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## **JUVENILE DELINQUENCY IN INDIA**

R.Aneka Abirami<sup>1</sup>

### **ABSTRACT**

Delinquent and Criminal behavior amongst the young people are becoming more often these days. There are enormous reasons for such behavior. This can be since, they have to be persevere childhood to adulthood in an progressively complex and confounding world. In this research paper, some basic reasons, for juvenile delinquency are presented. Delinquent children are considered to be socially deviated and indulge in criminal activities. They have a place to the category of extraordinary children. Juvenile can be defined as a person who is not reached the age, at which he/she can be treated as an adult as per law, for the unlawful actions committed by them. Criminal activities ranging from theft to murder or smuggling to sexual offence, are committed by the juveniles. In today's world, adolescent misconduct is treated as one of the foremost foreboding offenses, for the social arrange of the nation. This paper however tries to trace out the causes for offences made by juveniles and chances of preventing them and rehabilitation of such juvenile offenders in India. Juvenile justice in India believes in giving the youth a second chance and protecting their privacy. They also make sure they get support services instead of just punishment. The future of the country depends on the responsible behavior of the younger generation. The rapid and increasing rate of juvenile delinquency threatens the futurity of the country Even while only a small portion of our youth engage in harmful activities, particularly serious crimes, their delinquent behavior need our immediate attention because they represent our future..

### **KEYWORDS**

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Juvenile Justice, Juvenile Delinquency, adolescent misconduct, extraordinary children.

## **I. INTRODUCTION**

In a nutshell, juvenile crime is the participation of juveniles in criminal actions. A juvenile delinquent is someone who is under the age of 18 who performs an act that would normally be charged and tried as an adult. So it is evident that juvenile delinquency is a part of all the behavioural changes that occur in a person's life while passing through the turbulent age of adolescence, however it is not prevalent in every adolescent. The degree of criminality varies from person to person, and it goes unnoticed unless and until the specific act becomes a problem of society. Adolescence is a transitional period in life, and during this time, one undergoes quick revolutionary changes in one's physical, mental, and emotional well-being.

## **II. GLOBAL PERSPECTIVE ON JUVENILE DELINQUENCY**

- **EUROPE**

Youth crime is going down in Europe and other Western countries because of fewer referrals and fewer juvenile prisons (like in the Netherlands). We've gained a lot of knowledge from criminology, sociologists, psychologists, teachers, psychiatrists, and neurobiologists. We've learned more about what causes juvenile delinquency and what makes for good forensic youth care. We've moved away from saying "nothing works" and what works for people.

- **CHINA**

China's top prosecutor says there's been a slight rise in juvenile criminals in 2018, even though there's been a steady drop in teen crime since 2014. Last year, 61,295 kids were examined for prosecution, which was 5.12 percent higher than the year before. Crimes against juveniles aged 14 to 16 dropped by almost 50% from 2014 to 2019.

Compared to last year, juvenile offenders are more educated and likely to be out of school (the legal age for teens to start working is 16). Most juvenile offenders are in junior high, and delinquency is on the rise in high school and technical schools.

- **SOUTH AFRICA**

The prevalence of juvenile delinquency in South Africa has become a major issue of anti-social behavior, particularly in rural areas. This has had a significant impact on the development and future of young people, as well as on their families and communities. As a result, the rate of juvenile delinquency has been rapidly increasing, leading to an increase in the number of cases being reported in South Africa due to the increased involvement of young people in criminal activities in violation of the country's laws.

- **UNITED STATES**

The U.S. juvenile justice system is considered flexible and easier to implement than in other countries. The juvenile court system in India has two key stages that he must comply with. In the first stage, police officers have full rights to keep the child under their custody and can release the child immediately or even warn offenders that: Inspections to deter further crimes of a similar nature. Once the court proceedings are complete, juvenile offenders are sent to an orphanage or accredited school as ordered by the court. In the U.S. juvenile court system, juveniles are tried as adults only if they are near the age of majority or are found to be repeat offenders.

### **III. JUVENILE JUSTICE BOARD INDIA**

The Juvenile Justice Board consists of judicial magistrate of the first class and two social workers, at least one of whom should be a woman. JJB are meant to resolve cases within a four-month period. Most circumstances

the juvenile can be released on bail by the JJB. The JJB is a child-friendly space that should not be intimidating or overwhelming for the child.

The District Child Protection Unit shall provide a Secretary and other staff that may be required for secretarial support to the Committee for its effective functioning. No person shall be appointed as a member of the Committee unless such person has been actively involved in health, education or welfare activities pertaining to children for minimum seven years or is a practicing professional with a degree in child psychology or psychiatry or law or social work or sociology or human development.

#### **IV. REHABILITATION FOR JUVENILE OFFENDERS IN INDIA**

The rehabilitation process consists of psychological assessment of the crime committed by the juvenile, the environment causing it to happen, skill development, yoga and therapeutic guidance for the child. There are various after care organization like vocational training, continuing education, consensus of the social values etc.

- **Foster Care**

Foster care comes under the section 42 of juvenile justice care act 2000, the child may be placed in a foster family for the need of family environment and for the mental wellness of the child. The child may be placed in foster care in absence of natural parents.

- **Adoption**

Adoption helps homeless child a home and it also helps couples without child, it provides the child to have a family environment and develop social skills Section 2(2) of the Juvenile Justice Act of 2015 states that adoption as the process through which the adopted child is permanently separated from his/her biological parents and becomes the lawful child of his/her adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child.

- **Influence of Peer Pressure in Juvenile Delinquency**

Adolescents tend to hang out with a group of people who are around their same age and have similar interests, which is why they spend more time with them than adults. This group encourages teens to engage in bad behavior for a variety of reasons, like being influenced by the media, having an unhealthy lifestyle, and being at an age where their thoughts can be shaped by peer pressure. It's important to identify these issues early and treat them as soon as possible, as they can become serious offenses in the future.

## **V. FAMILY DYSFUNCTION AND ITS IMPACT ON JUVENILE OFFENDERS**

One of the foremost vital figure in deciding the arrangement of minor guilty parties is family dysfunction, there are different reasons for a family to be said as broken a few of them are division of guardians , criminal behavior of family part , corrupt exercises of family members, scandals and infringement before the children or against them, practicing savage restraining strategy towards children, act of badgering towards child, the need of parental reaction to awful behavior, the support of negative behavior, need of enthusiastic back to the child .

Family prosperity is vital for the childhood of a child, already the term broken family implies a isolated couple or a single parent rising the child, but as of now family prosperity includes distinctive components. The effect of broken family will influence the child mentally and comes up short to provide a family inviting environment to the child due to which he/she may enjoy in irregular or illegal exercises there are too chances of negative impacts to the minor individual. Moreover, family brokenness, when combined with other variables, includes to the event of critical repercussions - children ended up casualties of violations inside the family, commit wrongdoings themselves, commit suicide, or are

slaughtered or damaged due to outside causes.

## **VI. THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT OF 2000**

The Act of 2000 was a genuine endeavor on the portion of the Indian government to instill the principles of UN traditions just like the CRC, the Beijing Rules, and the 1990 Rules. The JJ Act, 2000 was passed, concurring to the Preeminent Court of India, to address offenses committed by minors in a way that varies from the law that applies to adults. The Act's exceptionally structure favors recovery over the antagonistic fashion that courts are regularly utilized to. Its execution, therefore, required a radical move within the considering of those in positions of control to enforce it, without which it would be about troublesome to achieve its goals.

## **VII. THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT 2015**

The tragic and brutal gang rape in Delhi Nirbhaya incident, that shocked the entire country exposed a loophole in the current Juvenile Act. The current Youth Justice Act has been criticized across the country since the tragedy for not being effective in preventing crimes involving minors, especially those between 16 and 18, who commit heinous crimes such as rape and murder.

After the events of the **Nirbhaya case**, there was an urgent need to change the existing law, which requires 16 and 17-year-olds to be tried as adults. India's parliament passed the Juvenile Justice (Care and Protection of Children) Act in 2015 in response to public outcry, but not without considerable controversy, debate and opposition from the child rights community over many of its provisions.

It replaced the Juvenile Justice (Care and Protection of Children) Act,

2000, which dealt with juvenile delinquency in India and allowed 16-18 year olds who were in trouble with the law and committed serious crimes to be tried as adults. Under the aforementioned law, juvenile justice commissions, consisting of a metropolitan district judge or magistrate and two social workers, could decide whether an offender would be brought before an adult court as an adult or as a juvenile.

The 1993 Hague Convention on Protection of Children and Cooperation in Matters of Inter country Adoption was absent from previous legislation until its inclusion in the new draft. The bill also sought to harmonize the adoption procedure for orphaned, abandoned and surrendered children. The lower house Lok Sabha passed the bill on 7 May 2015 and the upper house Rajya Sabha on 22 December 2015. The President of India signed the bill on 31 December 2015 and it came into force. January 15, 2016.

#### **VIII. THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) AMENDMENT BILL, 2021**

The Juvenile Court Amendment Act 2021 (Care and Protection of Children), aimed at amending the Juvenile Court Act 2015, was passed on 15 March 2021 by **Ms Smirti Zubin Irani**, Lok Sabha Child Development Authority, Approved by both decision-making parties as follows: Even by resistance fighters. On 28th July 2021, Indian Prime Minister approves child change.

#### **IX. CONSTITUTIONAL RIGHTS OF THE JUVENILES**

The Constitution of India is the supreme law of the country and sets out the rights and obligations of its citizens to be observed. The functions of governmental institutions are also stipulated in the Constitution. Furthermore, Part 4 of the Indian Constitution provides for the Governing Principles of State Policy (DPSP), which are primarily designed to ensure the smooth functioning of society. Regarding the rights and welfare of the child, the Constitution stipulates that

- Right to Free and compulsory education to all the children aged between 6 to 14 years of age – **Article 21A**
- Right to be protected from any hazardous employment under the age of 14 years – **Article 24 of the Indian Constitution.**
- Right to be provided with proper Standard of living and Good Nutrition – **Article 47 of the Indian Constitution.**
- Right to be protected from Human Trafficking and Forced Labor – **Article 39 of the Indian Constitution.**

## **X. CAUSES OF JUVENILE DELINQUENCY IN INDIA**

There are various causes and reasons put forward for adolescent misconduct in India, and it is frequently troublesome to perceive and rectify such a conduct among children, and this happens since each person includes a diverse behavioral matter and particularly among children it tends to alter over time and thus, it gets to be troublesome to recognize such a behavioral design. Taking after are the causes recorded for Adolescent misconduct in India.

- **Financial Precariousness and poverty**– Servile destitution and financial insecurity among families in India are considered to be the major contributing components to the expanded adolescent wrongdoing. Non-availability of fundamental assets among various individuals gives rise to wrongdoing and this advance comes about in periodic propensity to proceed within the same line.
- **Sexual Indulgence**– Children who were subject to undesirable sexual exercises or any kind of sexual attack within the early a long time of their childhood conclusion up showing a terrible conduct. As well much sexual fluctuation among boys may encourage lead to the commission of wrongdoings by them like that of capturing and assaults.
- **The Crumbling of Family**– Need of parent control and care towards their children and deterioration of families include to be the most

causes for misconduct. Separate of the guardians and the nonattendance of a caring and tender environment within the homes too act as promoters of adolescent misconduct in India.

- **The appearance of advanced lifestyles**– The quickly developing and advancing times make it troublesome for a lion's share of kids and young people to manage with and this may assist lead to wrongdoing among the children.
- **Migration**– Relocation acts as one of the major causes of the commission of an offense by the adolescents. For case- relocation of boys to forsaken and ghetto ranges brings the in contact of anti-social components and they are exceptionally much inclined to induce influenced by them in numerous conceivable ways.

## **XI. LANDMARK JUDGMENT ON JUVENILE JUSTICE**

### **1. Sampurna Behura v. Union of India & Ors.<sup>2</sup>**

This case was essentially related to the usage of the Adolescent Equity (Care and Security of Children) Act, 2000, and Adolescent Equity (Care and Security of Children) Act, 2015 (“JJ Act, 2015”). The court watched that the children are end of our nation and they must be looked after. So, it issued a few bearings to guarantee legitimate usage of the JJ Act, 2015

Central and State Governments must guarantee that all the opportunities within the National Commission for Security of Child Rights (NCPCR) and State Commissions for Security of Child Rights (SCPCR) are filled for the successful working of these statutory bodies. State-Level Child Security Social orders and Locale Level Child Security Units ought to take help from NGOs and respectful society for legitimate execution of the JJ Act. State Government must guarantee the filling up of all the positions within the Adolescent Equity Sheets (JJBs) and Child Welfare Committees (CWCs). JJBs and CWCs must have customary sittings to guarantee that there's

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<sup>2</sup> (2018) 4 SCC 433.

no excess of request and children in require of care and assurance are being taken care of. National and State Commissions for Assurance of Child Rights must take up considers on different societal issues so that the State Government can take medicinal steps on those issues. State Governments must designate the vital number of Probation Officers for the compelling execution of the JJ Act, after getting reports from the NCPCR and SCPCRs. Uncommon Adolescent Police Units must be set up so that the police can successfully fulfill their part as the primary responder on issues emerging out of offenses committed by or against children. National and State Police Foundations must consider counting the topics related to child rights in their educational modules. State Governments were prompted to guarantee that all the Child Care Educate (CCIs) are enlisted so that the issues of lost children and trafficking are tended to. Famous People from respectful society must be designated as Guests by State and UT Governments to screen and oversee the CCIs. Individuals of the Adolescent Equity Sheets, Child Assurance Social orders, District Child Assurance Units, and Uncommon Adolescent Police Units must be given satisfactory preparing and sensitization for the right usage of the JJ Act.

## **2. Hari Ram v. State of Rajasthan & Anr.<sup>3</sup>**

Beneath the Adolescent Equity Act, 1986, the upper age constrain for male children to be considered adolescents was 16 a long time. But, the Adolescent Equity (Care and Assurance of Children) Act, 2000 (“JJ Act, 2000”) treats children up to 18 a long time as adolescents. So, the essential issue some time recently the court, in this case, was, whether JJ Act, 2000 applies to offenses that have been committed some time recently the coming into constrain of the JJ Act, 2000. The court held that upon conjoint perusing of Areas 2 (k), 2 (l), 7A, 20, and 49, it is made clear that all the people who were underneath the age of 18 a long time on the date of the commission of the offense indeed some time recently the

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<sup>3</sup> 2009 SCC 13 211.

authorization of JJ Act, 2000, would be treated as adolescents. It would be irrelevant that the claim of juvenility was raised after the charged achieved the age of 18 years.

### **3. Parag Bhati (Juvenile) through Legal Guardian versus State of Uttar Pradesh & Anr.<sup>4</sup>**

In the present case, the Court held that any of the documents referred to in rule 12(3)(a)(i)-(iii) of the Juvenile Justice (Care and Protection of Children) Rules 2007 was in support of juvenile law. If it was made for the purpose of If the claim is a juvenile, this must be taken as conclusive evidence of the defendant's date of birth. However, if there is doubt and the defendant holds conflicting views, the court may order an autopsy to determine the defendant's age. Such tests may include medical examinations.

### **4. Sheela Barse & Ors. v. Union of India & Ors.<sup>5</sup>**

In this case, the Hon'ble Supreme gave the following directions relating to juveniles:

- If a child is charged with a crime punishable by imprisonment for less than seven years, the investigation must be completed within three months of the filing of the FIR, and the proceedings must be completed within six months of filing the FIR. Must be completed within 6 months from the filing of the charge sheet.
- Under no circumstances should a child be put in prison. Testing and observation facilities must be established by state governments. Children should be released on bail if these testing or observation facilities are not available.

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<sup>4</sup> Criminal Appeal No. 486 of 2016.

<sup>5</sup> 1986 SCALE (2) 230.

- To ensure complete uniformity, the Union Government should enact a Children's Act for the trial of children below 16 years of age and ensure rehabilitation of such children.

#### **5. Salil Bali v. Union of India & Anr.<sup>6</sup>**

In this case, the plaintiffs asked the court to quash the provisions of section 2(k) of the JJ Act 2000. For the purposes of this section, adolescents/children are defined as persons under the age of 18. Discussing the rationale for the prescribed age limit, the Supreme Court noted that the 18-year-old age was set based on an expert's understanding of child psychology and behavioral patterns. The court therefore dismissed the appeal on the grounds that he need not interfere with the provisions of the 2000 JJ Act until sufficient data are available.

#### **6. Delhi Gang Rape Case 2012**

This is a very notorious and infamous case also known as the Nirbhaya gang rape case. In this case, a Delhi medical student was brutally raped by six men on a moving bus. One in six members was a minor. This was a landmark ruling that forced the Supreme Court to consider the important question of whether young people under the age of 18 who have committed heinous crimes can be treated as adults. Following this pivotal ruling, the Juvenile Court Law was amended in 2015 to treat juveniles under the age of 18 and over the age of 16 as adult offender.

#### **7. Mercedes Hit and Run Case 2016**

Following amendments to the Juvenile Court Act (Care and Protection of Children) 2015. In this case, the Delhi High Court dealt with a minor who was four days away from turning 18 in a hit-and-run case. A 32-year-old marketing manager has died. However, the Supreme Court reversed the Delhi court's decision and treated the perpetrators as minors.

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<sup>6</sup> (2013) 7 SCC 705.

## **PENALTIES FOR JUVENILE OFFENDERS**

Juveniles between the ages of 12 and 17 who commit criminal offenses are punished under the Juvenile Penal Code. Courts may also apply juvenile justice to adults between the ages of 18 and 22.

- **No indictment of children beneath 12**

Children beneath the age of 12 cannot be arraigned. In case a child commits a minor offense, for occasion robbery or vandalism, the police will conversation to the guardians. They may too send the child to the youth care office, which is able to either give guiding or allude them to other administrations. In the event that a child beneath 12 truly gets out of hand, the court will mediate by, for case, designating a family boss to screen the child.

- **HALT Program**

Adolescents who commit minor offenses may be alulled to the Stop adolescent wrong doing anticipation program. This gives them with the opportunity to put right what they have done off-base. They can, for occurrence, apologize to the casualties and pay for any harm done. In the event that they satisfy their commitments and total their Stop program effectively, they will not have a criminal record.

If a adolescent denies to require portion within the End program or does not total it effectively, their case is alluded to the open prosecutor. This will as a rule result in indictment.

- **Youth protection and custody order**

A few adolescents require seriously treatment and advising to dodge rehash insulting, for occasion since they endure from a behavioral clutter. In such cases the court can force a 'PIJ order' for situation in a youth assurance and guardianship institution.

A PIJ arrange is substantial for at slightest three a long time and

may be amplified to a greatest of seven a long time. Amid the ultimate year, the adolescent is permitted out beneath certain conditions (conditional lifting of the arrange) They are at that point checked by the youth probation service.

- **Behavioral Programme order**

What happens in the event that a custodial sentence is as well extreme, but a suspended sentence would be as well light? In that case a behavioral arrange GBM can be forced on the adolescent. A GBM comprises of one or more preparing or treatment sessions, such as animosity preparing or a course on how to remain off drugs and liquor. The youth probation benefit screens the advance of the GBM.

## **XII. CONCLUSION**

Adolescent misconduct could be an issue in today's society. The issue has made a wide range of both social and person components. The more that society learns about delinquency the more capacity it'll got to combat against it. The youth are long-standing time of this world, an adulterated adolescent body will guarantee extraordinary risk over time. Restoring adolescent guilty parties into customary individuals of society ought to be the objective of the criminal equity framework. The misuse of children is one of the numerous disasters display in our society. Such manhandle has a persevering and significant impact on a child's life. The issue of child manhandle is genuine since it strengths the child to respond or carry on in such a way which is hurtful to both society and him. This reprobate behavior of the youthful is due to the mental injury that he goes through within the early stages of his life. The mishandle advance changes in nature as physical, sexual, mental or as a combination of them impacting these youths in a negative way.

It is imperative to kill this hone from society to keep control of the issue of

Juvenile Delinquency. It is within the best intrigued of the freak child to restore him as early as conceivable and integrate him back into society. The State includes an obligation to ensure the rights of these children and to come up with reformatory strategies to teach values in these children which can socially uplift and provide certainty to them so that they can advance play a helpful part within the society.