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# Juvenile Delinquency in India: The Past, The Present and The Future

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## ABSTRACT

*'All children need is a little help, a little guidance, a little hope and somebody who believes in them.'*

*Juvenile delinquency is something which is a serious point of problem which needs our special attention. Juvenile is when the youth of the nation especially a young person under an age fixed by law would be charged as an adult for a criminal act. They are immature and do not act as their age. The important aspect is to focus on what leads them to become like that. As juvenile delinquency is driven by a defeatist approach in the mind of the young person, in my opinion they lack the active knowledge of appropriate decision making. The social and economic development, political instability also acts as another reason to aid the youngsters to fall under the category of a juvenile delinquent. As they are transitioning from childhood to an adult they develop increasing complexities and confusions in the world. The paper focuses on the who a juvenile is?, what causes them to fall under failed decision making capacity, how to make them independent decision makers, what is the future like and how is the current law in India dealing with the juvenile delinquents.*

**Keywords:** *Juvenile , delinquent, criminal, behaviour, society.*

## I. INTRODUCTION

Etymologically the term delinquency has been derived from the latin word delinquer which means to omit. It is used to describe a person found guilty of customary offences. In the contemporary scientific thought perceived with predominant cultural standpoints, childhood and adolescence are perceived as being indisputably different from adulthood. Particularly, in terms of their psychological aspects, biological aspects and sociological aspects. Humans do not get an opportunity to choose the particular features of the social environment in which they were to be born. The personality traits and identities have developed only after their birth. The unacceptable behaviour may be designated as deviant behaviour or a type of delinquent behaviour. Such behaviour features a number of common deviations from the adult behaviour. Negative social environment is the major reason for the wrong behaviour of the child.

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Aggressive children could be a result of violent and strict parenting, or rude behaviours of the parents towards the children. People exhibiting violent and irrational behaviours are often victim of such behaviours and violent treatments. In order to understand the meaning of juvenile delinquency it is important to know the law for the same. Violation of law by a child under a certain age parameter is defined as Juvenile Delinquency. It falls under the category of antisocial and criminal behaviour by a human person who is under the age of 18, who is not an adult. Thus, we can say that juvenile delinquency is the basic form of crime which is committed by children. The characteristics of juvenile offending and adult offending are different from each other in variety of ways. It has been recognized that young people are more at risk of a range of problems conducive to offending including mental health problems, alcohol and other drugs.

It showcases two types of behaviours<sup>2</sup>-

- Delinquent offense and
- Status offense.

Status offences are not considered to be good for children and adolescents because of the age of the offender. Consumption of alcohol, possession of alcohol and drinking it or even running away from home, truancy, absenteeism from schools and violation of rules are some examples of status offences. It also includes being ungovernable, incorrigible and waywardness. Delinquent offense violates the legal statutes that may also apply to adults in the criminal justice systems. Violent acts also fall under the category of delinquent offenses example murder, rape, armed robbery, aggravated and simple assaults, harassment, staling, menacing, child abuse and other similar offenses. Delinquent offenses include acts that are concerned with property crimes, damage, theft, motor vehicle crimes, vandalism and others. Many miscellaneous crimes in terms of public order offenses are also called delinquent offenses.

Juvenile delinquency<sup>3</sup> is of utmost importance in our society due to three specific reasons-

- Adolescents and Children usually commit delinquent acts and offenses that result in violence and other victimization. A huge number of children are often arrested for being delinquent.
- The general health and the growth of the society also are visible examples to prove the

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<sup>2</sup> The criminological mind, available at : <https://blogs.baruch.cuny.edu/crimeandjustice2012/2012/07/29/types-of-delinquency/> (last visited March 24,2023).

<sup>3</sup> Juvenile delinquency, available at: <https://www.tutorialspoint.com/juvenile-delinquency-causes-and-prevention#:~:text=the%20family%20context%2C%20the%20degree,are%20all%20family%20variables%20th> at ( last visited March 23, 2023).

delinquent behaviours. It can be observed in the neighbourhood the delinquent behaviour and antisocial practices are seen as a part of a larger set of society related problems.

## II. CAUSES OF JUVENILE DELINQUENCY

- **Violence at home** it is among the most contributing factor to delinquent behavior. Any criminal juvenile attorney will be a proof that the child has been subjected to violence. These violent experiences at home are very common like lashing out on others. Those children who are subjected to such violent actions are more likely to act out their fears and frustrations. They often have a careless attitude and this often leads them towards more trouble.
- **Violence in Social Circles** after our homes the next most important circle is the social circle, if the neighborhood where the child stays is not calm and is violent automatically that thing becomes a program in the mind and they become more prone to delinquent behavior. This is often also described as a street survival method.
- **Peer pressure** peer pressure is also a form of direct friends who can have a direct effect on how a child reacts to an uncomfortable situation. The group doing wrongful acts may give pressure to the child to do the same in order to be accepted. The best way is to know their friends and be actively involved with them. In this way the bad influence can be kept away.
- **Socio economic factors** juvenile delinquency is very common in poor sections of the society and neighborhoods. Theft and other similar crimes could also be a result of such society.
- **Substance Abuse** it is something which is very common cause of delinquency. Children who are exposed to substance abuse often forced to find other ways in order to do things. Sometimes they would often need to do these activities in order to sustain themselves.
- **Counseling and treatment** these are often the most helpful remedies to help these children. They could also offer them a better self-worth to deteriorate and allow them to commit acts that they would not otherwise have done.
- **Lack of guidance** Parents guidance and their influence is of utmost importance, when they interact with the child and make them understand what is an acceptable behavior and what is not it is more likely to make them understand what is right and what is

wrong.

### **III. JUVENILE JUSTICE IN INDIA<sup>4</sup>**

The present statistics on juvenile delinquency in India reveals that the problem is not difficult in the western world. This could also be due to a varied difference between the different convictions, living standards, family affiliations, parental control and different religious beliefs. However, this does not mean that the level of juvenile delinquency in India is negligible. The impact of western civilization and that luxurious life often disturbs the modern India youth in different ways. If we look closely there has been considerable increase in the crimes which are committed by the juveniles. Just like any other country India also seeks to deal with the problem of juveniles on the basis of the following.

- They should be corrected through correctional institutions and should not be tried immediately as a last resort.
- They should be reformed rather than being punished.
- Such children must be given community based social control like special homes, observation homes etc.

The laws in India are much more precise and have a clearly defined definition of the juvenile delinquency. According to which any violation of existing laws by a child under 18 years of age shall be considered as an act in conflict with laws with the Juvenile Justice Board. The Juvenile Justice Act, 2015 aims to replacing the act which it exists presently, so that the juveniles conflicting with the laws like heinous offences can be tried as adults. Juvenile here is referred to as adolescents who have not yet reached at the age of majority. Crime is something which cannot be seen as something occurring naturally to a child. It is something that they imbibe through their surroundings and many other reasons. Someone has very rightly said that it is very easy to construct or build a strong child than to repair broken men. If they are not well groomed then it can be considered as a threat to the country and hence the future is not very bright. Which is why, we as responsible citizens need to develop better surrounding in order to have better future. The reason why a child would go against the laws is either lack of education or a different kind of upbringing which could be due to unhealthy socio cultural environment. As they are unable to follow the set of social and legal norms they get involved in the criminal behavior which is the juvenile crime.

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<sup>4</sup> Juvenile justice in India, available at : <https://www.ojp.gov/ncjrs/virtual-library/abstracts/juvenile-court-laws-india#:~:text=The%201973%20Code%20of%20Criminal,age%20to%2018%20for%20girls.> ( last visited March 24, 2023.)

#### **IV. HISTORICAL BACKGROUND OF JUVENILE JUSTICE SYSTEM INDIA**

The Juvenile Justice Act, 1986, was enacted by the parliament in order to provide protection, care and treatment along with development and rehabilitation to neglected or delinquent juveniles. The Juvenile Justice Act 1960 was operative in the country after which The Juvenile Justice Act, 2000 came into force on 30<sup>th</sup> December 2000. It was considered as the primary legal framework for the juvenile justice in India. Later in the wake of the Delhi gang rape this law received a nationwide criticism as the juveniles were a part of a heinous crime but cannot be tried. The Juvenile justice bill came into force in 2016. Meanwhile India also signed a ratification with the UN Convention on the Rights of the Child, 1989, which treats a person as a juvenile who is below the age of 18 years.

##### **(A) Juvenile Justice Act, 2000**

It was established in the year ,2000 with the aim and intent to provide proper protection for the children. After the frightful incident of Delhi Gang Rape Case it made it even more important to come up with the laws. The main drawback was that it contained less equipped legal provisions and malfunctioning.

##### **(B) Present Juvenile Justice System in India**

Like every other country, India also made a legal provision which deals with the protection and rights of the offenders which seek to tackle the problem of juvenile delinquency. It is made on the basis of three main assumptions-

- Firstly, they should not be tried directly in the courts but should be corrected in a better way.
- Secondly, the punishment should be the last resort and a chance to reform should also be provided.
- Thirdly, community based social control agencies should also be considered rather than a penal treatment.

##### **(C) Silent features of the Juvenile laws are as follows**

- The Juvenile Justice Act, 2015<sup>5</sup> gives a definition of the child under section 2 sub clause 12. A person who has not attained the age of 18years. The act also gives a clarification between the Child and a Child in need of care and protection.

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<sup>5</sup> The Juvenile Justice Act 2015, available at [https://www.indiacode.nic.in/handle/123456789/2148?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/2148?sam_handle=123456789/1362) ( last visited March 20, 2023)

- It also talks about the child in conflict with the laws.
- A distinction was also made regarding the offences which are heinous, serious and petty.
- Special courts established which will try only the juvenile offences, like NDPS Courts dealing with POCSO.
- The meaning of Child in need of care and protection was also enhanced under this act.

The consolidated laws related to the children were conflicting with the law and children in need of care and protection through proper care and protection, development, treatment and social integration. The act also aims to focus on rehabilitation of juvenile offenders through various child care house and institutions. The most debatable question among the legal world is the claim of juvenility. It has to be decided by the Juvenile Justice Board before proceeding.

In the case of *Kulaibrahmin v State of Coimbatore*<sup>6</sup> it was observed that the court has a right to raise questions regarding juvenility at any point of time during the trial.

In the case of *Deoki Nandan Dayma v State of Uttar Pradesh*<sup>7</sup> the court mentioned that the entry in the register mentions the date of birth of the students in order to determine the age of juvenile or to show whether the accused is a child or adult.

#### **(D) Juvenile Justice Board**

The purpose of the board is hearing the matters of the juvenile in conflict with the laws. It is mandatory for it to have a principal magistrate and two social workers among whom one should be a woman. The decision of the principal magistrate shall be final. The act also provides for the procedure against the person who is the offender. The proceedings may not be initiated on a complaint by a police or a citizen. It has to be a formal hearing and should be strictly confidential. The offenders should be at the observation home after the process of detention. The lady magistrate shall conduct the juvenile conflict with law.

Juvenile Justice under the Indian Constitution is considered as the fundamental law of India. It has all the duties and rights of the citizens. It also provides the working provisions. The constitution provides for some basic rights as well especially for the welfare of the children. To have a free and compulsory elementary education for all the children under the age bracket of 6-14 years.

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<sup>6</sup> *Kulaibrahmin v State of Coimbatore*, July 3, 2014.

<sup>7</sup> *Deoki Nandan Dayma v State of Uttar Pradesh*, 1996 CriLJ 61

- Right to be protected from dangerous employment under the age of 14.
- Right to be protected from being abused in any form by an adult.
- Right to be protected from human trafficking.

Which is why the law makers while the drafting of the Juvenile Act, 2015 has to consider all the necessary provisions which are laid down by the constitution so that the rights of the child. Chapter IV of the Act mentions the provisions so that juveniles have a better reformation and rehabilitation.

## **V. CONCLUSION**

Prevention for the children is really necessary. Firstly, the identification of these juveniles and then to offer them with the required treatment is also an extremely important step. If timely it is not recognized then they tend to become natural offenders in committing crimes. The most effective way is to assist the child from the very beginning. The programs should also be offered by the state and the government should work closely with them. A lot of criminologists have also suggested various provisions in order to deal with the juveniles. Some of the provisions are useful for the growth and welfare and its development. Individualistic programs which involves the counseling sessions and psychotherapy and proper education for the children Environmental programs which involve employment techniques with a view to change the social economic context. Since prevention of delinquency is a broader term, the government has to also recognize the importance of allocating resources for the prevention of delinquency. It includes activities such as family counseling, youth mentoring, parenting education, educating for substance abuse, sheltering the youth and educational support.

The form of exploitation of these children is among one of the many evils which are present in our society. It definitely has a profound effect on the child and its life. The issue of child abuse is really serious as it forces the child to react or behave in such a way which could be both harmful to the child as well as the society as a whole. They behave in such a manner because they have had experiences of mental trauma early in their life. It could further also vary as psychological abuse, physical abuse or a certain combination of both influencing the youngsters in a negative way. It definitely has a profound effect on the child and its life. The issue of child abuse is really serious as it forces the child to react or behave in such a way which could be both harmful to the child as well as the society as a whole. They behave in such a manner because they have had experiences of mental trauma early in their life. The eradication is really important practice in order to keep the problem under control. In the best interest of the child it is important to bring him on the right track as early as possible. The state also has



a duty of responsibility in order to protect the rights of the children and have methods which are reformatory in nature in order to inculcate values in these children. This could help to socially uplift and give confidence to them so that they can take better decisions for themselves and also play a constructive role in the society. Every day we read the news where the students in colleges are involved into fights and acts of violence, some news reports also include harassment, stalking and other illegal activities. The issue of child abuse is really serious as it forces the child to react or behave in such a way which could be both harmful to the child as well as the society as a whole. Vandalism is something which can also be seen among student's youngsters although more reason to have proper laws and education for young minds. The increasingly high rates of these juvenile crimes are definitely a point which requires a little more attention. Although government has laid down various legislations in order to reduce these crimes but it has not seen much of a difference. The present laws are not very difference creating in nature, nor the efforts are fruitful in nature. I feel more than the legal aspect the mental health and emotional fitness has to be discussed.

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