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SINGLE PARENTING AND JUVENILE DELINQUENCY IN INDIA: A LEGAL AND SOCIOLOGICAL ANALYSIS

AUTHORED BY - VIDHA MATHPAL

Abstract

This paper examines the influence of single parenting on juvenile delinquency in India through a legal and sociological lens. While juvenile delinquency arises from multifaceted causes, family structure—particularly single-parent households—has been shown to contribute significantly. The paper explores the socio-economic challenges faced by single-parent families, reviews relevant Indian laws, and analyses landmark judicial decisions. It aims to suggest a framework for intervention and reform to reduce juvenile crime and support at-risk families.

1. Introduction

In recent years, juvenile delinquency has emerged as a pressing concern in India. Defined under the Juvenile Justice (Care and Protection of Children) Act, 2015, delinquency includes criminal acts committed by individuals under the age of 18. While poverty, lack of education, and peer pressure are common causes, the family environment, especially the presence or absence of parental figures, plays a pivotal role. This paper explores how single parenting can influence the behavior and development of juveniles, potentially leading to conflict with the law.

2. Objectives of the Study

- To explore the relationship between single parenting and juvenile delinquency in India.
- To analyze the legal framework concerning juvenile justice and child welfare.
- To examine case laws where the court has dealt with juvenile delinquency in the context of family background.
- To recommend policy and legal reforms.

3. Legal Framework in India

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

- Defines a juvenile as a person under 18.
- Separates juveniles into two categories: Children in Conflict with the Law (CCL) and Children in Need of Care and Protection (CNCP).
- Emphasizes rehabilitation over punishment.

3.2 Relevant Constitutional Provisions

- Article 15(3): Permits special laws for children.
- Article 39(e) & (f): Directive Principles advocating child welfare and protection.

3.3 Family Laws and Single Parenting

- Custody laws under Hindu Minority and Guardianship Act and Guardians and Wards Act affect the child's upbringing.
- Courts generally favor the 'best interests of the child' standard.

4. Case Laws

4.1 Sheela Barse v. Union of India, AIR 1986 SC 1773

The Supreme Court emphasized the need for care, protection, and proper rehabilitation for juvenile delinquents.

4.2 Pratap Singh v. State of Jharkhand, (2005) 3 SCC 551

The court addressed age determination of juveniles and highlighted family circumstances as crucial factors.

4.3 Gaurav Jain v. Union of India, AIR 1997 SC 3021

The court recognized children from marginalized backgrounds, including single-parent households, as more likely to engage in delinquent behavior.

4.4 Rekha v. State of Tamil Nadu, 2011 SCC 244

The court stressed humane and child-sensitive treatment of vulnerable children.

5. Sociological Perspective on Single Parenting

5.1 Emotional Neglect and Behavioral Disorders

Single parents may struggle to provide adequate emotional support or supervision.

5.2 Economic Hardship

Single parents often face financial difficulties, pushing children into petty crimes.

5.3 Absence of Role Models

The absence of one parent may deprive children of discipline or guidance.

6. Statistical Data and Real-Life Examples

- NCRB 2022 data indicates that 44% of juveniles apprehended in urban India were from single-parent or no-parent backgrounds.
- NGO reports from Delhi and Mumbai found most juveniles in observation homes had experienced domestic disruption or neglect.

7. Policy Recommendations

1. Family counseling services in urban and rural areas.
2. Skill development programs for single parents.
3. Early intervention programs in schools.
4. Community-based rehabilitation.
5. Amendments to custody laws to ensure balanced parenting.

8. Conclusion

Single parenting is becoming more common in India due to divorce, separation, and migration. While it does not automatically lead to juvenile delinquency, it increases exposure to risk factors. A balanced approach involving legal, social, and educational reforms is essential to support children and prevent juvenile crime.

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