Finder. (2018) Retrieved from https://www.lawfinderlive.com/Articles-1/Article 93.html

Lawyers Law. (2009). Retrieved from https://lawyerslaw.org/the-reformatory-schools-act-1897/

Legal Vidhiya. (2019). Retrieved from https://legalvidhiya.com/juvenile-justice-board/

Lewis, David. (1998) . "Development NGOs and the Challenge of Partnership: Changing Relations between North and South." Social Policy & Administration 32(5):501–12. doi: 10.1111/1467-9515.00111.

Lewis, David, and Nazneen Kanji. (2009). "Non-Governmental Organizations and Development."Non-Governmental Organizations and Development 1– 239.doi:10.4324/9780203877074/Non-Governmental-Organizations Development-David-Lewis-Nazneen-Kanji.

Loeber, R., & Farrington, D. (2012). *From Juvenile Delinquency to Adult Crime: Criminal Careers, Justice Policy and Prevention.* Oxford Academic.

Luthra, S. (2023). Socio-legal perspectives on the procedures for fitness to plead and stand trial under Indian and English law. *Doctoral dissertation, University of Leicester*.

M.Priyamvada. (2003). *A study on reintegration of Juvenile delinquents into the society.* Tamil Nadu: University of Madras.

Madhubani. *Legal Service India*. Retrieved from https://www.legal service india.com/legal/article-9022-juvenile-justice- act-in-india.html

Makepeace, M. (2014, August 13). *A Brief History of the English East India Company 1600–1858.* Retrieved from Qatar Digital Library: https: //www.qdl.qa/en/brief-history-english-east-india-company-1600– 1858

Mallick, A. (2023). *India TV*. Retrieved from https://www.indiatvnews.com/ rajasthan/rajasthan-criminal-cases-against-juvenile-ashok-gehlot-home-department-data-crime-updates- 2023-08-27-889184

Mallick, S. A CRIMINOLOGICAL LEGAL STUDY ON JUVENILE DELINQUENCY. *The Law Brigade Publishers*.

Mathur. (2021).

May, M. Innocence and Experience: The Evolution of the Concept of Juvenile Delinquency in the Mid-Nineteenth Century. *Indiana University Press*.

McCauley, E. (2022). *Juvenile Vulnerabilities During Police Interrogations and the Need for Additional Safeguards.* Seattle University: Seattle University.

McCord, J., Wisdom, C. S., & Crowe, N. (2001). *Juvenile Crime, Juvenile Justice.* Washington, DC: The National Academies Press.

Mears, D., Kuch, J., & Lindsey, A. (2016). Juvenile Court and Contemporary Diversion: Helpful, Harmful, or Both? *Criminology & Public Policy*, 953-981.

Medium. (2020). Retrieved from https://medium.com/@mysetufoundation/what-is-the -role-of-ngo-in-youth-empowerment-7aef2251c85a

Miller, W. B. (1958). Lower Class Sub- culture as a Generating Mileu of Gang Delinquency. *Journal of Social Issues*, 14, 5-19.

Ministry of Woman and Child Development. (2012). Retrieved from https:// darpg.gov.in/sites/default/files/ICDS.pdf

Ministry of Women and Child Development. (2013). Retrieved from https://wcd .nic.in/sites/default/files/npcenglish08072013.pdf

Ministry of Women and Child Development. (2016). Retrieved from https:// wcd.nic.in/sites/default/files/national%20Plan%20of%20Action.pdf

Mishra, U. &. (2022). Examining the Need for a Standard Operating Procedure in Light of Criminal Investigations by Law Enforcement Agencies. *Issue 3 Indian JL & Legal Research*, 4.

Moti v. State, 1981 Cri LJ 45 (The Supreme Court of India 1981).

Muktangan. (2003). Retrieved from https://muktanganedu.org/about-us/

Murray, Warwick E., and John D. Overton. 2011. "Neoliberalism Is Dead, Long Live Neoliberalism? Neostructuralism and the International Aid Regime of the 2000s."http://Dx.Doi.Org/ 10.1177/146499341001100403 11(4):307–19. doi: 10.1177/146499341001100403.

Nagar, R., & Kumar, D. (2022). Family Dysfunction and Juvenile Delinquency in India. *International Advance Journal of Engineering, Science and Management*, 194-202.

Naik, G. D. (2024). Water Justice and Groundwater Subsidies in India: Equitable and Sustainable Access and Regulation. *Taylor & Francis*.

Nangu @ Ram Kumar v. State of Uttar Pradesh 2006 (46) ACC 187 (All.).

National Crime Records Bureau. (2020) Retrieved from https://ncrb.gov.in/ sites/ default/files/CII%202019%20Volume%201.pdf

National Crime Record Bureau-Crimes committed by Juveniles. New Delhi: Ministry of Home Affairs. (2021).

National Crime Record Bureau-Crimes Committed by Juveniles,2022. New Delhi: Ministry of Home Affairs. (2022).

National Crime Record Bureau-Juveniles in Conflict with Law-Offences affecting Human Body. New Delhi: Ministry of Home Affairs. (2022).

National Plan of Action for Children, 2016: Safe Children-Happy Childhood. . (2016). Retrieved from Ministry of women and child development: https://wcd.nic.in/sites/default/files/National%20Plan%20of%20Action%202016.pdf

Nations, U. (1989). *Convention on the Rights of the Child New York.*

Nations, U. (1989) Retrieved from https://www.ohchr.org/en/instruments-mechanisms instruments/united-nations-guidelines-prevention-juvenile-delinquency-riyadh

Nations, U. (1989) Retrieved from https://www.ohchr.org/en/ instrument-mechanisms/instruments/united-nations-rules-protection-juveniles-deprived-their-liberty#:~:text=The%20Rules%20should%20be%20applied,or %20soci al%20origin%2C%20and%20disability.

Nations, U. (1985) UN Office of the High Commissioner. Retrieved from https:// www.ohchr.org/en/instruments-mechanisms/instruments/ united-nations -standard-minimum-rules-administration- juvenile#:~: text= 1%2 0The %20juvenile%20justice%20system,the%20offenders % 20 and% 20the%20offence.

Nuruddin v. State of Himachal Pradesh, 1984 Cri LJ 1712 (Supreme Court of India 1984).

O'Neil, M. L. (2005). From Rehabilitation to "Just Deserts": A History of Juvenile Justice in the United States. *Journal of American Studies of Turkey*, 35-49.

Ojha, S. (2021, November 21). *Live Law*. Retrieved march 8, 2024, from LiveLaw:https://www.livelaw.in/top-stories/juvenile-justice-act-age- rec orded-by-jj-board-or-cwc-deemed-to-be-true-age-of-accused- supreme-court-185987?infinitescroll=1

Oxford Academic. (n.d.). Retrieved from https://academic.oup.com/book/ 11073 /chapter- abstract/159460248?redirectedFrom=fulltext

Pandey, K. A. (2019). *Juvenile Justice- A Commentary.* Eastern Book Company.

Panickasseril, J. G. (2023). Judicial Approaches to Victims of Sexual Violence: The Indian Criminal Justice System and Restorative Justice Principles. In Gendered Perspectives of Restorative Justice, Violence and Resilience: An International Framework. *Emerald Publishing Limited*, 41-62.

Parihar, R. (2013, January 12). *An insight into juvenile crime in Rajasthan.* Retrieved from India Today.com: https://www.indiatoday.in/india/north /story/an-insight-into-juvenile- crime-in-rajasthan-151483-2013-01-11

Parvathy v. Supt. Corporation Relief Centre, 2002(1) ALJ (Cri) 316 (Ker) (High Court of Kerala November 02, 2001).

Pathshala. (2014). Retrieved from https://epgp.inflibnet.ac.in/epgpdata/uploads /epgp_ content/S001608/P 001812/M027785/ET/1521116258et.pdf

Pattnaik, P., & Mishra, I. (2021). Juvenile Delinquency in India: Comparative Study. *International Journal of Psychosocial Rehabilitation*, 526-532.

Perfas, F., Casin-Romano, S., Barcenas, M., & Nasol, C. (2023). An evaluation of therapeutic community in Malinao treatment and rehabilitation center under the Philippine Department of Health. In *The Therapeutic Community* (pp. 71-210). Academic Press.

Poonia, J., & Ritu. (2024). "A Study on Historical Growth and Development of Juvenile Delinquency in India. *International Journal of Law*, 66-70.

Potla, S. S. (2023, August 2). *Ipleaders*. Retrieved march 7, 2024, from Ipleaders:https://blog.ipleaders.in/types-of-juvenile-delinquency/#:~:text=Section%2083%20of%20the%20IPC,provisions%20relating%20to%20juvenile%20offenders.

Prajapati, N. (2019). *A Study of Stress Among Coaching Students In Relation To their Academic achievement and Psychogenic Variables with special reference to Kota Coaching Institutions.* Kota: Vardhaman Mahaveer Open University.

Pranjape, N. V. (2012). Criminology & Penology with Victimology 81. *Central Law Publications*.

Prasad, P. D. (2022). The prospect of restorative juvenile justice in India: insights from youth justice in England and Wales. *Doctoral dissertation, London School of Economics and Political Science*.

Pratham Education Foundation. (1995) Retrieved from https://www.pratham.org/

Preamble to Juvenile Justice (Care and Protection) Act No. 2 of 2016 of 2015. New Delhi: Ministry of Home Affairs.

PRS India. Retrieved from https://prsindia.org/files/bills_ acts/acts_ parliament /2006/the-juvenile- justice-care-and-protection-of-children-amendment-act-2006.pdf

R.N. Choudhary. (2019). *Law Relating to Juvenile Justice in India* (Vol. 5th Edition). Orient Publishing Company.

R. Thara, & Patel, V. (2010). Role of non-governmental organizations in mental health in India. *Indian Journal of Psychiatry*, 389-395.

Raj, A. (2020). JUVENILE JUSTICE SYSTEM IN INDIA: Incoherence of Principles, cutbacks and Judges coherence. *Shimla Law Review*, 87-114.

Rajasthan Bal Kalayan Samiti. (1981). Retrieved from https://www.rbks.org/about

Rajasthan State Commission for Protection of Child Rights. (2010) Retrieved from RSCPCR.com: https://rajras.in/rajasthan/polity/bodies/commission-for-protection-of- child-rights-rscpcr/

Raturi, S., & Rastogi, S. (2022). Juvenile delinquency and legal aspects: Indian scenario. *International Journal of Health Sciences*, 122907-12304.

Ravee, P. JUVENILE JUSTICE SYSTEM IN INDIA. *Indian Journal of Law and Legal Research*.

Rayavarapu, A. (2022). *The Law Gurukul*. Retrieved from https://www.the lawgurukul.com/post/juvenile-delinquency-causes-and-prevention

Reeta, D., & Singh, D. (2020, May). Broken Families and Impact on Juvenile Delinquency. *International Journal of Humanities and Social Science Invention, 9*(5), 33-38.

Rehabilitation of Drug Addicts (2022, March 22). New Delhi, India: Press Information Bureau Government of India Ministry of Social Justice & Empowerment.

Reis, L., Surkan, P., & Atkins, K. (2023). Risk Factors for Early Sexual Intercourse in Adolescence: A Systematic Review of Cohort Studies. *Child Psychiatry Human Development*, 1677-1690.

Retrieved from Free Law: https://www.freelaw.in/legalarticles/Child-In-Con flict-With-Law-Under-Juvenile-Justice-Care-and-Protection-Act-2015

Rickards, E. (2008). Paying Lip-service to the Silenced: Juvenile Justice System in India. *Harvard Human Rights Journal*.

Role of Family in Addiction Recovery. (2024, July 29). Retrieved from https://www.centerformentalhealth.in/role-of-family-in-addiction-recovery/: www.centerformentalhealth.in

Roy, E.(2021, August). Retrieved from The Indian Express: https://Indian exp ress.com/article/explained/juvenile-justice-amendment-bill-2021-explain ed-7429971/

Ryan Augustine Pinto v. State of Haryana, AIR 2017 SCC P&H 3063 (Supreme Court of India 11 21, 2017).

Sadaf, P. K. (2019). Juvenile Delinquency, a critical Analysis. 257.

Sadaf. (2019, March). *ijrar*. Retrieved March 6, 2024, from ijrar: https:// www. ijrar.org/papers/IJRAR19H1188.pdf

Sahmey, K. (2013). *A Study on Factors Underlying Juvenile Delinquency and Positive Youth Development Programs.* Rourkela: National Institute of Technology, Rourkela.

Salaam Balak Trust. (1989) Retrieved from https://www.salaambaalak.org/

Saleem, D. M. (2020). Juvenile Delinquency in India: Problems and Remedies. *Law Audience Journal, 2*(4), 3-18.

Samisti Legal. (2023) Retrieved from https://samistilegal.in/juvenile-justice-care-and-protection-of-children-act2015/#:~:text=%E2%80%9CChild en%20in%20need%20of%20care%20and%20protection%E2%80%9 D%20is%20defined%20as,abuse%20or%20trafficking%2C%20facing %20 unconscionable

Samisti Legal. (2023) Retrieved from https://samistilegal.in/juvenile-justice-care-and-protection-of-children-act-2015/

Sampurna Behura v. Union of India, Writ Petition (Civil) No. 473 of 2005 (2005).

Samuel Behrua v. Union of India, Writ Petition (Civil) No. 473 of 2005 (Supreme court of India February 09, 2018).

Save the Children: (2019) Retrieved from. (https://www.savethechildren.org/us/ about-us

Supreme Court Legal Aid Committee v. Union of India, AIR (1989) SC 1278 (Supreme Court of India September 05, 1989).

Scroll. Retrieved from https://scroll.in/article/889860/delhi-high-courts- censure-of-indias-vagrancy-laws-could-be-a-step-towards decriminalizing-begging

Sec.18 (1) Juvenile Justice (Care and Protection of Children) Act, 2015.

Section 10 of the Juvenile Justice (Care and Protection of Children) Act 2000.

Section 2(1) of JJ Act. (2015).

Section 2(5) of JJ Act. (2015).

Section 27 of JJ Act. (2015).

Section 29 of the Juvenile Justice (Care and Protection of Children) Act 2000.

Section 29 of the Juvenile Justice (Care and Protection of Children) Act 2000.

Section 29(2) of the Juvenile Justice (Care and Protection of Children) Act 2000.

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

Section 30 of JJ Act. (2015).

Section 4 of the Juvenile Justice (Care and Protection of Children) Act 2000.

Sehgal Foundation. (1999).Retrieved from https://www.smsfoundation.org/the-role-of-top-sustainable-rural-development-NGO's-in-the-development-sector/

Sen, D. R. (2018). *Family environment emotional intelligence and aggression among juvenile delinquents.* Guwahati: Guwahati University.

Shabran, R. P. (2023). challenging Legal Issues in India. *Books clinic Publishing*

Shailja, D., Tiwari, G., Dubey, S., & Verma, A. (2022, December). Socio-economic and Family Factors Attributing Enhanced Juvenile Delinquency: A Review. *Journal of Community Mobilization and Sustainable Development, 17*(4), 1065-1069.

Sharma, B. (1982). *Juvenile Delinquents and Their Social Context A Study of committed Juvenile Delinquents.* Veer Narmad South Gujarat University

Sharma, B., Dhillon, S., & Bano, S. (2009). Juvenile delinquency in India – A cause for concern. *Journal of Indian Academy of Forensic Medicine, 31*(1), 68-72.

Sharma, S. (2020). *Escalating Juvenile Delinquency- A Study on Forestalling Juvenile Delinquency and Scintillating Future of Children.* Udaipur: Pacific University, Udaipur.

Sheela Barse v. Union of India and Others, 1986 AIR 1773

Sheela Barse and Others v. Union of India and Others, 1986 SCR (3) 443

Shirur, P. &. (2007). *Education, child labour and NGO's.* Shipra Publications.

Shukla, P. (2018). Juvenile delinquency and juvenile laws in India. *International Journal of Advance Research and Development, 3*(7).

Singh, A. (2018). Judicial Trends on Juvenile Delinquency. *JASRAE*.

Singh, C., & Bhandari, R. S. (2017). *A study on the Juvenile Delinquency and its Supporting factors.* Retrieved from Manupatra.in: http://docs. Manupatra.in/newsline/articles/Upload/CA169761-9A34- 44A5-9D43-EE6A2E991D9F.pdf

Singh, D. S. (2018). The Doctrine of Doli incapax, Rebuttable Presumption and Adult Responsibility vis-à-vis Juvenility. *International Journal of Innovative Research & Studies*.

Singh, M. &. (2022). Examining the Need for a Standard Operating Procedure in Light of Criminal Investigations by Law Enforcement Agencies. *Issue 3 Indian JL & Legal Research*.

Singh, V. *Manupatra*. (2022) Retrieved from Defence of Infancy and Status of Juvenile

Smile Foundation. (2002) Retrieved from https://www.smilefoundationindia.org/ our-st ory/

Snehalaya. (1989). Retrieved from https://www.snehalaya.org/

Sonia Kinra, D. V. (2022). Law Relating to Bail to Juvenile Delinquent. *International Journal of Law Management & Humanities*.

Soumen, D. A. (2019, December 5). The study of juvenile delinquency with reference to psychological perspectives in the juvenile homes of Delhi. *International Journal of Advanced Research in Management and Social Sciences, Vol:6*(11), 13-27.

Srinivas, Nidhi. 2009. "Against NGOs?" Http://Dx.Doi.Org/10.1177/0899764 00933430838(4):614–26.doi:10.1177/089976400933 4308.

Subramanian Swamy v. Raju, 2014 (8) SCC 390 (Supreme Court of India 03 28, 2014).

Sukhram. (2020). *Juvenile delinquency a critical Study of statutory provisions and judicial trends.* Rohtak: Maharshi Dayanand University.

Suman Nalwa and Hari Dev Kohli. (2011). Commentary on The Juvenile Justice Act 13. *Universal Law Publishing Co. Pvt. Ltd. New Delhi- India, 2011*.

Surong, R., & Lyngdoh, A. (2020, December 31). A study on the causes of juvenile delinquency and its prevention by the community. *International Journal of Indian Psychology, 8*(4), 1266-1278.

The Hindu (2022). Retrieved from https://www.thehindu.com/news/national/jj-act-amendment-could-make-it-harder-to-report-abuse-at-child-care-institutions/article65564761.ece

The Law Communicats. (2023) Retrieved from: https://journal.thelaw communi cants.com/juvenile-justice-system-in- india/

THE TIMES OF INDIA. (2014). Retrieved from https://timesofindia.Indiatimes .com /city/jaipur/rajasthan-has-alarming- no-of-cases-involving-juveniles/articleshow/40353054.cms

The Times of India. (2023), Retrieved from https://timesofindia.indiatimes.com /readersblog/lawpedia/juvenile- justice-childrens-rights-48941/

The Business Standard. (2023). Retrieved from https://www.business- standard .com/in dia-news/17-measures-undertaken-by-NGO's- communities-in-india-co ntributing-to-sdgs-123092501186_1.html

The JJ Act, 2015.

The Law Blog. (2020) Retrieved from https://thelawblog.in/2020/05/19/critical-analys is-of-the-national-policy-for-children-2013-with-a-special-focus-on-edu cation/

The Right of Children to Free and Compulsory Education Act, 2009. Government of India.

Thomas, T. Retrieved from https://sprf.in/wp- content/uploads/2021/02/ 22.5. 2020_The-Juvenile-Justice-System-in- India A-Brief-Overview .pdf

Tiwari, S. (2019). Analytical Study of Juvenile Delinquency in India. *Journal On Contemporary Issues of Law, 5*(6), 101-118.

Tiwari, S. (2021). Juvenile Justice System in India and the Mental Health of Juveniles.

Tripathi, N. (2022). An overview of juvenile justice (care and protection of children) Act, 2015. *Indian Journal of Integrated Research in Law*, 1-12.

Tripura, B. G. (2023). constitutional rights and social justice in India: an analysis. Journal of Namibian Studies.

Tyagi, M. (2016). Analysis of Juvenile Crime. *Analysis of Juvenile Crime. Economic and Political Weekly*, 17-21.

unicef.org. Retrieved march 7, 2024, from unicef.org: https://www.unicef .org/ child-rights-convention

UNODC. (2014) Retrieved from United Nations Congresses on Crime Prevention and Criminal Justice 1955-2010 (55 years of achievement): http: //www .un.org/en/conf/crimecongress2010/pdf/55years_ebook.pdf

Vakil, Anna C. (1997). "Confronting the Classification Problem: Toward a Taxonomy of NGOs." World Development 25(12):2057–70. doi:10.1016 /S0305-750X (97)00098-3.

Vakil Search. (2019). Retrieved from https://vakilsearch.com/blog/importance-of-collaboration-and-partnerships-when-starting-and-running-an-ngo/

Varma, P. &. (2024). n analytical approach to juvenile justice and rehabilitation measures under the juvenile justice act in India. *International Journal of Civil Law and Legal Research*, 61-66.

Varsha. (2023). Retrieved from BNB Legal: https://bnblegal.com/ article/ juvenile-delinquency-in-india-challenges- and-solutions/

Vashistha, S. (2024). Redefining juvenile justice: A comparative analysis of the United States, England, and India with UNCRC perspectives.

Gupta, S & Vij, M. (2022). The Act of A Child Under The Indian Penal Code: A Detailed Analysis. Retrieved from https://papers.ssrn.com/sol3/ papers.cfm?abstract _id=4375016

W., C. R. (2020). Descriptive Statistics for Summarising Data. Illustrating Statistical Procedures: Finding Meaning in Quantitative Data.

Webster. (2020), M. *Merriam Webster Collegiate Dictionary: Eleventh Edition.*

Welfare, D.o. (2002). *Childline India*. Retrieved from https://www.childline india.org/uploads/files/20210317125320_national_policy_for_children .pdf

White, Sarah C. (1999). "NGOs, Civil Society, and the State of Bangladesh: The Politics of Representing the Poor." Development and Change 30(2):307–26. doi: 10.1111/1467-7660.00119.

Yadav, D. (2023). Comprehensive Approaches for Addressing Juvenile Delinquency in India: Causes, Consequences, Preventive Strategies and Legal Framework. *International Journal of Social Science and Human Research*, 3854-3863

Zasloff. (2023). The Emerging Civil Right to Counsel in India: On. UCLA School of Law. *Public Law Research Paper*, 23-10.

LIST OF PUBLICATIONS

Name-Ishan Atrey
ORCID ID- 0009-0006-1619-6425

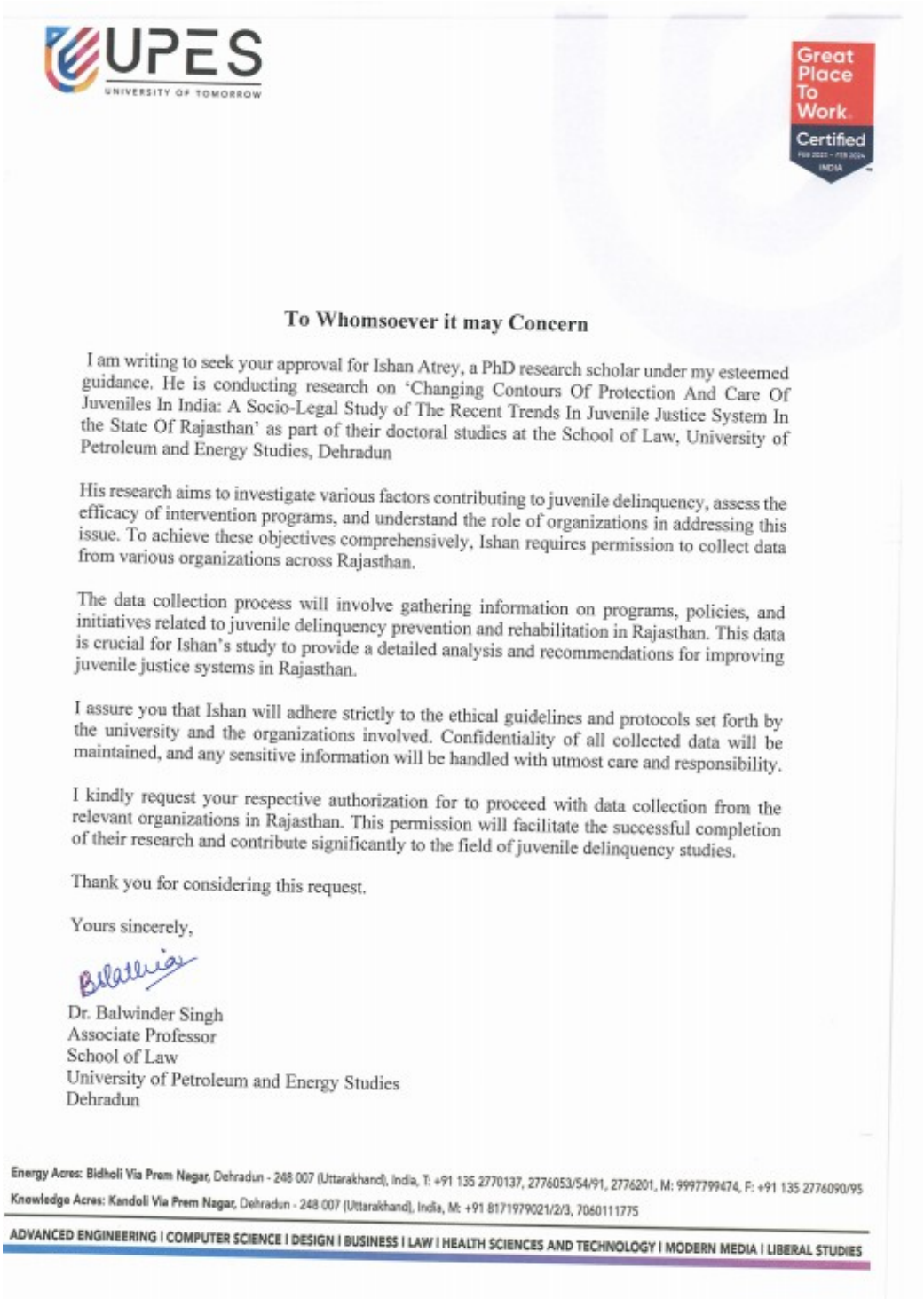
1. Atrey, I., & Singh, D. B. (2023). An analysis of juvenile delinquency in Rajasthan: Risk factors and protective factors. Journal for Re Attach Therapy and Developmental Diversities, 6(6s), 827–837. . https://doi.org/10.53555/jrtdd.v6i6s.2534

2. Atrey, I., & Singh, B. (2024). Impact of socio-economic factors on juvenile delinquency: An explorative study in Rajasthan. European Economic Letters (EEL), 14(2), 1549–1555. https://doi.org/10.52783/eel.v14i2.1502

3. Atrey, I., & Singh, B. (2024). Barriers to health and socio-economic factors in rehabilitation: Juvenile detention homes in Rajasthan. Journal of Informatics Education and Research, 4(3). https://doi.org/10.52783/jier.v4i3.1789

Annexure 1.1

Letter of Authorisation for data collection



UPES
UNIVERSITY OF TOMORROW

Great Place To Work. Certified

To Whomsoever it may Concern

I am writing to seek your approval for Ishan Atrey, a PhD research scholar under my esteemed guidance. He is conducting research on 'Changing Contours Of Protection And Care Of Juveniles In India: A Socio-Legal Study of The Recent Trends In Juvenile Justice System In the State Of Rajasthan' as part of their doctoral studies at the School of Law, University of Petroleum and Energy Studies, Dehradun

His research aims to investigate various factors contributing to juvenile delinquency, assess the efficacy of intervention programs, and understand the role of organizations in addressing this issue. To achieve these objectives comprehensively, Ishan requires permission to collect data from various organizations across Rajasthan.

The data collection process will involve gathering information on programs, policies, and initiatives related to juvenile delinquency prevention and rehabilitation in Rajasthan. This data is crucial for Ishan's study to provide a detailed analysis and recommendations for improving juvenile justice systems in Rajasthan.

I assure you that Ishan will adhere strictly to the ethical guidelines and protocols set forth by the university and the organizations involved. Confidentiality of all collected data will be maintained, and any sensitive information will be handled with utmost care and responsibility.

I kindly request your respective authorization for to proceed with data collection from the relevant organizations in Rajasthan. This permission will facilitate the successful completion of their research and contribute significantly to the field of juvenile delinquency studies.

Thank you for considering this request.

Yours sincerely,

Dr. Balwinder Singh
Associate Professor
School of Law
University of Petroleum and Energy Studies
Dehradun

Energy Acres: Bidholi Via Prem Nagar, Dehradun - 248 007 (Uttarakhand), India, T: +91 135 2770137, 2776053/54/91, 2776201, M: 9997799474, F: +91 135 2776090/95
Knowledge Acres: Kandoli Via Prem Nagar, Dehradun - 248 007 (Uttarakhand), India, M: +91 8171979021/2/3, 7060111775

Annexure 1.2

Consent Form for Interview Participation

Research Title: Changing Contours of Protection and Care of Juveniles in India: A Socio–Legal Study of the Recent Trends in the Juvenile Justice System in Rajasthan

Researcher: Mr. Ishan Atrey, Research Scholar, School of Law, UPES

Purpose of the Interview: This interview is conducted as part of doctoral research to critically examine the socio-legal dimensions of juvenile justice in India, with a focus on understanding the effectiveness of care and rehabilitation mechanisms, the impact of legal frameworks, and the role of various stakeholders in ensuring the welfare and reformation of juveniles. The findings will contribute to the overall aim of identifying systemic gaps and proposing evidence-based recommendations to strengthen the juvenile justice system. The data collected will form an integral part of both the qualitative and quantitative research components of the Ph.D. thesis undertaken at the UPES, Dehradun.

Interview Period: _____

Interviewer: Mr.ABC

Institution: XYZ

Consent Details:

By agreeing to participate in this interview, you acknowledge that you have read and understood the following:

Purpose:

The purpose of this research is to critically analyze the socio-legal framework of juvenile justice in Rajasthan, focusing on care and rehabilitation mechanisms and the role of recent legislative amendments.

Voluntary Participation:

Participation in this interview is entirely voluntary. You have the right to refuse to answer any question or withdraw from the interview at any point without any repercussions.

Confidentiality:

All information provided will be treated with strict confidentiality. Your identity will remain anonymous, and no personally identifiable information will be included in reports or publications unless explicitly permitted.

Use of Data:

The collected data will be used solely for academic purposes, including the preparation of the Ph.D. thesis, presentations, and publications. It will be securely stored and accessed only by the researcher and authorized personnel.

Duration:

The interview is expected to take approximately [Insert Time Duration] minutes.

Potential Risks:

There are no anticipated risks associated with participation. However, should any discomfort arise, the interview can be paused or discontinued upon request.

Benefits:

Your participation will contribute valuable insights to improving juvenile justice policies and practices in India, ultimately aiding in enhancing the welfare and rehabilitation of juveniles.

Participant Rights:

You are entitled to request clarification regarding the research and your role at any time. You may also withdraw from the study without providing a reason.

Consent Statement:

I have read and understood the information provided above about the study. I consent to participate in the interview, recognizing that my participation is voluntary and that I can withdraw at any time without penalty.

Participant's Name: _____

Participant's Signature: _____

Date: _____

Researcher's Acknowledgment:

I confirm that the participant has been informed about the research purpose, procedures, and their rights and has voluntarily agreed to participate.

Researcher’s Name: _____

Researcher’s Signature: _____

Date: _____

Annexure 1.3

Questions from Juveniles

1. Name-

2. Age-
- Less then 16 Years/ 16 वर्ष से कम
- 16-18
- 18-21
- Above 21 Years/ 21 वर्ष से ऊपर

3. Gender/ लिंग
- Male/ पुरुष
- Female/ महिला
- Other/ अन्य

4. Stakeholders/ हितधारकों
- Juvenile/ किशोर
- Judge/ न्यायाधीश
- Police Officer/ पुलिस अधिकारी
- NGO's/ Juvenile Care Staff/ एनजीओ/किशोर देखभाल कर्मचारी
- Lawyer/ वकील

5. District/ज़िला
- Jaipur/ जयपुर
- Bikaner/ बीकानेर
- Jodhpur/ जोधपुर
- Kota/ कोटा

6. Do you feel safe in this facility?/ क्या आप इस सुविधा में सुरक्षित महसूस करते हैं?

(a) Yes/ हाँ

(b) No/ नहीं

7. Have you made friends since you arrived here?/ क्या यहां आने के बाद से आपने कोई मित्र बनाया है?

(a) Yes/ हाँ

(b) No/ नहीं

8. Are your problems addressed by staff?/ क्या आपके कर्मचारियों द्वारा आपकी समस्याओं का समाधान किया जाता है?

(a) Yes/ हाँ

(b) No/ नहीं

9. Are you aware of the government schemes provided for you?/ क्या आप अपने लिए उपलब्ध कराई गई सरकारी योजनाओं से अवगत हैं?

(a) Yes/ हाँ

(b) No/ नहीं

10. Do you have access to medical care when you need it?/ क्या आपको आवश्यकता पड़ने पर चिकित्सा देखभाल उपलब्ध है?

(a) Yes/ हाँ

(b) No/ नहीं

11. Have you received support or guidance from social organizations, including NGOs, in your journey to reform?/ क्या आपको सुधार की अपनी यात्रा में गैर सरकारी संगठनों सहित सामाजिक संगठनों से समर्थन या मार्गदर्शन मिला है?

(a) Yes/ हाँ

(b) No/ नहीं

12. Do you participate in any recreational programs here?/ क्या आप यहां किसी मनोरंजक कार्यक्रम में भाग लेते हैं?

(a) Yes/ हाँ

(b) No/ नहीं

13. One of the prominent factors for indulging in Criminal Activities?/ आपराधिक गतिविधियों में लिप्त होने के प्रमुख कारणों में से एक?

(a) Poverty/ गरीबी

(b) Lack of Parental Care/ माता-पिता की देखभाल का अभाव

(c) Illiteracy/ अशिक्षा

(d) Peer Pressure/ साथियों का दबाव

14. Do you think if you had a good relationship with your parents, there would be fewer chances of being Delinquent?/ क्या आपको लगता है कि यदि आपके माता-पिता के साथ आपके अच्छे संबंध होते तो आपके अपराधी होने की संभावना कम होती?

(a) Yes/ हाँ

(b) No/ नहीं

15. Do you deter to commit any offence after leaving juvenile home?/ क्या आप बाल सुधार गृह से निकलने के बाद किसी भी अपराध को करने से रोकते हैं?

(a) Yes/ हाँ

(b) No/ नहीं

16. Do you participate in any educational programs here?/ क्या आप यहां किसी शैक्षिक कार्यक्रम में भाग लेते हैं?

(a) Yes/ हाँ

(b) No/ नहीं

17. Do you believe you are being prepared for life outside the juvenile home?/ क्या आप मानते हैं कि आपको किशोर गृह के बाहर के जीवन के लिए तैयार किया जा रहा है?

(a) Yes/ हाँ

(b) No/ नहीं

Annexure 1.4

Questions from NGO's/ Juvenile Care Staff

1. Name-

2. Age-
   - Less then 16 Years/ 16 वर्ष से कम
   - 16-18
   - 18-21
   - Above 21 Years/ 21 वर्ष से ऊपर
3. Gender/ लिंग
   - Male/ पुरुष
   - Female/ महिला
   - Other/ अन्य
4. Stakeholders/ हितधारकों
   - Juvenile/ किशोर
   - Judge/ न्यायाधीश
   - Police Officer/ पुलिस अधिकारी
   - NGO's/ Juvenile Care Staff/ एनजीओ/किशोर देखभाल कर्मचारी
   - Lawyer/ वकील
5. District/ज़िला
   - Jaipur/ जयपुर
   - Bikaner/ बीकानेर
   - Jodhpur/ जोधपुर
   - Kota/ कोटा
6. Do you think Rajasthan is one of the state with highest number of Juvenile Delinquents?/ क्या आप मानते हैं कि राजस्थान सबसे अधिक किशोर अपराधियों वाले राज्यों में से एक है?
   (a) Yes/ हाँ
   (b) No/ नहीं
7. Have social organizations, including NGOs, played a significant role in bringing about positive changes in juvenile behaviour? क्या गैर सरकारी संगठनों सहित सामाजिक संगठनों ने किशोरों के व्यवहार में सकारात्मक परिवर्तन लाने में महत्वपूर्ण भूमिका निभाई है?
   (a) Yes/ हाँ
   (b) No/ नहीं
8. Do you conduct activities for the recreation of Juveniles?क्या आप किशोरों के मनोरंजन के लिए गतिविधियाँ संचालित करते हैं?
   (a) Yes/ हाँ
   (b) No/ नहीं

9. How many activities do you conduct on a monthly basis to know the causes of juvenile delinquency?/ किशोर अपराध के कारण जानने के लिए आप मासिक आधार पर कितनी गतिविधियाँ आयोजित करते हैं?
    - Less then 5/ 5 से कम
    - Less then 10/ 10 से कम
    - Less then 15/ 15 से कम
    - More then 15/ 15 से अधिक
10. According to you what factor do you think can be a cause of juvenile Delinquency? /आपके अनुसार कौन से कारक किशोर अपराध का कारण हो सकते हैं?
    - Lack of Parental Care/ माता-पिता की देखभाल का अभाव
    - Illiteracy/ अशिक्षा
    - Peer Pressure/ साथियों का दबाव
    - Poverty/ गरीबी
11. what measures can be taken to reduce the number of Juvenile Delinquents in Rajasthan?/ राजस्थान में किशोर अपराधियों की संख्या कम करने के लिए क्या उपाय किए जा सकते हैं?
    - More Parental Care/ अधिक अभिभावकीय देखभाल
    - Fear of Laws/ कानूनों का डर
    - Awareness Programs/ जागरूकता कार्यक्रम
    - Proper Implementation of Government Policies/ सरकारी नीतियों का उचित क्रियान्वयन

12. How often you interact with the Juveniles at the Juvenile Care centres?/ आप किशोर देखभाल केन्द्रों में किशोरों के साथ कितनी बार बातचीत करते हैं?
    - Daily/ दैनिक
    - Weekly/ साप्ताहिक
    - Monthly/ मासिक
    - Half Yearly/ अर्धवार्षिक

Annexure 1.5

Questions from the Judges/Lawyers/ Police

1. Name-

2. Age-
   - Less then 16 Years/ 16 वर्ष से कम
   - 16-18
   - 18-21
   - Above 21 Years/ 21 वर्ष से ऊपर
3. Gender/ लिंग
   - Male/ पुरुष
   - Female/ महिला
   - Other/ अन्य
4. Stakeholders/ हितधारकों
   - Juvenile/ किशोर
   - Judge/ न्यायाधीश
   - Police Officer/ पुलिस अधिकारी
   - NGO's/ Juvenile Care Staff/ एनजीओ/किशोर देखभाल कर्मचारी
   - Lawyer/ वकील
5. District/ज़िला
   - Jaipur/ जयपुर
   - Bikaner/ बीकानेर
   - Jodhpur/ जोधपुर
   - Kota/ कोटा
6. Do you think Rajasthan is one of the state with highest number of Juvenile Delinquents?/ क्या आप मानते हैं कि राजस्थान सबसे अधिक किशोर अपराधियों वाले राज्यों में से एक है?
   (a) Yes/ हाँ
   (b) No/ नहीं
7. Whether the recent amendments in the Juvenile Justice Act taken adequate measures to ensure the welfare and reformation of children?/ क्या किशोर न्याय अधिनियम में हाल ही में किए गए संशोधनों से बच्चों के कल्याण और सुधार को सुनिश्चित करने के लिए पर्याप्त उपाय किए गए हैं?
   (a) Yes/ हाँ
   (b) No/ नहीं
8. Whether the execution of government schemes adequately prevented violations of juvenile rights? क्या सरकारी योजनाओं के क्रियान्वयन से किशोरों के अधिकारों के उल्लंघन को पर्याप्त रूप से रोका जा सका है?
   (a) Yes/ हाँ
   (b) No/ नहीं

9. Whether the Authorities are working upon the reasons why Juveniles becomes Delinquent?/ क्या अधिकारी इस बात पर काम कर रहे हैं कि किशोर अपराधी क्यों बनते हैं?

   (a) Yes/ हाँ

   (b) No/ नहीं

10. According to you what factor do you think can be a cause of juvenile Delinquency? /आपके अनुसार कौन से कारक किशोर अपराध का कारण हो सकते हैं?

- Lack of Parental Care/ माता-पिता की देखभाल का अभाव
- Illiteracy/ अशिक्षा
- Peer Pressure/ साथियों का दबाव
- Poverty/ गरीबी

12. What measures can be taken to reduce the number of Juvenile Delinquents in Rajasthan?/ राजस्थान में किशोर अपराधियों की संख्या कम करने के लिए क्या उपाय किए जा सकते हैं?

- More Parental Care/ अधिक अभिभावकीय देखभाल
- Fear of Laws/ कानूनों का डर
- Awareness Programs/ जागरूकता कार्यक्रम
- Proper Implementation of Government Policies/ सरकारी नीतियों का उचित क्रियान्व

Ishan Atrey

CHANGING CONTOURS OF PROTECTION AND CARE OF JUVENILES IN INDIA: A SOCIO-LEGAL STUDY OF THE RECE...

Quick Submit

Quick Submit

University of Petroleum & Energy Studies

Document Details

Submission ID
trn:oid:::1:3285922792

Submission Date
Jun 27, 2025, 1:21 PM GMT+5:30

Download Date
Jun 27, 2025, 2:22 PM GMT+5:30

File Name
Ishan_Atrey_27_June_2025.pdf

File Size
4.3 MB

335 Pages

105,868 Words

592,928 Characters

turnitin Page 1 of 341 - Cover Page Submission ID trn:oid:::1:3285922792

1% Overall Similarity

The combined total of all matches, including overlapping sources, for each database.

Filtered from the Report

- Bibliography
- Quoted Text
- Small Matches (less than 14 words)

Match Groups

65 Not Cited or Quoted 1%
Matches with neither in-text citation nor quotation marks

2 Missing Quotations 0%
Matches that are still very similar to source material

0 Missing Citation 0%
Matches that have quotation marks, but no in-text citation

0 Cited and Quoted 0%
Matches with in-text citation present, but no quotation marks

Top Sources

1% Internet sources
0% Publications
1% Submitted works (Student Papers)

Integrity Flags

0 Integrity Flags for Review

No suspicious text manipulations found.

Our system's algorithms look deeply at a document for any inconsistencies that would set it apart from a normal submission. If we notice something strange, we flag it for you to review.

A Flag is not necessarily an indicator of a problem. However, we'd recommend you focus your attention there for further review.

turnitin Page 2 of 341 - Integrity Overview Submission ID trn:oid:::1:3326254792