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## JUVENILE DELINQUENCY IN INDIA

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### CHAPTER I – INTRODUCTION TO JUVENILE DELINQUENCY

#### 1.1 INTRODUCTION:

Children are believed to be the key determinant in the development of any nation. They are also the ones who determine the future of the world and the bellwether of society. Children are the future of our country and it is everyone's responsibility to ensure that they have a safe place to live and a healthy environment to develop. But over the past decade there has been a dramatic rise in child crime in a developing country like India. The civilized men of the future are totally dependent upon today's burgeoning children. It can easily be seen that the future of the country is at great risk once the children get involved in atrocious crimes. Juvenile delinquency is the phrase used to describe the criminal acts of minor offenders.<sup>1</sup> It is one of the serious issue which almost all the societies of the world are facing. In India, the rate of crime committed by the minors is increasing at a startling rate that is disturbing and dangerous to the public interest, therefore, it has now become requisite to find the remedies to avoid the risk of juvenile delinquency. Juvenile crimes have set off to be so usual that they uplift serious concern in the nation. Children as we know them are vulnerable groups in society that need a lot of care and protection. It is important to note that because of their vulnerability, there is a chance that these children may be abused and directed into a ditch that is not wanted by the environment Therefore, a child cannot be held responsible for his or her criminal activities. A child who breaks the law may be considered as a child who has allegedly committed or violated some law, under which his or her act of commission or omission becomes an offence. In other words when a child's actions appear to be harmful to society and to

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<sup>1</sup> Shivani Jani, Juvenile Delinquency and Crime Prevention, LEGAL SERVICE INDIA (Oct 31, 2021, 3:21 PM), <https://www.legalserviceindia.com>.

him, he may be called a juvenile delinquent.<sup>2</sup> The act of delinquency may comprise running away from house, use of inappropriate or vulgar languages, robbery, committing sexual offences etc.

## **1.2 REVIEW OF LITERATURE:**

Understanding the concept of Juvenile delinquency is really a matter of significance. It has become very essential to understand the reasons leading to the increasing complications of crimes by the minors in India. Below are some relevant studies that have been taken up for the purpose of literature review;

**Deepshikha Agarwal (2018)** in her research paper '**Juvenile Delinquency in India- Latest Trends and Entailing Amendments in Juvenile Justice Act**' states that Juvenile delinquency is a serious crime and it is harmful to the social system of any nation. As youth become more involved in violent crimes, there is a growing trend of juvenile delinquency around the world. India is showing a trend towards a similar rate of violent crime to juvenile delinquency. This is a matter of great concern to the country and thus there is a need of vigilant solution to be found in order to end the problem. She also focuses on the reasons of delinquency but lacks to include the reasonable suggestion regarding the solution for the prevailing issue.

**Rajeev Singh (2019)** in his article '**Juvenile Delinquency and its Supporting factors**' talks about the reasons that lead to Juvenile delinquency. He aims to explore the family background of the minor offenders and their financial status as well as the educational background of the offenders that affect or lead to crimes among juveniles. He signifies that poverty, low family income, family background and lack of parental supervision over children were the main reasons for the rise in the crime trend among the minors. 16-18 year olds are more likely to commit crimes due to the negative impact of the environment.

**Shivangi Tiwari (2020)** in her research paper '**Analytical Study of Juvenile Delinquency in India**' emphasizes that men's civilization depends on children, it is the basis of development in the society. Based on this it is easy to imagine that the future of the country will be in jeopardy

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<sup>2</sup> Ashish Mathur, Juvenile Delinquency in India Causes and Prevention, LEGAL SERVICE INDIA (Oct 31, 2021, 3:21 PM), <https://www.legalserviceindia.com>.

where children start engaging in heinous crimes. We can observe an unprecedented increase in cases of crimes by children in most countries of the world. In India, the rate of juvenile delinquency is rising at an alarming rate, which is detrimental to the interests of society and is deadly, so finding solutions to the threat of juvenile delinquency is the need of the hour.

### ***1.3 RESEARCH QUESTIONS:***

- What are the causes that contribute to juvenile delinquency?
- What is the role of the community in preventing juvenile crimes?

### ***1.4 OBJECTIVES OF STUDY:***

- To study the causes contributing to juvenile delinquency
- To study the role played by the law and know the juvenile legislation in India.
- To explore the roles of the community in preventing juvenile crimes.

### ***1.5 RESEARCH METHODOLOGY:***

The following study is done in an analytical and descriptive way, so as to provide a clarity with each topic mentioned and discussed. The study was done with the help of secondary sources. The collection of data will be from published papers, relevant articles, case laws, legislations, internet sources, secondary sources that were referred to.

## **CHAPTER II - REASONS FOR JUVENILE CRIMES**

Several integrative studies on juvenile delinquency states that the behavioral changes occur in the juveniles, which are related to the sudden variations in their body because of the hormonal surge which is related to puberty. These variations are mostly observed in physical parameters, such as change in height and weight of the adolescents, and are soon followed by other sexual and physical changes of maturity. These physical changes are accompanied by mental changes also.

### **2.1 Social Factors:**

Sometimes, the juveniles develop a delinquent culture because of the traditional outgrowth and frustration they go through. They tend to accept disrespectful tendencies because of increased pressure. Some young people downplay traditional values, thus anything that is respected and considered to be in the best interests of the young people, and they are only excluded from the emerging system. Therefore, when certain practices are kept in the community, juvenile delinquents give these values and try to stand out from the crowd, outdoing others and indulging in such things. The youth may become criminals if they have opportunities to learn illegal activities they may indulge in street brawls and hooliganism if they lack these opportunities, or are not able to excel in the area of organized crime.<sup>3</sup> Some studies indicate that social factors such as higher education and lower education are also responsible for juvenile delinquency. Drug abuse also exposes young ones to the dangers of provocation. Broken families are directly related to high crime rates. The negative role of the family has also been highlighted in other studies. The report indicates that a child who receives custody of a small family, or who lives in dysfunctional family settings or in poor families has a higher chance of getting involved in the participation of crime.

### **2.2 Psychological Factors:**

There are also psychological factors that affect in the delinquency. Behavioral problems in the early stages of childhood are indicative of rebellious behavior in the future. When the instinctive element of individual's personality becomes too strong, and the socially taught element of personality becomes weak children develop an anti-social behavior. At a time when self-control and social-control through social groups are weakened, teens tend towards delinquencies. Violations of public institutions have also been linked to deviance and rebellious nature. There is a strong link between the state of mind of the youth and the tendency to rebel. These minors also showed high incidence of substance abuse. Under the social factors it has been noted that the social environment has a strong impact on deviating tendencies of the juveniles. Under environmental conditions it has been observed that the environment has a strong influence on the deviant behavior of young people. Research shows that when the surrounding constraints are weak and the

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<sup>3</sup> Deepshikha Agarwal, *Juvenile Delinquency In India- Latest Trends And Entailing Amendments In Juvenile Justice Act*, (2018).

organizing of the society is not effective, the civil control becomes frail and thus leads to development of delinquent tendencies. Along with the weak neighborhood, ineffective parenting and association of the youth with deviant peers leads to higher rates of offending.

### ***2.3 Biological Factors:***

Biological explanations suggest that humans may be influenced by their genetic makeup. Genetic research has shown an increase in crime among the natural children of their criminal fathers. They are by no means biological design practices, but they make these individuals associated with the criminal tendencies. Excessive activity has been found to be associated with behavioral disorders in children, and violence is more common in youths with a history of hyperactivity. Hormonal changes in children's bodies are responsible for their impulsive and rebellious behavior. Environmentally and economically low standards of living has a negative effect on the lives of juveniles. But it is often the amalgamation of these elements that makes the circumstances worse for the children.

## **CHAPTER III – JUVENILE JUSTICE LEGISLATIONS IN INDIA**

### ***3.1 Evolution of Juvenile Justice Legislations in India:***

Before the arrival of the British in India, the activities of children were regulated under existing Hindu and Muslim laws, where the concerned families were responsible for monitoring the activities of their children. In India, the need for new laws for children was felt under British rule. Certain laws, such as the Apprentice Act (1850), the Code Criminal Procedure (1861) and the Reformatory School Act (1876 and 1897), all of these were passed between 1850 and 1919. The Apprentice Act, 1850 stipulates that homeless or juvenile offenders between the ages of 10 and 18 must be dealt with separately — convicted children are required to work as apprentices at businesses. The special status of children is also recognized in Section 82 of the Indian Penal Code, 1860. It sets an age limit on criminal liability and excludes children under the age of 7 from the title of criminals. Children between the ages of 7 and 12 are considered mature enough to understand the nature of their actions in certain situations. The Code of Criminal Procedure, 1861 allowed special trials against persons under the age of 15 and allowed their treatment under

correction rather than in prisons.<sup>4</sup> It also laid down rules for the probation of juvenile offenders. Such attempts marked the state's changing attitude towards juvenile delinquents and the shift from punishment to reformist philosophy. In this regard, the Reformatory Schools Act 1876 and 1897 were the forerunners of such laws. Under the law, regulations were made to detain offenders in reformatory schools for two to seven years. However, as soon as he turned 18, he was transferred to adult prisons. The 1897 Act established for the treatment and rehabilitation of juvenile offenders. There was no national law under British rule. However, some provinces have enacted their own laws to combat juvenile delinquency such as Bombay, Madras and Pondicherry. After the independence of India, the juvenile justice system in India was framed around the mandate prescribed under various articles (Articles 15 (3), 21, 24, 39 (e) and (f), 45 and 47) of the Constitution of India.<sup>5</sup> Indian juvenile justice policy is also guided by various international treaties such as the United Nations Convention on the Rights of the Child (CRC) and Beijing Rules or the United Nations Standard Minimum Rules for the Maintenance of Juvenile Justice. An important law for neglected and offending children in India has been passed by the Central Children Act (1960), which prohibits the imprisonment of children under any circumstances. The Juvenile Courts and the Child Wealth Welfare Board are two of the most important institutions dealing with such children. In 1986, the Central Government of India passed an Act known as the Juvenile Justice Act of 1986. It is a social law aimed at providing care, protection, treatment and rehabilitation for offended and neglected children. It also examines the judgments of juvenile cases. It created juvenile courts for wrongdoers and juvenile welfare boards for the innocents and neglected children. The Juvenile Justice Act was passed in 2000 with the aim of child care and protection. It provided a uniform legal framework for juvenile justice across the country. The main purpose of the new law is to ensure that no child (up to the age of 18) is imprisoned for any crime. The law also provides for infrastructure and machinery for the care, protection and rehabilitation of children. The law was amended again in 2006 and again in 2010. In addition to providing juvenile justice law, care, protection, rehabilitation and development needs, it also makes the juvenile justice and recovery system child-friendly. This allows the Juvenile Justice Board to adopt a multi-disciplinary approach when conducting hearings. Under the Act, Child Welfare

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<sup>4</sup> Sesha Kethineni, *Juvenile Justice and Due Process Rights of Children in India*, 134, 131-136, (2005).

<sup>5</sup> Deepshikha Agarwal, *supra* note 3.

Committees have been set up to cater to the needs of vulnerable children.

### ***3.2 Salient Provisions under the Indian Juvenile Justice Act:***

Section 2 (I) of the Juvenile Justice Act, 2000 defines a juvenile offender as someone under 18 years of age (and over 10 years of age) charged with a felony, commission of crime. According to various Indian laws, there is no consensus on the definition of child, which creates confusion over the legal treatment of children. Under Section 2 (d) of the same Act, there is another category of children- referred to as "children in need of care and protection". These children are defined as the ones who are found without any home or settled place or abode and without any ostensible means of subsistence.<sup>6</sup> They can be street dwellers, child laborers, orphans, abandoned or homeless children, abused children, children with physical disabilities or with mental illness or victims of conflict and disaster situations. Indian Juvenile Justice law deals with all such children and at least legally protects their rights even on paper. The second category of children had to be included from the restrictive policy of the Juvenile Justice Act. Children who live in deprivation or difficult conditions are more likely to be victims of crime. Any trigger point in their life can hit the criminal button and they tend to become a criminal. Therefore, keeping in view that prevention is better than cure, the Juvenile Justice Act has made provisions to include children of both categories, both criminals, or those with a high probability of committing such harmful mischief, who should be treated under this Act. Children of both categories are also considered by various organizations- juvenile offenders under the Juvenile Justice Board and vulnerable children under the Child Welfare Committee. The Juvenile Justice Board consists of a Metropolitan Judge or a First Class Judicial Magistrate and two social workers, at least one of whom must be a woman. The law also provides for the establishment of a separate juvenile police unit in each police station. All of these staff should be trained in child psychology or have a sensitivity to child-related issues. If the juvenile offender is co-accused with an adult in a crime committed, the juvenile offender cannot be prosecuted jointly with the adult offender. In addition, the Juvenile Justice Act of India prohibits the arrest of juvenile offenders and prescribes bail as a criminal right regardless of whether the offense is bailable or not. Furthermore, juvenile delinquent trials are conducted in a very informal manner where the offender cannot be handcuffed and brought before the Juvenile Justice Board.

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<sup>6</sup> Shivangi Tiwari, *Analytical Study of Juvenile Delinquency in India*, (2020).

Police officers or other government employees dress informally. The identity of the perpetrator is always hidden and the media does not mention the name of the perpetrator in newspapers or news channels. After the trial, the offenders are placed in an Observation Home or Special Home. Children in need are sent to a children's home for care and protection. All these child-friendly actions of the Government of India indicate that the Government does not want to endanger the lives of young offenders and wants to give all of them a chance to reform. All regulations are in accordance with juvenile jurisprudence.

### ***3.3 Juvenile Delinquency in India:***

In India, 42% of the total population is under 18 years of age, making it the country with the highest youth population. The average age of an Indian in 2020 is estimated to be 29 years. The present Indian society has undergone tremendous change in terms of beliefs, ideas and ideologies. What was previously considered unethical cannot be considered in the present due to changes in the belief system of the people. There has been great progress in people's aspirations to achieve more as the comforts and conveniences of life have improved. Everyone is busy with their daily tasks. In this busy and fast-paced world, we have long forgotten the virtue of introspection and self-realization. Children who are most affected by the complexities of the modern world are exposed to the harsh realities of adult life at a very young age, which can adversely affect their mental, emotional and moral development. All these are contributing to the increase in child crime rates in the country. Analyzing the family background of juvenile offenders arrested in 2016 found that 86 percent of offenders live with their parents. The social environment is changing constantly. The way children spend time in schools is changing, with less friendship and more competition; parents have less time to give their children and we see a lot of cases where children come from families that have no financial problems, which indicates that the problem is something else. A survey of National Drug Dependence Treatment Centers and All India Institute of Medical Sciences (AIIMS) found that a large number of people were found to be in possession of marijuana, cannabis, tobacco, alcohol and inhalants.<sup>7</sup> Eighty-two percent said children have close relationships with drug abusers. Eighteen percent of young people living in homes and twenty-nine percent of young people living in cities are under the influence of drugs and twenty percent

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<sup>7</sup> Shivangi Tiwari, *supra* note 6.

of them had sexual intercourse either in exchange of substance or cash. The National Crime Bureau (NCRB) is the database responsible for collecting and analyzing criminal data defined under the Government of Indian Penal Code (IPC) and Special and Local Law (SLL).<sup>8</sup> According to NCRB data for 2016, most of those arrested were sixteen years of age or older and only 45 percent of them had completed primary education. 10 percent of them are literate and only 9.6 percent of them have a high school education. According to various experts, criminal tendencies are on the rise among minors because of easy access to pornography, change in eating habits, urge for greater participation in social media, young people are becoming victims of unhealthy lifestyles, being less active and spend time by just watching TV, playing violent sports or video games that naturally develops aggression and violence in young minds. All these have a negative impact on the youth mentally and physically. Also, lack of support and exit options to vent frustration and depression for the youth has made the situation worse.

#### **CHAPTER IV - CONCLUSION AND SUGGESTION**

The Juvenile Justice Act, 2015 is one of the most progressive laws by the Government of India. It is obligatory as more and more minors are getting involved in heinous crimes while promising to be easily liberated. The Justice Verma Committee opposed the move to reduce the age of the child, which is against the law, as it observed that the reduction of age was an attempt to reduce the age of the minor offender depending on the nature of the offense and the age of the child. This is a clear violation of the protections provided by the Constitution of India and the United Nations Convention on the Rights of the Child (UNRCC). The Supreme Court, however, did not consider this argument. It has been argued that some young people who have done wrong have bad intentions and are mature enough to be fully aware of the consequences of their actions. Therefore, the Juvenile Justice Board has the exclusive right to decide whether to treat children between the ages of 16 and 18 as children or adults. In India, courts, when prosecuting juvenile offenders, consider the possibility that keeping juvenile offenders with adult offenders may reintegrate them into the criminal world and remain unchanged in the established social order. However, juvenile delinquency is steadily rising not only in India but all over the world. With this in mind, countries such as the United States and the United Kingdom have changed their approach to vengeance

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<sup>8</sup> Riyaka Surong, *A study on the causes of juvenile delinquency and its prevention by the community*, (2020).

restitution. In conclusion, crime is on the rise in society and prevention is crucial to curb the rise in crime committed by children. It is important to note that a child's behavior is largely dependent on the environment in which the child was born and raised. So how to help children as a community and develop a positive outlook on their daily lives is largely up to us. The current study reveals some of the main reasons for juvenile delinquency, such as peer pressure, social factors, family, addiction, poverty, social media influence. The main focus should be on how we as a community can prevent these crimes. The study shows that parents need a better understanding of how they deal with their children and other than that education plays a major role in preventing crime, and the society's need to reform. The government should build more secure housing for street children so that they don't have to be misled in order to earn their livelihood. There is a need to train more officers to deal with juvenile offenders and parental guidance programs should be inculcated. Finally, it is important to create awareness about moral education and behavioral change among the youth in the form of parents, teachers, counselors and others, because they are the future representatives of the country.

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