

REHABILITATION AND REINTEGRATION OF A CHILD IN CONFLICT WITH LAW: ISSUES AND CHALLENGES WITH SPECIAL REFERENCE TO THE STATE OF TRIPURA

Roshni Laskar¹ & Dr. Zigisha Pujari²

Abstract

The present Juvenile Justice System in India possesses significant challenges related to rehabilitation and social reintegration of CICL. This study examines the gaps in implementation, causes hindrance in successful rehabilitation and reintegration of Child in Conflict with Law (hereinafter CICL) by collecting empirical data from the state of Tripura. The Juvenile Justice (Care and Protection of Children) Act, 2015 focuses on child centric rehabilitation approaches but often proves ineffective due to improper implementation of it. The issues such as lack of trained professionals, inadequate infrastructure, vocational training and psychological counseling are often the key challenges in rehabilitation. Additionally, family support, community acceptance and after release care are other cognitive reasons in defeating a successful social reintegration. To get an in-depth insight related to the implementation gaps, researchers have collected empirical data through interviews from different observational homes of Tripura. The study focuses on the importance of effective rehabilitation and reintegration of children and suggests mechanisms such as preparation of Individual Care Plans, gender based plans and community based services to ensure the child's rights protection and also opportunities must be created to facilitate sustainable reintegration.

Keywords: CICL, rehabilitation, reintegration, delinquency, reformatory, conflict with law

¹Research Scholar, Faculty of Law, ICFAI University, Tripura. Email: laskar.roshni88@gmail.com

²Assistant Professor of Law, ICFAI University, Tripura. Email: zigishapujari@iutripura.edu.in

Introduction

The issue of juvenile delinquency has become a serious threat and is now viewed as a matter of global concern. Over time, the emphasis of juvenile justice has shifted away from punishment towards reform, recognizing that children in conflict with the law need guidance and support rather than retribution. The Juvenile Justice (Care and Protection of Children) Act, 2015 reflects this shift, as it highlights rehabilitation and reintegration as key measures to help children rebuild their lives and find their place in society. The concept of juvenile justice is based on the doctrine of '*parens patriae*' (Kumari, 2017). Under the Juvenile Justice Act of 2015, defined '*Juvenile Delinquents*' are as children who are involved in illegal activity and '*Juveniles*' are those children who are engaged in any criminal activity before completion of 18 years of age. India has ratified International Standards such as "UN Standard Minimum Rules for the Administration of Juvenile Justice" (Beijing Rules, 1985), "UN Convention on the Rights of the Child" (UNCRC, 1989) and "The United Nations Guidelines for the Prevention of Juvenile Delinquency" (Riyadh Guidelines, 1990) for betterment of juveniles and incorporated those principles in Indian juvenile justice system. The evolution of Juvenile Justice Legislation in India is a reflection of the country's dedication towards reform and rehabilitation, especially to protect the rights of the children (Rukhsana, 2023).

Despite this back ground, India reported a total of 3, 40,168 juvenile crimes between 2013 and 2022, more than 75% of Apprehended juveniles between 16 to 18 age group "Juvenile Crime rate highest in Delhi last year: NCRB data", (National Crime Records Bureau, 2022).

This study mainly focuses on Tripura for certain compelling reasons. Firstly, the challenges it faces as a border State (Bangladesh shares 84% of its border) which creates hindrances in implementation of juvenile justice provisions. Secondly, cases of child trafficking related to cross border and implementation of Juvenile Justice Act on foreign national juveniles. Thirdly, as a north-eastern border state Tripura faces the problem of limited resources and implementation challenges. Lastly, during collection of empirical data it has been observed that there is a gap in legal provisions and implementation, which helps to closely observe the systematic challenges that impact the effectiveness of the juvenile justice system.

Research Objectives

This study aims to:

1. To critically analyze the gaps in implementing the Juvenile Justice Act, 2015 in accordance with rehabilitation and social reintegration of CICL in Tripura.
2. To address various implementation challenges such as lack of trained professionals, inadequate infrastructure, vocational training, and psychological counselling and after care release faced by institutional child care in Tripura.
3. To assess stakeholder roles and monitoring mechanisms in the juvenile justice system.
4. To provide suggestive measures such as Individual Care plan, gender based strategies and community based services for holistic reintegration and reformation of CICL.
5. To recommend policy measures to strengthen the rehabilitation and reintegration process.

Conceptual Framework: Juvenile Justice and Principle of Best Interest

UNCRC Article 3.1: Best Interest of Child

Article 3.1 of UN Convention on the Rights of the Child emphasis ‘best interest of child’ as primary consideration, that “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration” (UNCRC, 1989).

The best interest of a child not only mandates the safeguarding from harm or welfare of the child but it also covers the broader spectrum of protection of child rights, privacy, and expression. This principle demands overall development of children by prioritization of rehabilitation and reintegration by shifting the focus from punitive to reformative approaches.

Juvenile Justice System in India

The principle of best interest is incorporated in Juvenile Justice Act, 2015 by following the general principles such as presumption of innocence, non-

discrimination, principle of dignity, participation, non-discrimination, principle of fresh start and restoration (JJ Act, 2015). Application of these principles requires proper implementation of a child centric care plan, alternatives of institutionalisation and effective aftercare support mechanisms.

In the landmark judgement of Sampurna Behrua Case (2018), Supreme Court has directed the State to ensure effected enforcement of the provisions of the JJ Act, 2015 and also for establishment of separate bodies such as Juvenile Justice Board (JJB) and Child Welfare Committee (CWC), inclusion of trained professionals and strong monitoring mechanisms. The court emphasizes that the present legislation is ineffective without proper implementation and systematic monitoring.

Need for Rehabilitation and Reintegration: Prioritising the Best Interest of the Child

The background of juvenile justice exemplifies a shift toward identifying that children's mental, moral and emotional development differs from that of adults, requiring special designed approaches that emphasize rehabilitation over punishment. This change acknowledges the understanding that children's criminal actions are often related to factors such as poverty, family instability, lack of education, and social exclusion, rather than inbuilt tendency toward crime.

Various sociological and criminological theories helps in better understanding of juvenile delinquency:

- Strain Theory (Raturi & Rastogi, 2022) - It explains that delinquency occurs when an individual has limited resources to fulfil their desires. In such cases, it has been observed that many individuals are involved in illegal activities to fulfill their aim.
- Social Learning Theory (Raturi & Rastogi, 2022) - This theory implies that children learn certain behaviour by observing other people as they try to mimic it. To prevent delinquent behaviour within a child, it is very important to provide them a positive environment.
- Labelling Theory (Raturi & Rastogi, 2022) - Deviant behaviour can occur in a person if he/she is tagged or labelled as criminal, then it tends to possess participation in criminal act irrespective of what behavioural traits existed beforehand. It emphasises that a non-labelling approach must be taken by child care institutions.

International Standards Supporting Rehabilitation and Reintegration of Juvenile

The International community drafted juvenile legislation and related to children in conflict with law.

- Beijing Rules, 1985: ‘The United Nations Standard Minimum Rules for the Administration of Juvenile Justice were adopted by United Nations General Assembly resolution on 29th November 1985’. It states in detail, that all children irrespective of their colour, race, gender, language or place of birth, will be subject to a minimum standard of rules (The Beijing Rules, 1985).
- United Nations Convention on the Rights of Child, 1989: It emphasizes basically on social reintegration and best interests of the children (Convention on the rights of child, 1989).
- Riyadh Guidelines, 1990: The United Nations Guidelines for the Prevention of Juvenile Delinquency, 1990 (Riyadh Guidelines, 1990), accept the significance of implementing measures to restrict children from involving in criminal activities, presenting various nuanced strategies for crime prevention and discouraging juvenile offenders.

National Framework towards Rehabilitation and Reintegration of Juveniles

After Nirbhaya case (2012) involving a juvenile offender, was a pivotal point as a response of public outcry which triggered the legislative changes as an outcome of which the Juvenile Justice Act, 2015 was introduced. It set forth procedural safeguards for juveniles by addressing the issues related to adoption, unsettled cases and institutional responsibility. It also aims to address the increasing crimes between 16 to 18 years of age of children (Crime in India, 2022).

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

The Preamble of Juvenile Justice Act, 2015 provides ‘catering the best interest and addressing the basic needs by ensuring development, proper care, reintegration, by implementing a child friendly environment in the adjudication and to rehabilitate them through processes mentioned, under institutions and non-institutional bodies established (JJ Act, 2015). The key Provision of the Act are as follows:

- The Act changes the nomenclature from “juvenile” to “child”, it categorizes child in “children conflict with law” and “Children in need of care and protection”.
- ‘Child in Conflict with Law’-As per provision 2(13) of the Juvenile Justice Act, 2015, a CICL, means an “individual” who has engaged in offence and has not completed 18 years of age (JJ Act, 2015).
- Classification of offences.
- Reduction of age in juveniles for commission of heinous crime.
- Establishment of Juvenile Justice Boards in each district.
- Strengthening the provisions related to adoption by establishing the Central Adoption Resource Authority (CARA).

Constitutional Mandates

Under Article 15(3) of Indian Constitution, it mandates the States to make special provisions for Children. Article- 21 guarantees right to life and personal dignity, which provides protection to the juvenile rights. This constitutional mandate includes in JJ Act, 2015 through prioritising child-centric rehabilitation approaches (Pandey, 1997).

Female Delinquents

Under Juvenile Justice Act, 2015, no specific legal provisions are solely available for female juveniles, but impliedly mentioned within its principles and institutional set up, however without a distinct gender-specific provisions in many instances it faces various challenges in its implementation. Provisions mentioned impliedly for female juveniles within the Act are as follows:

- General Principles mentioned under Section-3 of (UNCRC,1989) relevant to female are:
 1. Principle of Dignity and Worth: This principle is important for female juveniles as they are often subjected to abuse and exploitation.
 2. Principle of Equality and Non-Discrimination: This principle also prevented discrimination on the basis of gender.
 3. Principle of Best Interest of Child: It highlighted that all the decisions must be taken after considering the best interest of the child.

4. Principle of Safety: This principle ensure the safety of a child, this mainly relevant to female juveniles as they were subjected more to sexual abuse and exploitation.
- Section 8 of (JJ Act, 2015), talks about administering the Juvenile Justice Board- The act mandates that there should be one woman among the two social workers.
 - Section 27 of (JJ Act, 2015), mandates that there must be a women member within the Child Welfare Committee. Section 41 and 50 of (JJ Act, 2015).
 - specify to have separate institutional facilities for females and female staff must deal with the female delinquents.
 - Rule 56 of (Juvenile Justice Model Rules, 2016) provide that only female staff will supervise the girl children. It also provides provisions to ensure hygiene during mensuration, separate nutritional diet and vocational training for female juveniles.
 - Though the Act is a gender neutral act, it still emphasizes special care to protect the girl children during providing aftercare programmes, mainly for those who cannot return back to their family.

Role and Accountability of Stakeholders

- Police and Special Juvenile Police Units (SJPUs) - It is the first contact point with apprehended child, ensures child friendly process, should produce within 24 hours before the JJB, coordinate with CWC and JJB (JJ Act, 2015).
- Probation Officer- plays a vital role from preparing Social Investigation Reports (SIR) to monitoring the development in child behaviour. Emphasis in Individual Care Plan, their role is not limited to institutional care but include after care services for long-term social reintegration.
- Child Care Institutions- Offer residential care, education, skill development training, psychological support, medical care. Institutions must promote child-friendly environments that support rehabilitation.
- JJB and CWC- operates cases related to CICL and Child in need of care and protection, ensures child friendly approach & best interest of child.

Role of NGO's

- To actively participate in the monitoring mechanism of the physical conditions of child care institutions.
- To create awareness to facilitate the acceptance and support for better social reintegration of CICL.
- To connect CICL in different programs arranged for community services.
- To create sustainable employment opportunities, CICL may be encouraged to sell their handmade products at various exhibitions organized by the State Government. This initiative would not only generate income for them but also imbibe entrepreneurial skills, build confidence, and facilitate their reintegration into society.
- To organize certified courses sponsored by the State government.

Monitoring Mechanism: Later Sampurna Behrua Case (Mehndiratta, 2023)

- National Commission for Protection of Children's Right and State Commission for Protection of Children's Right should appoint adequate staff for proper functioning in providing appropriate conditions for children.
- JJB should engage in regular sessions for speedy disposal of cases related to CICL.
- The Commission of Children's rights should conduct surveys at regular intervals at the state and national level.
- The State government must look after that each child care institution must be registered.
- In every high court, the chief justice should ensure a child friendly environment for CICL.
- All the professionals related to CICL such as members of JJB, SJPU of each district must be given special training to handle those children.

Comparative Analysis of Indian Laws with Various Jurisdiction of Juvenile Justice Laws

This comparative analysis is based on institutional structures, accountability, legal provisions and rehabilitative measures adopted in India, United Kingdom, United States and Saudi Arabia (Mishra, 2020 & AlRomaih, 1985).

Table 1: Comparative analysis of India, United Kingdom, United States and Saudi Arabia.

Factors	India	USA	United Kingdom	Saudi Arabia
Age of Criminal Responsibility	Below 18 years	7-18 years, varies state wise	10-17 year	7-12 years
Institutional Framework	JJB and CWC	Juvenile Courts	Youth Offending teams	Sharia-based juvenile courts
Gender-Responsive Provisions	Limited implementation	State-dependent programs	Comprehensive gender services	Traditional gender separation
Rehabilitation Focus	Provided in legal provisions, but gap in proper implementation	Evidence based programs	Early intervention priority	Family-community based
Aftercare Systems	Lack of proper execution	Structured services	Comprehensive support	Social reintegration
Classification of Offenses	Petty, Serious, Heinous	Differs by jurisdiction	Summary and prosecutable	Pious and civil codes

Some Key Points

- In the USA rehabilitation programs based on evidence supported programs, specialised aftercare services and tailored programs addressing substance abuse among juveniles (National Research Council, 2013).
- The United Kingdom mainly focuses on early detection of juvenile delinquents to prevent it through Youth Offending Team, conferences with family, institutionalisation alternatives on community based services (Youth Justice Board, 2019).
- Saudi Arabia supported community based alternatives and strong family

measures for effective rehabilitation (AIRomaih, 1985).

Prevalent Gaps in Indian Juvenile Justice Structure

1. Absence of adequate measures for early intervention like United Kingdom's Youth Offending Team.
2. Lack of sufficient community based alternatives for institutionalisation.
3. Lack of evidence based support programs available in the USA.
4. Weak substance abuse intervention programs.
5. Inadequate family intervention programs for better reintegration of juveniles.

Rehabilitation And Reintegration Services Provide under Institutional Care

As per the Section- 53 (1) of the Act (JJ Act, 2015), the child care institution must be registered and should provide various services for rehabilitation and reintegration of CICL and emphasis that all the institutional care must work towards aiming rehabilitation and reintegration of child in conflict with law by following prescribed manner:

- To provide basic fundamental requirements such as clothing, shelter, food and medical attention.
- To provide educational facilities as per the specific-need of the children.
- To provide proper vocational and skill development facilities to children in conflict with law.
- Availability of prosthetic devices, hearing aids, wheel-chairs and other essentials required for special children.
- To provide occupational therapy.
- To provide counselling for the mental well-being of the children.
- To provide facilities and infrastructure required for legal aid, treatment of mental-illness and de-addiction.

These provisions provide proper guidelines of the rehabilitation process and also mandates to prepare Individual Care Plan as per the requirement of an individual child by providing them an opportunity to turn into a responsible member of the society (JJ Act, 2015).

Aftercare organisation plays an important role in social reintegration of

CICL, it is a temporary home where children are placed before they are totally reintegrated into the society. Section 46 of the Act, defines Aftercare that when a child is discharged from a child care institution after attaining 18 years, they are provided with after care and financial support to efficiently facilitate the child's reintegration into the society as prescribed under the Act (Mishra, 2023).

Aftercare Services

Aftercare or post care is a crucial part of rehabilitation for successful reintegration of CICL, the State government shall make rules in accordance with the JJ Act.

- For establishing a child care institution.
- Aftercare schemes such as special homes must be followed for children's overall growth.
- The probation officer must prepare a report for each child before release from the child care institution and produce it before the juvenile justice board.
- Financial support must be given to CICL after their discharge from the JJ system for an efficient reintegration into society.

Research Methodology

Research Design

This study employs a mixed approach by collecting both qualitative and quantitative data to provide an overall understanding of the juvenile rehabilitation challenges. The methodology has been designed to confirm that the research objectives are addressed systematically and that the findings are reliable, valid, and ethically sound.

Sources of Data

Primary Data

Semi-structured interviews were conducted with the probation officers, counsellors, staff and CICL from different institutional care.

Secondary Data

Exploration of policies, statutory provisions, case laws, reports of the National/State Commissions for Protection of Child Rights, Ministry of Women and Child Development & International Convention documents.

Research Settings and Population of the Study

Tripura has a total of 8 districts. In 8 districts, 3 observational homes are present, accommodating CICL from across several districts. As the researcher deals with CICL so the data was collected from observation homes. Data was collected from three (3) observation homes and one (1) special home in Tripura:

- Observation home at Dharmanagar, North Tripura (occupancy-8)
- Observation home at Narsingarh, West Tripura (occupancy-15)
- Observation home at Udaipur, Gomati District- (occupancy-11)
- Special Homes, Narsingarh, West Tripura (integrated with observation home of Narsingarh)- (occupancy- 7)

Sampling Method

A purposive sampling method was adopted to identify institutions and potential respondents. This method was used as access to children in conflict with the law is directed by severe legal and procedural safeguards. The sample size of the study was 33. This included children in conflict with the law (n=25). Among them, 16 were male and 9 were female aged between 1-17 years. Other respondents include: staff members (n=3) and representatives of Child Welfare Committees/Probation Officers (n=3).

Data Collection Procedures

Data was collected using the semi-structured interview schedule. The researchers designed the schedule with both open and closed-ended questions to elicit responses from CICL and staff. Each interview lasted for 35-50 minutes. The interviews were conducted in Bengali and Hindi, as per the participant's preference. The data collection was done during January- March, 2025. Along with interviews, data was collected through direct visit and observation of institutional infrastructure, facilities, and daily schedules of the CICL. The researcher maintained strict ethical standards while undertaking the research and especially during collection of empirical data. For that, the researcher obtained permission from institutions, obtained consent from the CICL, structured the interview

questions by considering the aspects to avoid any re-traumatisation, protected confidentiality and privacy by not mentioning the names of the participants.

Method of Data Analysis

Field data were analysed through thematic content method, with responses systematically coded into key themes, such as education, healthcare, vocational training, aftercare, family reintegration and challenges of child care institutions. Secondary sources were referred using doctrinal and comparative approaches, incorporating references to related international standards

Research Findings

The study found various challenges in implementation of rehabilitation and reintegration in the child care institutions. These are as follows:

Lack of Infrastructure and Physical Conditions

Overcrowding is one of the key challenges in rehabilitation of CICL. Some of the child care institutions are overcrowded and they are accommodating more Childrens than it is designed for. One of the unique findings of the study is that it find out no separate space is provided for pregnant CICL. Also, it was found that even though the Juvenile Justice Model Rules, 2016 mandate to make age-based segregation, most of the facilities didn't maintain such segregation. Almost all the facilities accommodate CICL and Child in Need of Care and Protection together. Beside poor sanitation facilities is another area of concern. Lack of adequate number of washrooms (i.e., 1-2 washrooms are allotted for more than 15 inmates) and most of the times the washrooms are not properly cleaned. Finally, the observation and special homes lack proper ventilation. Lack of proper ventilation causes poor quality of air and light, the rooms are shabby, dirty bed sheets have fewer beds which causes a negative impact on child psychology which affects the rehabilitation process of the child. As a 14 years female inmate reported:

We have a lack of washrooms. Sometimes we have to wait for a long time to get the chance to use the washroom and the washrooms are very dirty. Even the quantity and quantity of food provided to us is not appropriate for us.

Lack of Professional Staff

The study identifies the lack of specialized staff in observation and special homes as a significant challenge to the effective rehabilitation of CICL. As per

the JJ Model Rules, 2016, a permanent counsellor should be appointed and they should visit the CCIs on a regular basis. But most (60%) of the facilities have appointed temporary counsellor and they visit on a weekly basis which ultimately hampers the regular psychological intervention. Besides, proper training should be given to the staff for better understanding of psychological and physical needs of a child and it is crucial for implementing Individual Care Plans (ICPs) for efficient implementation of rehabilitative programmes. As one of the staff who participated in this study said:

We give our best to understand the child, but sometimes some of the children get violent and at that time it was very tough to manage them without being strict. So due to less training we don't know the appropriate approach to handle them.

Lack of Educational and Vocational Training

The findings indicate that educational and vocational training facilities available to CICLs are severely limited. Only in 30% of facilities, the children are attending schools, that too for only giving the exams. Most of the children are not going to schools and even no structured system of education is designed for them. No certified courses are provided to them. Similarly, absence of vocational training is very evident. 80% of the facilities are lacking in providing structured vocational training which is helpful to get employment. No separate vocational training programs are designed for female inmates such as tailoring, handicraft or cooking classes. As one of the study participants reported, "We didn't attend any school, home tutors used to come to teach us only for 3 days in a week".

Lack of Implementation of Individual Care Plans

The findings indicate an absence of Individual Care Plan for each child. Staff in the facilities do not document any systematic Individual Care Plans. Even no regular review is done for monitoring the progress of the child which is mandated by JJ Act, 2015.

Lack of Aftercare and Community Based Services

The study reveals an absence of adequate aftercare services for CICL. No proper track is maintained for those children who have been released from such

facilities. After release reports have to be submitted for individual children by the Probation Officer, but such reports are not prepared and maintained by the facilities. Also, there is an absence of arrangement of community based services which is provided under the JJ Act.

Community and Social Stigma

The study found that the CICL also experience rejection from the families as in cases of some Children, their parents cut all ties with them. The facilities informed the researcher that in certain cases it is very difficult to handover the child to their families as they refuse to take them back after they have been released. Also, in certain cases, the child faces social stigma and labelling and couldn't be able to sustain a normal life. As one of the participant informed:

I am a re-offender, and after release I wasn't able to go to school and lead a normal life. Even my neighbours and relatives avoided me. Again, I indulge myself in theft and I prefer to stay here because here no one makes me feel that I am different from them.

Another participant, a superintendent shared:

A boy aged almost 12 years murdered his mother, and after he came here no one from his family visited him. We tried several times to arrange a meeting with his father but he refused to keep any contact with him.

Gender Based Dimensions: Vulnerability of Female Juveniles

The findings suggest that CICL is exposed to cross-border vulnerabilities. A majority (80%) of females are from Bangladesh and some are victims of trafficking, they are facing difficulties such as indeterminate legal status, language obstacles and complex repatriation process. Besides, reproductive health issues are also frequent due to inadequate mensuration hygiene facilities, awareness on contraception, reproductive health education and prenatal & postnatal care for pregnant females. Also, family connections are limited as often families are rejected to keep contact or to accept them back into the family due to shame and societal rejection. A 15 year female participant shared that:

I eloped with my boyfriend, he brought me to India and sold me. Then I was forced into prostitution, somehow I managed to cross the border to go back to Bangladesh but I was arrested while crossing the border without any documents.

Another female participant sharing her ordeal said “After release we have to wait here for several days or months due to the procedures and many times our parents don’t want to take us back”. Such instances make female CICL more exposed to vulnerabilities.

Limited Collaboration among the NGOs

The study reported limited institutional collaboration with NGO’s, although the provisions are laid down to encourage such collaboration to facilitate the rehabilitation and for promoting community based alternatives. Thus, institutions should establish partnerships with private organizations to facilitate opportunities for placement of juveniles following their release from such facilities.

Discussion

The major finding reveals that though legal provisions are given for the best interest of children by incorporating international conventions, there is a gap of implementation of such provisions. Though a proper accountability mechanism is highlighted through Sampurna Behrui judgement (2018), no regular inspection is done as per the mandate. No specific gender-based facilities are provided to the female juveniles by considering their special needs, abuse, and trauma. Lack of reproductive health services, lack of appropriate number of female staff, limited vocational program which violates the gender-centric principles laid down in UNCRC.

Policy Recommendation

Immediate Reforms (0-1 Years)

1. **Infrastructural Changes:** Speedy sanctioning of funds for improvements of the basic amenities such as ventilation, sanitation, privacy provisions, and gender-specific accommodations.
2. **Immediate Staff Recruitment:** To appoint specialized staff such as psychologists’ counsellor, female workers for gender specific services.
3. **Implementation of proper training:** Mandatory training programs must be given to the existing staff including child psychology, trauma-informed care, and rights-based approaches.
4. **Preparation of Individual Child Care Plan:** Improvement and implementation of standardized ICP procedures with regular monitoring and outcome tracking.

Medium-Term Reforms (1-5 Years)

1. Alternative Community Development: Encouraging foster care, establishment of therapeutic communities and alternative community based services such as indulging them
2. Aftercare System Strengthening: To create a dedicated team for aftercare services with trained social workers, sustainable funding, and systematic outcome monitoring.
3. Gender-Responsive Programming: To develop a comprehensive program addressing reproductive health, trauma recovery, and skill development for female CICL.
4. Early Intervention Pilot Programs: Implementation of Youth Offending Team models adapted for Indian contexts in select districts.

Long-Term Reforms (5+ Years)

1. Integration of System and Technology: Development of unified case management systems that link all involved parties and support decision-making based on data analysis.
2. Legislative Review: Regular systematic review of the JJ Act execution challenges and consideration of amendments & addressing identified gaps State and National Level Recommendation

Suggestions

State Level

1. Establishment of a strong monitoring committee for the State juvenile justice that include civil society representatives and they should possess power to ensure compliance.
2. To develop practical guidelines for State- specific rehabilitation application by including socio-economic & cultural aspects.
3. To allocate a dedicated budget for each rehabilitation program's measurable outcome performance indicators.
4. To arrange family meetings at regular intervals and to involve the CICL in community based activity which facilitate a smooth reintegration into the society.
5. To involve NGOs for smooth reintegration of CICL.

National Level

1. To include gender-specific programs in the present the JJ Act as mentioned under Beijing rules to fulfil the separate physical, social and psychological needs of females without any discrimination, along with strong accountability mechanisms.
2. To develop certain standards as a registration criteria that every child care institution must follow for getting registered.
3. To establish National Juvenile Justice centres along with regional centres.

Limitation of the Research

Due to shortage of time, this research is limited to the State of Tripura and the findings may not be applicable to other parts of the country. Moreover, due to administrative pressure and lack of trust on researchers, there is a chance of response biases from CICL and officials themselves during interviews. Due to confidentiality clauses, the researcher faces problems in getting access to records and details of children in conflict with law.

Conclusion

The study shows a persistent and significant gap between the objectives of the JJ Act 2015 and the ground-level conditions the CICL is actually facing. Although proper legislative provisions and accountability mechanisms are provided in the Sampurna Behrua (2018) judgement, still poor implementation exists which causes systematic failures and to undermine the focus on “best interest on child” and are the contributing factors for marginalisation, social stigmatisation and recidivism. The empirical data of this research shows that present rehabilitation and reintegration programs fail to provide overall holistic development of CICL, and also fail to address the definite issues of the cross-border female juveniles. Absence of structured Individual Child Care Plan, lack of trained staff, poor infrastructures and absence of after care services amounts to systematic violation of child rights and fundamentally undermine the reformatory purpose of juvenile justice.

References

- AlRomaih, Y. A. (1985). Juvenile delinquency in Saudi Arabia (Master's thesis, Portland State University). PDXScholar. <https://doi.org/10.155760/etd.5302>
- Juvenile Justice Care and Protection of Children) Act, 2015 Act 2 of 2016.
- Kumari, V. (2017). The Juvenile Justice (Care and Protection of Children) Act 2015 critical analyses. LexisNexis.
- Mehndiratta, M. (2023, October 11). Sampurna Behura v. Union of India (2018). In R. Garg (Ed.), Landmark juvenile Supreme Court cases in India. iPleaders. https://blog.ipleaders.in/landmark-juvenile-supreme-court-cases-in-india/#Sampurna_Behura_v_Union_of_India_2018
- Mishra, N. (2020). An analysis of rehabilitation and reintegration for children in conflict with law in the state of Delhi [Unpublished master's thesis]. National Law School of India University, Department of Law.
- Mukesh & Anr. v. State of NCT Delhi, AIR (2017) 6 SCC 1.
- National Crime Records Bureau (NCRB) Report (2022). <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701607577CrimeinIndia2022Book1.pdf>.
- Pandey, J. N. (1997). Constitutional law of India (32nd ed.). Central Law Agency.
- Parween, R. (2023). A critical analysis of rehabilitation and social reintegration of children in conflict with law with special reference to Lucknow [Unpublished master's thesis]. Faculty of Law. <https://shodhganga.inflibnet.ac.in/handle/10603/595682>.
- Raturi, S., & Rastogi, S. (2022). Sociological theories of juvenile delinquency: A criminological perspective. *International Journal of Health Sciences*, 6(23). <https://doi.org/10.53730/ijhs.v6nS3.7691>.
- Sampurna Behrua v. Union of India & Ors, W.P. (C) No. 473 of 2005, decided on February 9, 2018.
- United Nations. (1985). United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). UN General Assembly Resolution 40/33. <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-administration-juvenile>.
- United Nations. (1989). Convention on the Rights of the Child. UN General Assembly Resolution 44/25. <https://www.unicef.org/child-rights-convention>.
- United Nations. (1990). United Nations Guidelines for the Prevention of Juvenile Delinquency Riyadh Guidelines. UN General Assembly Resolution 45/112. <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-guidelines-prevention-juvenile-delinquency-riyadh>.