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Juvenile in Conflict with Law: Neglected, Abandoned and Orphans

REMYA S*

ABSTRACT

Juvenile delinquency remains one of the most significant challenges confronting contemporary criminal justice administration, particularly in relation to orphaned, abandoned, and neglected children who are exposed to conditions of poverty, exploitation, homelessness, social exclusion, and inadequate institutional care. Such children often grow up without proper parental guidance, emotional support, education, or protection, thereby increasing their vulnerability to deviant behaviour and conflict with the law. The issue of juvenile delinquency must therefore be examined not merely as a legal problem, but also as a social, psychological, and structural concern requiring a rehabilitative and child-centric approach.

This study critically examines the relationship between neglect, abandonment, and juvenile delinquency within the framework of the Juvenile Justice (Care and Protection of Children) Act, 2015 and the broader constitutional principles of child welfare and protection in India. The research adopts a doctrinal and analytical methodology, analysing statutory provisions, judicial decisions, constitutional safeguards, international instruments, and relevant academic literature relating to juvenile justice administration. The paper further evaluates the social and economic circumstances that contribute to delinquent behaviour among vulnerable children and analyses the role of the State, institutions, and society in addressing such issues.

The study concludes that juvenile delinquency among orphaned and neglected children is frequently a consequence of social deprivation, institutional failure, lack of education, emotional neglect, and exploitative environments rather than inherent criminal tendency. The paper emphasises that an effective juvenile justice system should prioritise rehabilitation, counselling, education, protection, and social reintegration instead of punitive approaches. Strengthening child protection mechanisms and ensuring a rights-based approach towards vulnerable children are therefore essential for achieving meaningful juvenile justice administration in India.

Keywords: *Juvenile Delinquency, Juvenile Justice, Orphaned Children, Neglected Children, Child Protection, Rehabilitation, Vulnerable Children.*

* Author is an LL.M (Criminal Law) student at School of Indian Legal Thought, Mahatma Gandhi University, Kerala, India.

I. INTRODUCTION

Children play an important role in the development of every society, and their well-being depends largely on the care, protection, and opportunities available to them during childhood. A healthy childhood environment normally includes parental care, emotional support, education, and social guidance. These elements help children understand social values, develop discipline, and build a sense of responsibility. When such support systems are present, children are more likely to grow into responsible members of society.

In many situations, however, children grow up without stable family support or proper supervision. Poverty, the death of parents, abandonment, family conflict, and social neglect may leave some children without guidance or protection. Neglected, abandoned, and orphan children often experience difficult living conditions from a very young age. Many of them struggle to obtain basic necessities such as food, shelter, and education. Because of these circumstances, they may spend a large part of their childhood on the streets, in temporary shelters, or in other unstable environments.

Children living under such conditions are more likely to face social risks and harmful influences. Lack of education, the absence of responsible guardians, exposure to substance abuse, and interaction with criminal groups can gradually influence their behaviour. In certain cases, these factors lead children to become involved in minor unlawful acts such as theft, begging, pick-pocketing, or other activities connected with survival. Such situations show that juvenile delinquency is often linked to social and economic difficulties rather than deliberate criminal intent.

Recognizing the special position of children, the Indian legal system provides a separate framework to deal with children who come into contact with the justice system. The Juvenile Justice (Care and Protection of Children) Act, 2015 serves as the main legislation in this area. The law recognizes that children require protection, guidance, and opportunities for reform. For this reason, the juvenile justice system focuses on rehabilitation, counselling, and reintegration into society instead of harsh punishment.

Institutions such as the Juvenile Justice Board and the Child Welfare Committee play an important role in addressing the needs of children who come before the legal system. These institutions are expected to consider the child's background, family circumstances, and social conditions before deciding the appropriate measures for rehabilitation and care.

International legal standards also emphasize the need for a humane approach towards children involved in legal proceedings. Instruments such as the United Nations Convention on the Rights

of the Child (UNCRC), the Beijing Rules, and the Riyadh Guidelines encourage countries to adopt policies that protect children's dignity and promote their rehabilitation.

In this context, the present study examines the issue of juveniles who come into conflict with law, with special focus on neglected, abandoned, and orphan children. The study attempts to understand how social and economic conditions contribute to juvenile delinquency and why children from vulnerable backgrounds are more likely to enter the justice system. It also discusses the legal framework provided under the Juvenile Justice (Care and Protection of Children) Act, 2015 along with relevant judicial decisions and international perspectives on the protection and rehabilitation of children.

II. UNDERSTANDING CERTAIN TERMS RELATED TO JUVENILE JUSTICE

The Juvenile Justice (Care and Protection of Children) Act, 2015 provides several important terms that explain how children are treated within the juvenile justice system. These terms help identify different categories of children who require protection, care, or legal intervention under the law.

A. Abandoned Child

An "abandoned child" means a child deserted by his biological or adoptive parents or guardians, who has been declared as abandoned by the Committee after due inquiry.¹

Such children require intervention from child protection authorities so that they may receive care, rehabilitation, or adoption.

B. Child

Under the Juvenile Justice (Care and Protection of Children) Act, 2015, a child refers to any individual who is below the age of eighteen years.² This age limit is important because persons under eighteen are treated differently from adults within the justice system, and special procedures are applied when they come into contact with the law.

C. Child in Conflict with Law

Under the Act, a child in conflict with law refers to a person below eighteen years of age who is alleged to have committed an offence, or who has been found to have committed an offence, before attaining the age of eighteen years.³

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

² *Id.* § 2(12).

³ *Id.* § 2(13).

This term is used to describe children who come into contact with the criminal justice system due to their involvement in unlawful acts. The juvenile justice framework does not treat such children in the same manner as adult offenders. Instead, the law emphasizes measures such as guidance, counselling, education, and rehabilitation in order to help the child reintegrate into society.

D. Children in Need of Care and Protection

The Act also recognises another important category, known as children in need of care and protection.

It means a child who: (i) is found without any home or settled place of abode and without ostensible means of subsistence; (ii) is found working in contravention of labour laws, or is found begging, or living on the street without proper care and supervision; (iii) resides with a person who has injured, exploited, abused, or neglected the child, or has violated any other law, or where there is reasonable likelihood of such harm, including where that person has a history of harming or exploiting children; (iv) is suffering from a serious physical or mental health condition, including a terminal or incurable illness, and has no one to support or look after them; (v) has parents or guardians who are unfit or unable to ensure the child's safety and well-being; (vi) has lost parental support, with no responsible person willing to provide care or guardianship, including a child who has been abandoned or surrendered; (vii) is missing or has run away from home, and whose parents or guardians cannot be traced after reasonable inquiry; (viii) has been, is being, or is likely to be abused or exploited, including for the purpose of sexual exploitation or unlawful activities; (ix) is in a vulnerable situation and is likely to be drawn into drug abuse or the illegal drug trade; (x) is being, or is likely to be, exploited by others for unfair or selfish gain; (xi) has suffered harm or displacement as a result of armed conflict, civil disturbance, or natural disaster; or (xii) is at serious risk of being married before attaining the legally prescribed age.⁴

E. Juvenile

The Act also uses the term *juvenile* when dealing with children in the criminal justice system. In simple terms, a juvenile refers to a person who has not yet reached eighteen years of age.⁵

In legal discussions, the words child and juvenile are often used interchangeably because both refer to individuals who are below the age of eighteen years. The purpose of using these terms

⁴ *Id.* § 2(14).

⁵ *Id.* § 2(35).

is to ensure that such individuals are treated under a separate legal framework that focuses on care, reform, and rehabilitation rather than punishment.

F. Orphan

Under the Act, an orphan generally refers to a child who does not have parents, or whose guardian is unable or unwilling to provide proper care and support.⁶ Such children are often left without family protection and therefore may require assistance from the State through measures such as institutional care, foster care, or adoption.

III. REASONS FOR JUVENILE DELINQUENCY AMONG ABANDONED CHILDREN

A. Absence of Parental Care and Supervision

A child's behavioural and moral development is profoundly shaped by the care, guidance, and supervision provided by parents or primary caregivers. The family serves as the first and most influential institution of socialization, where children learn societal values, acceptable patterns of behaviour, and the importance of responsibility and self-discipline. Consistent parental involvement promotes emotional security, healthy psychological development, and respect for social norms. Conversely, the absence of parental care may deprive children of the guidance necessary to distinguish socially acceptable conduct from behaviour that is harmful to themselves or others.

The lack of adequate parental care and supervision has been widely recognized as a significant factor associated with juvenile delinquency. Children who experience neglect, weak parental attachment, inconsistent discipline, or inadequate monitoring are often more vulnerable to behavioural problems and antisocial conduct. In the absence of effective parental guidance, the development of self-control and social responsibility may be impaired, increasing susceptibility to negative peer influences and delinquent activities. Empirical research has consistently demonstrated that poor family relationships, parental neglect, and unstable home environments are strongly associated with youth offending. Moreover, children who grow up without consistent emotional support and supervision may encounter difficulties in internalizing societal norms and developing prosocial behaviour. Consequently, the absence of parental care and supervision remains an important contributing factor to juvenile delinquency, particularly among abandoned and vulnerable children.⁷

⁶ *Id.* § 2(42).

⁷ Marijke Hoeve et al., *The Relationship Between Parenting and Delinquency: A Meta-Analysis*, 37 J. ABNORMAL CHILD PSYCHOL. 749, 749–775 (2009).

B. Life on the Streets and Exposure to Criminal Influence

Abandoned and neglected children frequently find themselves living on the streets or in unstable environments where they lack adequate parental care, supervision, and protection. Such conditions often expose them to violence, exploitation, poverty, and social exclusion, making them particularly vulnerable to delinquent behaviour. Street children are commonly found in marginal urban settings where access to education, healthcare, and social support systems is limited. As a result, they may struggle to meet their basic needs and are more likely to become involved in activities that bring them into conflict with the law. The absence of a stable family environment further weakens the process of healthy socialization. Children who grow up without proper guidance and emotional support may experience feelings of insecurity, hopelessness, and marginalization. International studies and policy reports have consistently emphasized that inadequate family support, poor educational opportunities, exposure to violence, and socio-economic deprivation are significant factors contributing to juvenile offending. These circumstances not only increase the likelihood of delinquent behaviour but also make rehabilitation and reintegration more challenging. The United Nations has recognized that many young offenders are street children who have been exposed to violence, either as victims or as witnesses, and who often come from backgrounds marked by poverty, destitution, and inadequate family support. Consequently, addressing juvenile delinquency requires not only legal interventions but also social welfare measures aimed at reducing poverty, strengthening family support systems, and improving access to education and community-based services.⁸

C. Educational Exclusion and Juvenile Delinquency

Education is widely recognized as one of the most significant institutions in a child's social, intellectual, and moral development. Beyond imparting academic knowledge, educational institutions function as important agents of socialization that inculcate discipline, responsibility, cooperation, and respect for societal norms. Schools provide children with structured environments where they learn to interact with others, resolve conflicts peacefully, develop self-control, and acquire the skills necessary for meaningful participation in society. Regular engagement in educational activities also contributes to the formation of positive habits, constructive routines, and a sense of personal accountability.

For abandoned children, however, access to education is often severely restricted or entirely absent. Many such children experience homelessness, poverty, institutional neglect, or unstable

⁸ World Programme of Action for Youth to the Year 2000 and Beyond, G.A. Res. 50/81, ¶ 86, U.N. Doc. A/RES/50/81 (Dec. 14, 1995).

living arrangements that disrupt their educational opportunities. Without the support of parents or guardians to facilitate school attendance and monitor academic progress, abandoned children frequently encounter barriers that prevent them from benefiting from formal education. Consequently, they are deprived not only of academic instruction but also of the social and emotional support that educational institutions can provide.

The exclusion of children from educational systems may have significant consequences for their behavioural development. Schools serve as protective environments that occupy children's time in productive activities and reduce their exposure to harmful influences. When children remain outside the educational framework, they often spend extended periods in unsupervised settings where opportunities for association with delinquent peers and exposure to antisocial behaviour are greater. The absence of educational engagement may therefore increase vulnerability to activities that bring children into conflict with the law.

Academic studies on juvenile delinquency have consistently identified poor school attendance, academic underachievement, school dropout, and weak attachment to educational institutions as important predictors of youth offending. Children who face repeated academic difficulties, or who are excluded from educational opportunities, may develop feelings of frustration, alienation, and social marginalization. Such experiences can diminish self-esteem and weaken their commitment to conventional social values. In some cases, children may seek acceptance and recognition through peer groups engaged in delinquent activities, thereby increasing the risk of involvement in unlawful conduct.⁹

Furthermore, educational deprivation often limits future employment opportunities and socio-economic mobility. Children who do not receive adequate education may face difficulties securing lawful means of livelihood, increasing the likelihood of resorting to illegal activities for survival. The relationship between educational exclusion and juvenile delinquency is therefore not merely educational but also social and economic in nature. Consequently, ensuring access to quality education for abandoned and vulnerable children remains an essential strategy in the prevention of juvenile delinquency and the promotion of their long-term rehabilitation and social integration.

D. Psychological Consequences of Abandonment and Delinquent Behaviour

The psychological well-being of a child is significantly shaped by the presence of stable emotional relationships and a supportive family environment. The abandonment of a child by

⁹ E. Mishra & R. Biswal, *Trends and Factors Associated with Juvenile Delinquency: A Study from India*, 5 INT'L J. APPLIED SOC. SCI. 1613 (2018).

parents or primary caregivers may result in profound and long-lasting psychological consequences, particularly during the formative stages of development. Such experiences often generate feelings of rejection, insecurity, loneliness, and emotional deprivation, which may adversely affect the child's ability to establish healthy interpersonal relationships and develop a positive sense of self-worth.

The impact of abandonment extends beyond immediate emotional distress and may substantially influence behavioural and social development. Children who are deprived of parental affection, guidance, and protection frequently experience anxiety, depression, low self-esteem, anger, and difficulties in emotional regulation. These psychological challenges may impair their capacity to respond to adverse circumstances in a constructive manner and increase the likelihood of maladaptive behavioural responses. Consequently, some children may exhibit aggressive, impulsive, or antisocial conduct as a means of expressing unresolved emotional conflict and frustration.

Psychological studies have consistently demonstrated that childhood neglect and emotional deprivation are associated with difficulties in social adjustment, behavioural regulation, and the development of healthy interpersonal relationships. Children who grow up without adequate emotional support often encounter challenges in developing trust, empathy, and effective coping mechanisms. The absence of these protective factors may increase susceptibility to negative peer influences, risky behaviours, and involvement in delinquent activities during adolescence.

Furthermore, delinquent behaviour may sometimes serve as a coping mechanism through which emotionally distressed children seek acceptance, recognition, or a sense of belonging. Participation in antisocial activities may provide temporary emotional relief or social validation that is otherwise absent from their lives. However, such conduct often reinforces patterns of social exclusion and further increases the risk of continued involvement in criminal or delinquent behaviour.

Therefore, the psychological consequences arising from abandonment constitute a significant factor contributing to juvenile delinquency. Addressing the mental and emotional needs of abandoned children through counselling, psychological support services, family-based interventions, and community rehabilitation programmes is essential for preventing delinquent behaviour and facilitating healthy emotional and social development.¹⁰

¹⁰ S. Taskiran, T. Mutluer, A.E. Tufan & B. Semerci, *Understanding the Associations Between Psychosocial Factors and Severity of Crime in Juvenile Delinquency: A Cross-Sectional Study*, 13 NEUROPSYCHIATRIC DISEASE & TREATMENT 1359 (2017).

IV. SUGGESTIONS FOR PREVENTING JUVENILE DELINQUENCY AMONG ABANDONED CHILDREN

A. Strengthening Child Protection Measures

Abandoned children require immediate protection and continuous support to prevent their exposure to harmful influences. Timely identification of children who have been abandoned, neglected, or left without adequate care enables authorities to intervene before they become vulnerable to exploitation, violence, or criminal activities. Child Welfare Committees, Child Care Institutions, and other welfare agencies should ensure that children receive safe accommodation, supervision, and opportunities for healthy development. Effective implementation of child protection laws can reduce the circumstances that often place children at risk of offending.¹¹

B. Expanding Educational Opportunities

Regular access to education provides children with knowledge, discipline, and a sense of direction. For abandoned children, schools often serve as safe spaces where they can develop social skills, build self-confidence, and form positive relationships. Vocational training and skill-development programmes can further assist children who may have missed formal schooling, by enabling them to acquire practical skills and improve their future prospects. Greater educational participation can reduce the likelihood of involvement in delinquent activities.¹²

C. Improving Social Welfare and Economic Assistance

Many abandoned children face severe economic hardship and lack access to basic necessities. In such circumstances, unlawful activities may sometimes appear to be a means of survival. Welfare initiatives that provide shelter, nutrition, healthcare, and financial assistance can reduce these vulnerabilities. Strengthening social support networks can help ensure that children are not forced into situations that expose them to criminal influences.¹³

D. Providing Psychological Support and Rehabilitation

Experiences of abandonment, neglect, and social exclusion often leave lasting emotional scars. Many children struggle with feelings of rejection, loneliness, anger, and insecurity. Counselling services, mental health programmes, and rehabilitation initiatives can assist children in

¹¹ The Juvenile Justice (Care and Protection of Children) Act, *supra* note 1, §§ 39–40.

¹² Convention on the Rights of the Child arts. 3 & 28, Nov. 20, 1989, 1577 U.N.T.S. 3.

¹³ United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), G.A. Res. 45/112, U.N. Doc. A/RES/45/112 (Dec. 14, 1990).

addressing these emotional difficulties and developing healthier ways of responding to challenges. Such support can improve emotional stability and reduce the likelihood of antisocial behaviour.¹⁴

E. Encouraging Community Participation

The responsibility for protecting vulnerable children extends beyond governmental institutions. Local communities, voluntary organisations, educational institutions, and concerned citizens can contribute by identifying children in need of assistance and connecting them with support services. Public awareness regarding child rights and child welfare can also help reduce neglect and abandonment. A supportive social environment can provide children with guidance, encouragement, and opportunities that discourage involvement in delinquent behaviour.

Juvenile delinquency among abandoned children is often linked to a combination of family breakdown, economic deprivation, educational exclusion, exposure to harmful environments, and emotional distress. These circumstances can create conditions that increase vulnerability to offending. Efforts aimed at prevention should therefore address both the immediate needs of abandoned children and the broader social conditions affecting their lives. Access to protection, education, emotional support, and welfare services can provide children with alternatives to delinquent behaviour and enable them to pursue more secure and productive futures.¹⁵

V. REASONS FOR JUVENILE DELINQUENCY AMONG NEGLECTED CHILDREN

Child neglect constitutes one of the most prevalent forms of child maltreatment and has significant implications for the behavioural, emotional, and social development of children. Unlike abandoned children, who are deprived of parental presence altogether, neglected children generally remain within the family environment but are denied adequate care, supervision, emotional support, and protection. Such neglect may arise from poverty, alcoholism, family conflict, lack of awareness, or irresponsible parenting.

Indian child protection law recognises the particular vulnerability of children living in harmful, unsafe, or neglectful environments. The Juvenile Justice (Care and Protection of Children) Act, 2015 recognises children who are exposed to neglect, abuse, exploitation, or other forms of vulnerability as children in need of care and protection. When neglect continues for long periods, the child may develop behavioural problems and, in some cases, become involved in unlawful activities, eventually entering the category of children in conflict with law.

¹⁴ Convention on the Rights of the Child art. 39.

¹⁵ Riyadh Guidelines, *supra* note 13.

A. Absence of Effective Parental Supervision

One important factor contributing to delinquency among neglected children is the absence of proper supervision. Although parents may be physically present, they may fail to monitor the child's activities, friendships, and daily routines. A lack of supervision can create opportunities for children to engage in risky behaviour.

Children who spend long periods without guidance may gradually become involved in activities such as truancy, substance use, or petty offences. Over time, these behaviours may develop into more serious forms of delinquency.

Research in the field of criminology has frequently linked weak parental supervision with an increased risk of antisocial behaviour among adolescents.¹⁶

B. Irresponsible Parenting and Substance Abuse in the Family

In many families, neglect occurs when parents themselves face problems such as alcohol addiction, drug use, or unstable employment. In such circumstances, parents may be unable or unwilling to adequately fulfil their parental responsibilities.

Children raised in such households may grow up without discipline or proper moral guidance. In some situations, children may even be indirectly exposed to unlawful activities within the family environment.

Studies on juvenile behaviour indicate that family environments affected by substance abuse and parental irresponsibility significantly increase the risk of delinquent behaviour among children.¹⁷

C. Lack of Moral Development and Value Formation

Parents play an important role in teaching children social values and acceptable behaviour. When children experience neglect, they may not receive proper instruction regarding right and wrong.

In the absence of moral guidance, children may find it difficult to understand the consequences of their actions. This may lead to participation in activities such as vandalism, bullying, or theft, especially during adolescence when peer influence becomes strong.

¹⁶ Robert Caldwell, Lawrence Beutler, Susan Ross & Nancy Silver, *An Examination of the Relationship Between Parental Monitoring, Self-Esteem, and Delinquency Among Mexican American Male Adolescents*, 29 J. ADOLESCENCE 459 (2006).

¹⁷ Cathy S. Widom, Amie M. Schuck & Helene R. White, *An Examination of Pathways from Childhood Victimization to Violence: The Role of Early Aggression and Problematic Alcohol Use*, 21 VIOLENCE & VICTIMS 675 (2006).

Scholars studying juvenile justice have noted that early moral development within the family environment plays a key role in preventing delinquent behaviour.¹⁸

D. Academic Neglect and School Disengagement

Another significant factor contributing to delinquency among neglected children is the absence of parental involvement in education. When parents do not encourage schooling or fail to monitor academic progress, children may gradually lose interest in education.

School absenteeism and eventual dropout create a situation where children spend increasing amounts of time outside structured environments. This lack of engagement may expose them to negative influences within the community.

Educational studies have repeatedly shown that disengagement from school is closely associated with behavioural problems and juvenile offending.¹⁹

E. Negative Peer Association and Delinquent Influence

Adolescence is a period during which peer relationships exert considerable influence on behaviour and decision-making. Neglected children often seek acceptance, companionship, and recognition outside the family environment, particularly when emotional support within the home is limited. In the absence of positive guidance, they may associate with peer groups engaged in antisocial or delinquent activities. Such associations can encourage behaviours including substance abuse, theft, vandalism, and other forms of juvenile offending. Criminological studies have consistently demonstrated that peer influence plays a significant role in shaping delinquent behaviour, especially when adolescents derive their sense of identity and belonging primarily from peer groups rather than family relationships.²⁰

F. Emotional Neglect and Psychological Vulnerability

Neglect extends beyond the absence of physical care and often includes a lack of emotional support, affection, and recognition. Children who grow up without emotional encouragement may experience feelings of rejection, insecurity, and low self-worth. Such emotional difficulties can affect social adjustment and increase vulnerability to behavioural problems. Psychological studies suggest that prolonged emotional neglect may contribute to frustration, aggression, and

¹⁸ Delbert S. Elliott, David Huizinga & Suzanne S. Ageton, *EXPLAINING DELINQUENCY AND DRUG USE* (Sage Publ'ns 1985).

¹⁹ Mishra & Biswal, *supra* note 9.

²⁰ X.B. Arriaga & V.A. Foshee, *Do Adolescents Follow in Their Friends' or Their Parents' Footsteps?*, 19 J. INTERPERSONAL VIOLENCE 162 (2004).

other forms of maladaptive behaviour, thereby increasing the likelihood of involvement in delinquent activities during adolescence.²¹

VI. SUGGESTIONS FOR PREVENTION (NEGLECTED CHILDREN)

A. Parenting Education and Awareness

Improving parental awareness regarding child development is an important step in preventing neglect. Parenting programmes can help families understand the importance of supervision, emotional support, and education in a child's development.

B. School-Based Monitoring

Teachers and school authorities are often in a position to identify signs of neglect, such as frequent absenteeism, behavioural problems, or a lack of parental involvement. Early intervention through counselling and support programmes may prevent further behavioural problems.

C. Community Support Systems

Local communities and social welfare organisations can play an important role in supporting families facing difficulties. Mentorship programmes, youth clubs, and community activities may provide positive environments for children who experience neglect at home.

D. Child Protection Intervention

When neglect becomes severe, child protection authorities must intervene to ensure the safety and well-being of the child. Proper rehabilitation and support services can help children regain stability and prevent their involvement in unlawful activities.

Juvenile delinquency among neglected children frequently emerges from prolonged exposure to inadequate supervision, emotional deprivation, educational neglect, dysfunctional family environments, and negative social influences. Although neglected children may continue to reside with their families, the absence of meaningful parental involvement can adversely affect their behavioural and psychological development. Preventive efforts should therefore focus on strengthening parenting practices, enhancing educational engagement, providing community support, and ensuring timely intervention by child protection authorities. Such measures can reduce the risk of delinquency, facilitate social integration, and promote the healthy development and overall well-being of vulnerable children.

²¹ Carla Maas, Todd I. Herrenkohl & Cindy Sousa, *Review of Research on Child Maltreatment and Violence in Youth*, 9 TRAUMA, VIOLENCE & ABUSE 56, 60–62 (2008).

VII. JUVENILE DELINQUENCY AMONG ORPHAN CHILDREN

Orphan children constitute another vulnerable group within the juvenile justice framework. An orphan child is generally understood as a child who has lost both parents through death and consequently grows up without the care, protection, and emotional support ordinarily provided by a family environment. In many situations, such children are placed in institutional care or depend on extended family members or charitable organisations for survival.

The absence of parents can create significant emotional and social challenges during childhood. Without parental care and guidance, orphan children may experience difficulties in emotional development, education, and social adjustment. These challenges sometimes increase their vulnerability to delinquent behaviour during adolescence.

Indian child protection law recognises the need to safeguard children who lack family support. The Juvenile Justice (Care and Protection of Children) Act, 2015 recognises orphan children as children in need of care and protection and provides mechanisms for their care, rehabilitation, and social reintegration. However, despite legal protection, many orphan children face social and economic difficulties that may contribute to their involvement in unlawful activities.

A. Absence of Stable Family Environment

The family serves as the primary institution responsible for a child's emotional, moral, and social development. Orphan children experience the permanent loss of parental care due to the death of one or both parents, thereby growing up without the guidance, protection, and emotional support ordinarily provided within a family setting. The absence of parents during crucial developmental stages may affect the formation of secure attachments and limit opportunities for learning social values and behavioural norms.

In many cases, orphan children are required to adapt to alternative care arrangements at an early age, which may not always provide the stability and continuity associated with family life. The lack of a permanent family environment may create feelings of uncertainty and weaken a child's sense of belonging and security. Child welfare research has consistently highlighted the importance of stable family relationships in promoting healthy emotional development and social adjustment among children.²²

B. Institutional Upbringing and Lack of Personal Attention

Many orphan children are raised in institutional settings such as orphanages or residential care

²² Patricia Chamberlain, *TREATING CHRONIC JUVENILE OFFENDERS: ADVANCES MADE THROUGH THE OREGON MULTIDIMENSIONAL TREATMENT FOSTER CARE MODEL* (Am. Psychol. Ass'n 2003).

homes. While such institutions provide basic necessities, they may not always be able to offer the emotional support and individual attention that a family environment provides.

Children raised in institutional settings sometimes experience feelings of isolation or a lack of identity. These emotional difficulties may affect their behaviour and social interactions.

Research on institutional care has shown that children raised in large residential institutions may experience developmental and behavioural challenges due to limited personal interaction with caregivers.

Frequent changes in caregivers and institutional routines may also affect the formation of stable emotional attachments, thereby influencing behavioural development.²³

C. Economic Insecurity

Orphan children frequently face financial hardship, especially when they leave institutional care or lose support from guardians. A lack of financial stability may create pressure to find employment at an early age.

In some cases, economic hardship may push adolescents toward unlawful activities such as theft or involvement in informal criminal networks. The absence of family support makes it difficult for such children to find legitimate opportunities for survival.

Studies on youth vulnerability indicate that economic insecurity is one of the major risk factors associated with juvenile delinquency.²⁴

D. Social Isolation, Stigma, and Lack of Belonging

Orphan children may experience social exclusion, discrimination, or stigma within certain communities due to the absence of parental support and family identity. Such experiences can affect self-esteem and hinder the development of meaningful social relationships. In some instances, orphan children may perceive themselves as different from their peers, leading to feelings of loneliness and marginalisation.

Adolescence is a period during which the need for acceptance and belonging becomes particularly significant. When orphan children are unable to find support within family or community networks, they may seek recognition and companionship elsewhere. This search for acceptance may increase susceptibility to negative peer influences and association with groups engaged in antisocial or delinquent behaviour. Sociological studies have recognised social

²³ Tali Raviv, H.N. Taussig, S.E. Culhane & E.F. Garrido, *Cumulative Risk Exposure and Mental Health Symptoms Among Maltreated Youth Placed in Out-of-Home Care*, 34 CHILD ABUSE & NEGLECT 742 (2010).

²⁴ Elliott et al., *supra* note 18.

exclusion and weak community integration as factors that may contribute to juvenile offending.²⁵

E. Psychological Impact of Bereavement and Parental Loss

The death of a parent during childhood is one of the most significant forms of emotional loss a child can experience. Orphan children often face profound grief, sadness, insecurity, and emotional distress following the loss of parental figures. The psychological effects of bereavement may persist for many years, particularly when adequate emotional support and counselling are unavailable.

Unresolved grief and emotional trauma may influence behavioural development and decision-making during adolescence. Some children may experience difficulties coping with loss and may express their distress through aggression, withdrawal, impulsive behaviour, or other maladaptive responses. Psychological research on childhood bereavement suggests that the loss of parents can adversely affect emotional stability, social adjustment, and behavioural development when appropriate support mechanisms are absent. Consequently, the psychological consequences of parental loss may increase vulnerability to delinquent behaviour among orphan children.²⁶

VIII. SUGGESTIONS FOR PREVENTION (ORPHAN CHILDREN)

A. Strengthening Alternative Care Systems

Orphan children require effective alternative care arrangements such as foster care, guardianship, or adoption. Family-based care systems are often more beneficial for the emotional development of children than large institutional settings.

B. Providing Educational and Vocational Opportunities

Access to education and vocational training is essential for ensuring that orphan children develop the skills necessary for independent living. Educational support can also help prevent involvement in unlawful activities.

C. Psychological Support and Counselling

Children who have experienced the loss of parents may require counselling and emotional support in order to cope with trauma. Mental health services can help them develop resilience and confidence.

²⁵ David L. Haynie, Peggy C. Giordano, Wendy D. Manning & Monica A. Longmore, *Adolescent Romantic Relationships and Delinquency Involvement*, 43 CRIMINOLOGY 177 (2005).

²⁶ Maas et al., *supra* note 21, at 60–62.

D. Social Integration and Community Support

Community programmes that encourage participation in social activities, sports, and youth groups can help orphan children build positive relationships and a sense of belonging.

Juvenile delinquency among orphan children is closely connected with the challenges arising from the absence of parental care and emotional support. Institutional upbringing, economic insecurity, social isolation, and psychological trauma are among the key factors that contribute to behavioural difficulties in such children. Addressing these issues requires comprehensive measures that focus on family-based care, education, psychological support, and community integration. Providing a stable and supportive environment can significantly reduce the risk of delinquency among orphan children.

IX. *JUSTIN*: JUVENILE DELINQUENCY AMONG ABANDONED, NEGLECTED, AND ORPHAN CHILDREN

A. Background of the Case

The case of *Justin* is often discussed in studies relating to juvenile justice and vulnerable children. Justin was a fourteen-year-old boy in the United States who suffered from severe intellectual disability, with an intelligence quotient estimated at around forty. His childhood was characterised by instability and a lack of parental care. His mother reportedly struggled with drug addiction and his father was absent from his life. Because of these circumstances, Justin spent several years moving between foster homes and temporary care arrangements.²⁷

Due to the absence of stable guardianship, Justin eventually became homeless at a young age. During this period, he was involved in a minor incident that brought him into contact with the juvenile justice system. Because of his intellectual limitations and lack of family support, he was unable to properly explain his situation or defend himself during legal proceedings. Consequently, he was placed in the Pendleton Juvenile Correctional Facility, where he remained for several years.

The case later attracted attention from social workers and juvenile justice officials, who argued that Justin was not a typical juvenile offender but a vulnerable child who required care and protection.²⁸

²⁷ *Prison Orphan* (2020) (documentary film).

²⁸ *Id.*; DAMAR SERVICES, ANNUAL REPORT 2021, at 10–11 (2021).

B. Relevance of the Case to the Topic

Justin's experience illustrates how abandoned, neglected, and orphan-like conditions may lead children into conflict with the law even when they do not possess criminal intent.

Abandonment and lack of guardianship. Justin grew up without a stable parental figure. The absence of family supervision meant that he lacked guidance, protection, and support during his formative years. Children who are abandoned or left without proper guardianship often struggle to survive independently and may become involved in situations that attract police attention. In Justin's case, homelessness and a lack of adult supervision placed him in environments where even minor misunderstandings could lead to contact with law enforcement authorities.

Neglect and failure to provide developmental support. Justin also experienced significant neglect during his childhood. Although he passed through several foster-care placements, he did not receive consistent attention or developmental assistance. Considering his intellectual disability, he required specialised care and supervision. Neglect of this nature can affect a child's ability to understand social rules and respond appropriately to different situations. In Justin's case, his inability to understand legal procedures or communicate effectively resulted in his detention in a juvenile correctional facility rather than placement in a protective care institution.

Orphan-like condition and institutional vulnerability. Although Justin's parents were not always formally deceased, he effectively lived in circumstances similar to those of an orphan. He lacked any permanent guardian who could represent his interests or advocate for appropriate care. Children who grow up without family support often depend entirely on government institutions. In Justin's case, administrative delays and funding issues prevented his early transfer to a specialised care facility. Because no family member was able to challenge the situation, he remained in detention for several years.

C. Correction and Rehabilitation

After prolonged detention, individuals within the juvenile justice system recognised that Justin required medical and psychological support rather than punishment. Through the efforts of counsellors and juvenile justice officials, he was eventually transferred to Damar Services, a residential facility designed for individuals with developmental disabilities.

In this institution, Justin received structured supervision, therapy, and emotional support. Reports indicate that his behaviour and emotional condition improved significantly once he was placed in a supportive environment.

D. Legal and Practical Suggestions to Prevent Such Situations

Justin's case highlights several weaknesses within juvenile justice systems and demonstrates the need for preventive measures.

Early identification of vulnerable children. Law enforcement authorities should conduct proper background assessments when a child comes into contact with the justice system. Information regarding family conditions, homelessness, intellectual disability, and neglect must be carefully examined before treating the child as a delinquent offender. Legal frameworks dealing with juvenile justice already recognise that children require individual assessment before judicial decisions are taken.

Psychological and social assessment. Children suspected of committing offences should undergo psychological and developmental evaluation. Such assessments can help authorities determine whether the child requires rehabilitation, protection, or medical support. Children with intellectual disabilities should not be placed in correctional institutions designed for ordinary juvenile offenders.

Strengthening child welfare and alternative care systems. Governments should strengthen systems of foster care, guardianship, and adoption so that children without parents receive stable family environments. Family-based care is generally more beneficial for the emotional development of children than large institutional settings. Providing stable guardianship can reduce the risk of children becoming homeless or entering criminal environments.

Training for police and judicial authorities. Police officers, juvenile justice boards, and judges dealing with children should receive training in child psychology and child protection laws. Such training can help them recognise cases where a child requires protection rather than punishment. Understanding the difference between juvenile delinquency and vulnerability is essential for fair decision-making.

Availability of specialised care institutions. States should establish specialised residential facilities for children with intellectual disabilities and psychological needs. Such institutions can provide therapy, education, and vocational training instead of confinement in correctional institutions.

The case of Justin demonstrates how abandoned, neglected, and orphan-like conditions can push vulnerable children into the juvenile justice system even when they lack criminal intent. His experience highlights the importance of recognising the social and psychological circumstances that influence juvenile behaviour. Effective juvenile justice systems must therefore focus on early identification of vulnerable children, psychological assessment, family-based care, and

specialised rehabilitation services. By addressing these issues, authorities can prevent situations where children who require protection are mistakenly treated as offenders.

X. AMARJEET SADA: JUVENILE DELINQUENCY AMONG NEGLECTED CHILDREN

A. Background of the Case

The case of *Amarjeet Sada* from Bihar attracted widespread attention because it involved one of the youngest individuals accused of committing homicide in India. Amarjeet Sada was approximately eight years old at the time of the incident. He was accused of killing a younger child in his village. Reports indicated that Amarjeet belonged to an extremely poor family and grew up in an environment lacking proper supervision and guidance.²⁹

Due to the serious nature of the incident, local authorities initially treated the matter as a criminal offence. However, since Amarjeet was below the legally recognised age of criminal responsibility, he could not be prosecuted under criminal law. Instead, he was placed under the supervision of the juvenile justice authorities for counselling and observation.

This case became widely discussed in media and academic circles because it highlighted the role of social conditions in shaping the behaviour of children involved in serious offences.

B. Relevance of the Case to the Topic

The Amarjeet Sada case illustrates how neglect and adverse social conditions may influence juvenile behaviour and lead to situations that appear to involve criminal conduct.

Neglect and lack of parental supervision. One of the important factors identified in this case was the lack of effective supervision. Amarjeet lived in a poor rural household where parental attention and monitoring were limited. Children raised in such environments may spend large amounts of time without adult supervision. Without proper guidance, children may fail to understand the consequences of their actions. In Amarjeet's situation, the absence of consistent parental supervision may have contributed to the tragic incident.

Poverty and social deprivation. Another significant factor associated with the case was economic hardship. Families facing extreme poverty often struggle to provide adequate education, health care, and supervision for their children. Such circumstances may create conditions in which children grow up without proper socialisation. Research on juvenile delinquency indicates that poverty and social deprivation can increase the vulnerability of children to behavioural problems and antisocial conduct.

²⁹ Ayushi Goswami, *3 Murders at Age 8: Meet Amarjeet Sada, World's Youngest Serial Killer*, TIMES NOW NEWS (Oct. 25, 2023).

Lack of psychological and educational support. Children require emotional and educational guidance in order to develop social understanding and self-control. In many rural or economically disadvantaged communities, access to counselling, early childhood education, and psychological support services may be limited. In Amarjeet's case, the absence of such support structures meant that behavioural issues may not have been identified or addressed at an early stage.

C. Legal Perspective

Indian criminal law recognises that young children may not possess the mental capacity required to understand the nature and consequences of their actions. According to the Indian Penal Code, a child below seven years of age is considered incapable of committing an offence, while children between seven and twelve years may be exempt from criminal liability if they lack sufficient maturity of understanding.

Because Amarjeet was below the age of criminal responsibility, he could not be subjected to regular criminal prosecution. Instead, the juvenile justice system focused on rehabilitation and supervision rather than punishment.

This legal approach reflects the broader principle that juvenile justice systems should prioritise the welfare and development of children rather than imposing punitive sanctions.

D. Lessons from the Case

The Amarjeet Sada case demonstrates several important issues relevant to juvenile justice. First, it shows that serious incidents involving children may sometimes arise from social neglect and a lack of supervision rather than deliberate criminal intent. Second, the case highlights the importance of early childhood care, parental supervision, and access to education in preventing behavioural problems. Third, it emphasises the importance of the legal principle that children below a certain age should not be treated as criminal offenders but should instead receive rehabilitation and care.

The Amarjeet Sada case illustrates how neglected social environments can influence the behaviour of young children and lead to incidents that appear as juvenile delinquency. The case also demonstrates the importance of recognising the developmental limitations of children and addressing the underlying social causes of such behaviour. By strengthening child protection mechanisms, improving parental awareness, and ensuring access to education and counselling services, similar situations can be prevented in the future.

XI. SHEELA BARSE V. UNION OF INDIA: PROTECTION OF ABANDONED AND VULNERABLE CHILDREN

A. Background of the Case

The case of *Sheela Barse v. Union of India* emerged from concerns regarding the treatment of children who were detained in jails across India. Sheela Barse, a journalist and human rights activist, addressed a letter to the Supreme Court of India highlighting the poor conditions in which children were being kept in detention facilities. The letter pointed out that many children who were confined in prisons were not hardened offenders but were abandoned or neglected minors who lacked family protection.

The Supreme Court treated this letter as a public interest litigation and initiated proceedings to examine the issue of juvenile detention. During the course of the proceedings, it was revealed that several children had been detained in prisons along with adult offenders and were living in conditions that were harmful to their physical and psychological development.³⁰

B. Relevance of the Case to Abandoned Children

The decision is significant in the context of abandoned children because many of the detained minors lacked proper guardianship and social protection. The Court recognised that children without family care often become vulnerable to exploitation and wrongful detention.

Absence of family protection. A number of children found in detention had been arrested for minor offences such as vagrancy or petty theft. Many of them had no parents or guardians to intervene on their behalf. Without family members to advocate for them, these children remained in jail for long periods. The Court observed that children in such circumstances should not be treated as criminals but as individuals requiring care, protection, and rehabilitation.

Vulnerability of abandoned children in the justice system. The case highlighted the risks faced by abandoned children within the criminal justice system. When children lack family support, they often cannot secure legal representation or challenge unlawful detention. The Supreme Court noted that keeping children in prisons with adult offenders could expose them to abuse, violence, and negative influences. Such treatment could further damage their psychological well-being and increase the risk of delinquent behaviour.

C. Judicial Directions for the Protection of Children

The Supreme Court issued several important directions aimed at protecting vulnerable children

³⁰ *Sheela Barse v. Union of India*, (1986) 3 S.C.C. 596 (India).

in the justice system. First, the Court directed that children should not be kept in ordinary prisons along with adult offenders; instead, they should be placed in observation homes or institutions specifically designed for juveniles. Second, the Court emphasised the importance of providing legal assistance and social support to children who lacked family protection, and instructed authorities to ensure that such children receive proper representation and counselling. Third, the Court stressed that the juvenile justice system should prioritise rehabilitation and welfare rather than punishment when dealing with children.

D. Importance of the Case for Abandoned Children's Rights

The judgment in *Sheela Barse v. Union of India* played an important role in strengthening the rights of vulnerable children within the justice system. It recognised that many children who come into contact with law enforcement are victims of social neglect and abandonment.

The case contributed to the development of policies that emphasise child welfare, rehabilitation, and protection. These principles are reflected in later child protection laws such as the Juvenile Justice (Care and Protection of Children) Act, which focuses on the care and rehabilitation of children who lack parental support.

The *Sheela Barse* case highlights the need to treat abandoned and vulnerable children with care and sensitivity within the legal system. The Supreme Court recognised that such children often enter the justice system due to social neglect rather than deliberate criminal intent. By directing authorities to protect children from detention in adult prisons and emphasising rehabilitation, the Court reinforced the principle that juvenile justice must prioritise the welfare and development of children.

XII. GAURAV JAIN V. UNION OF INDIA: PROTECTION OF VULNERABLE CHILDREN

A. Background of the Case

The case of *Gaurav Jain v. Union of India* originated from a public interest litigation filed before the Supreme Court of India concerning the living conditions of children of sex workers residing in red-light districts. These children were growing up in environments where they were regularly exposed to exploitation, trafficking, social stigma, lack of educational opportunities, and the absence of proper care.

The petitioner argued that children living in such surroundings were highly vulnerable and lacked the opportunity for normal social development. Many of them were deprived of schooling, protection, and emotional support. As a result, they were at risk of being drawn into prostitution, criminal activities, or other forms of social marginalisation.

The case therefore raised important questions about the responsibility of the State to intervene when children grow up in environments that may harm their development and dignity.³¹

B. Judgment of the Supreme Court

The Supreme Court observed that children of sex workers should not be viewed as offenders or social outcasts. Instead, they must be regarded as victims of adverse social circumstances who require protection and assistance.

The Court emphasised that the State has a duty to provide such children with access to education, rehabilitation programmes, and social welfare support so that they can develop into responsible members of society. Authorities were directed to adopt measures aimed at improving their living conditions and integrating them into mainstream society.

The Court also stressed that children residing in red-light areas should be protected from harmful influences and provided with environments that support their physical, emotional, and psychological development.

In order to guide rehabilitation efforts, the Court suggested an approach commonly referred to as the “Three Cs” strategy, consisting of counselling, to provide psychological assistance and emotional guidance to children affected by social neglect or exploitation; cajoling, meaning positive encouragement and support to help children move away from harmful environments; and coercion, referring to necessary intervention by authorities where children are exposed to serious exploitation or danger. This approach was intended to help children gradually move away from exploitative conditions and towards a more secure and supportive social environment.

C. Constitutional Principles Applied

While delivering the judgment, the Supreme Court relied on several constitutional provisions relating to equality, dignity, and the protection of children.

The Constitution requires that every individual be treated fairly and without discrimination within the legal system. This principle of equal treatment is reflected in Article 14, which obliges State authorities to apply the law uniformly to all persons regardless of their social background.

³¹ Gaurav Jain v. Union of India, (1997) 8 S.C.C. 114 (India).

The Court also referred to Article 15(3), which allows the State to adopt special measures for the protection of women and children. This provision supports the introduction of welfare policies designed to safeguard vulnerable groups.

Article 21 has been interpreted by the Supreme Court as protecting the fundamental interests of life and personal liberty, meaning that any action affecting these rights must follow a legally recognised and fair procedure.

In addition, Article 39(f), within the Directive Principles of State Policy, directs the State to ensure that children grow up in conditions that protect their dignity and shield them from exploitation and moral danger.³²

D. Relevance to Juvenile Delinquency

Although this case did not involve a juvenile accused of committing an offence, it is important in discussions of juvenile delinquency because it highlights how social environments can influence the behaviour of children.

Children raised in red-light districts often face several risk factors, including a lack of proper guardianship, exposure to criminal activities, discrimination within society, and limited access to education. These conditions can create circumstances in which children may drift toward delinquent behaviour.

The judgment therefore emphasised that preventing juvenile delinquency requires addressing the broader social conditions in which vulnerable children grow up.

The decision in *Gaurav Jain v. Union of India* reinforced the importance of protecting children who live in socially disadvantaged environments. The Supreme Court recognised that such children are often victims of circumstances rather than offenders. By emphasising education, rehabilitation, and social integration, the Court highlighted the responsibility of the State to ensure that vulnerable children receive opportunities for development and are not pushed into cycles of exploitation or delinquency.

XIII. *M.C. MEHTA V. STATE OF TAMIL NADU*: PROTECTION OF NEGLECTED AND EXPLOITED CHILDREN

A. Background of the Case

The case of *M.C. Mehta v. State of Tamil Nadu* arose from a public interest litigation filed before the Supreme Court of India concerning the widespread employment of children in hazardous

³² INDIA CONST. arts. 14, 15(3), 21, 39(f).

industries in the Sivakasi region of Tamil Nadu. These industries included matchstick and fireworks factories where a large number of children were engaged in dangerous working conditions.

Many of the children working in these factories belonged to economically disadvantaged families and had limited access to education or social protection. Due to poverty and a lack of proper supervision, several children were compelled to work in hazardous environments at a very young age. The petitioner argued that the employment of children in such conditions violated constitutional protections and exposed them to exploitation and physical danger.³³

B. Issues before the Court

The Supreme Court examined whether the continued employment of children in hazardous industries violated the constitutional duty of the State to protect children from exploitation. The Court also considered whether the failure of authorities to regulate child labour effectively had allowed children from vulnerable backgrounds to be deprived of education and healthy development.

C. Judgment of the Supreme Court

The Supreme Court held that the employment of children in hazardous industries was inconsistent with the constitutional obligation to protect children from exploitation. The Court recognised that children engaged in such work were often victims of economic hardship and social neglect rather than voluntary participants in labour. In order to address the problem, the Court issued several important directions: children employed in hazardous industries must be removed from such employment; the State must ensure that rescued children receive education and rehabilitation; employers found engaging children in hazardous work must pay compensation; and a Child Labour Rehabilitation-cum-Welfare Fund must be created to support the welfare and education of affected children.

D. Constitutional Principles Applied

The Court relied on several constitutional provisions relating to the protection of children. Through Article 24, the Constitution of India seeks to protect children from economic exploitation by restricting their employment in factories, mines, and other hazardous occupations that may adversely affect their health, safety, and development.

³³ M.C. Mehta v. State of Tamil Nadu, (1996) 6 S.C.C. 756 (India).

The Court also referred to Articles 39(e) and 39(f), within the Directive Principles of State Policy, which require the State to protect children from exploitation and ensure that they grow up in conditions that support dignity and healthy development.

In addition, the Court recognised that the broader protection of human dignity and development forms part of the constitutional guarantee associated with Article 21, which has been interpreted to include the right to live with dignity and to access the opportunities necessary for human development.³⁴

E. Relevance to Juvenile Delinquency

Although this case did not involve a juvenile accused of committing an offence, it is important for understanding how social conditions may contribute to juvenile delinquency.

Children forced into hazardous labour often experience several forms of deprivation, including lack of education, exposure to exploitative environments, and the absence of proper supervision. These conditions may increase the risk that children become involved in antisocial behaviour or fall victim to criminal networks.

The judgment therefore emphasised that preventing juvenile delinquency requires addressing the broader social and economic conditions that affect vulnerable children.

The decision in *M.C. Mehta v. State of Tamil Nadu* highlighted the responsibility of the State to protect children from economic exploitation and hazardous labour. By directing the removal of children from dangerous industries and emphasising rehabilitation and education, the Court reinforced the principle that vulnerable children must be supported through welfare measures rather than left in exploitative environments. The case demonstrates that neglect and economic exploitation can create circumstances that place children at risk of social marginalisation and potential delinquency. Effective legal protection and social support are therefore essential to safeguard the welfare and development of such children.

XIV. STREET CHILDREN (VILLAGRÁN MORALES ET AL.) V. GUATEMALA: JUVENILE VULNERABILITY ARISING FROM ABANDONMENT AND SOCIAL NEGLECT

A. Background of the Case

The case of *Street Children (Villagrán Morales et al.) v. Guatemala* concerned the lives of vulnerable children who survived on the streets of Guatemala City under conditions of extreme poverty, neglect, and social exclusion. Many of these children lacked stable family support,

³⁴ INDIA CONST. arts. 21, 24, 39(e), 39(f).

adequate supervision, and access to education, healthcare, and other basic necessities essential for healthy development.

Because of their circumstances, the children spent most of their time in public spaces, where they were exposed to violence, exploitation, discrimination, and constant insecurity. Rather than being viewed as children in need of protection, they were frequently perceived as social problems and were subjected to hostility by both society and public authorities.

In 1990, five young persons, including four minors, were abducted, tortured, and killed by individuals associated with state security forces. The incident attracted international attention and ultimately came before the Inter-American Court of Human Rights. The applicants argued that the State had failed to protect children living in vulnerable conditions and had violated their fundamental human rights.³⁵

B. Judicial Observations

The Court observed that the victims belonged to a particularly disadvantaged category of children who had been pushed to the margins of society. Their vulnerability did not arise solely from individual circumstances but from broader social conditions characterised by poverty, exclusion, and inadequate state protection.

The Court recognised that children living on the streets face exceptional risks because they often grow up without consistent parental guidance, emotional support, educational opportunities, or access to welfare services. Such children are frequently deprived of the social structures that ordinarily assist in their healthy physical, psychological, and moral development.

The judgment emphasised that children require special protection from the State, particularly when family and community support mechanisms have broken down. The State therefore has a positive obligation to ensure conditions that enable children to develop with dignity and security rather than being exposed to environments that place them at risk.

C. Institutional Failure Identified

The case exposed serious deficiencies in the protection of vulnerable children. First, the State failed to establish effective social welfare mechanisms capable of addressing the needs of children living in conditions of poverty, abandonment, and homelessness; as a result, many children were left without adequate care, supervision, or opportunities for development. Second, instead of receiving assistance and protection, the victims encountered hostility and

³⁵ Street Children (Villagrán Morales et al.) v. Guatemala, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 63, ¶ 191 (Nov. 19, 1999).

violence from public authorities, and state agents who were expected to safeguard vulnerable children became participants in conduct that endangered their lives and well-being. Third, the authorities failed to conduct effective investigations into the crimes committed against the children, which reinforced a culture of impunity and reflected a broader disregard for the rights and dignity of street children. The Court concluded that the State had neglected its duty to protect one of the most vulnerable groups within society and had failed to create the conditions necessary for their survival and development.

D. Relevance to Juvenile Delinquency

Although the victims in this case were not accused of criminal offences, the decision is highly relevant to understanding the relationship between abandonment, social neglect, and juvenile delinquency.

The circumstances identified by the Court reveal many of the social factors that criminological studies associate with juvenile offending. Children who grow up without parental supervision, stable housing, education, or economic security are often compelled to rely upon informal means of survival. In such circumstances, some children may engage in begging, petty theft, substance abuse, or association with delinquent peer groups in order to meet their basic needs.

The case demonstrates that juvenile delinquency frequently does not arise from inherent criminal tendencies but from adverse social conditions that limit lawful opportunities and expose children to harmful influences. Street children are particularly vulnerable because the absence of family support and social protection increases their exposure to exploitation, criminal networks, and environments where unlawful behaviour may become a means of survival.

By highlighting the realities faced by children living on the streets, the judgment illustrates how abandonment, neglect, poverty, and social exclusion can create circumstances that increase the risk of delinquent behaviour. The decision therefore supports the view that effective prevention of juvenile delinquency requires not only legal intervention but also comprehensive social welfare measures aimed at addressing the root causes of child vulnerability.

The decision in *Street Children (Villagrán Morales et al.) v. Guatemala* is a landmark human rights judgment that highlights the consequences of abandonment, poverty, and social neglect on the lives of children. The case demonstrates that when children are deprived of family care, educational opportunities, and social support, they become vulnerable to violence, exploitation, and social marginalisation. The Court emphasised that States have a responsibility not merely to protect children from direct harm but also to address the conditions that undermine their

development and well-being. By recognising the special vulnerability of street children and the State's obligation to protect them, the decision remains an important authority for understanding how abandonment and social neglect contribute to the broader problem of juvenile delinquency and child vulnerability.

XV. CONCLUSION

The study of juvenile delinquency among abandoned, neglected, and orphan children demonstrates that many children who come into conflict with the law are not inherently criminal but are victims of difficult social circumstances. Lack of parental care, poverty, exploitation, the absence of education, and exposure to harmful environments often play a significant role in shaping the behaviour of vulnerable children.

The case studies examined in this research illustrate how social neglect, economic deprivation, and structural inequalities create conditions that increase children's vulnerability to delinquent behaviour and contact with the criminal justice system. The case of *Amarjeet Sada* reflects the complex relationship between inadequate supervision, adverse socio-economic circumstances, and juvenile offending by very young children who may lack the maturity to fully comprehend the consequences of their actions. Similarly, *Sheela Barse v. Union of India* highlighted the dangers faced by abandoned and vulnerable children who are wrongfully detained in prisons instead of being placed under protective care.

In *Gaurav Jain v. Union of India*, the Supreme Court recognised that children growing up in socially harmful environments such as red-light districts are victims of circumstances and must be protected through rehabilitation and integration rather than social exclusion. The judgment emphasised the responsibility of the State to provide education, counselling, and social support to vulnerable children. Likewise, *M.C. Mehta v. State of Tamil Nadu* exposed the exploitation of children working in hazardous industries and reinforced the constitutional obligation of the State to protect children from economic exploitation and provide them with opportunities for education and development.

International perspectives such as *Street Children (Villagrán Morales et al.) v. Guatemala* further demonstrate that children living in conditions of abandonment, homelessness, poverty, and social exclusion are particularly vulnerable to violence, exploitation, and neglect. The case highlights the responsibility of the State to provide protection and support to vulnerable children rather than allowing them to remain on the margins of society without adequate care and assistance.

These cases collectively reveal that juvenile delinquency among vulnerable children is frequently rooted in social neglect, economic deprivation, family disintegration, and institutional failures rather than in any inherent criminal disposition. Therefore, effective juvenile justice systems must focus on preventive measures such as early identification of vulnerable children, access to education, psychological counselling, family-based care, and community support.

In conclusion, addressing the root causes of abandonment, neglect, and exploitation is essential to prevent children from entering the criminal justice system. A child-centred approach that emphasises protection, rehabilitation, and social reintegration remains fundamental to ensuring that vulnerable children are treated with dignity and given the opportunity to develop into responsible members of society.

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