

“Juvenile Delinquency - A Menace to Society”

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Abstract

Juvenile delinquency has always been one of the most prevalent and major issues in our country. With a motive to bring abatement in the quantum of juvenile offences in India, Government of India finally passed a legislation on “Juvenile Justice (Care and Protection of Children) Act, 2015” This new Act contains certain provisions, which deal with procedure of reformation of juveniles who are conflict in law.

The paper discusses major offences committed by juveniles and the factors behind their delinquency in a very edifying manner along with important case laws. Apart from this, the paper also be suggesting few more connotative measures that can be taken into consideration for decreasing cases of juvenile delinquency in India.

Keywords: Juvenile delinquency, offences, empirical, comparative, doctrinal, precedents and etc.

1. INTRODUCTION

When any person commits crime in a very young age, it is referred as juvenile delinquency and when any young person who is less than 18 years of age violates any law dealing with national security and state, then we call him as juvenile delinquent. Juveniles are not mature and they don't know the difference between good and bad and right and wrong, so they often end up in committing offences which are beyond their control.¹

It is well established fact, that juvenile delinquency is a pathway to the crimes committed by adults, as high proportion of criminal careers are set up in their childhood. In today's scenario, juvenile delinquency is the most major issue in a society and there is the need to ruminate over this topic.

When we compare the data and statistics of the developed countries with the developing ones with respect to no. of cases of juvenile delinquency, then it becomes a matter of great concern. Crimes like robbery and theft stand as mostly committed crimes by juveniles. Rape, burglary, dacoity and kidnapping are other few crimes that juveniles mostly commit, this is the major reason for the increase in such crimes day by day. Section 2(35) of Juvenile Justice Act 2015 defines juvenile.

“Rule 4 of the Basic Minimum Rules for the Administration of Juvenile Justice of the United Nations” states that the legal system mentions the age of criminal liabilities for juveniles. The origin of that age shall not be placed at an “age level that is too immature, taking into account the

¹ Deepshikha Agarwal, *Juvenile Delinquency in India- Latest Trends and Entailing Amendments in Juvenile Justice Act*, 3(3) INTERNATIONAL JOURNAL OF SOCIAL SCIENCES 1365-1383 (2018).

facts of emotional, mental, and rational maturity.” Child defined under the “United Convention on the Rights of the Child” says that any person under 18 years is a child; expect the laws applicable to the children, the majority is achieved prior. “Juvenile Justice Care and Protection Act, 1986” declared a juvenile or child as a boy who is below the age of 16 and in the case of a girl below the age of 18. “Juvenile Justice Care and Protection Act, 2000” defined any person who has not reached 18 years of age as a juvenile or child. “Juvenile Justice Care and Protection Act, 2015” stated a child as a person below the age of 18.

1.1 Research Questions

1. What is juvenile delinquency and how it can be curtailed?
2. What are the various factors behind juvenile delinquency?
3. What are the laws that deal with curbing delinquent behavior in India?

1.2 Statement of Problem

Many communities and children are impacted by the menace of juvenile delinquency. It describes the illegal actions of juveniles who are not yet 18 years old and who break the law or do something that could hurt themselves or other people.

1.3 Research Methodology

The researcher has used a Doctrinal research methodology to procure information and data. The researcher has consulted various books, journal articles, judgments and commentaries to gather awareness and knowledge about the subject.

2. JUVENILE DELINQUENCY- CONCEPTUAL FRAMEWORK

2.1 Factors Behind Juvenile Delinquency in India

- All morals and ethics that a child learn are from his parents and other family members. Family gives a child upbringing, which defines the etiquettes of him. It also helps him in making a difference between right and wrong.
- Environment in homes matter a lot in building a child's behaviour. If a family is broken or having some disturbances, then it will definitely hamper child's progress and led him to the path of juvenile delinquency. Shattered families can transform an innocent child to juvenile delinquent.
- In case of single parents, children are not able to spend quality time with them, and therefore they lack in guidance, morals and ethics. So, when they don't get sufficient attention from their parents then they prefer the company of their peers or companions.²

² NRIPENDRA L. MITRA, JUVENILE DELINQUENCY AND INDIAN JUSTICE SYSTEM 125-131 (Deep & Deep Publications 2009).

- The dearth of communication between parents and children can create a huge communication gap. A consistent gap of open communication reduces trust, understanding, and faith between individuals and parents. The feeling of ignorance and low self-esteem provoke them to commit crimes to get back their lost individuality and confidence. They unknowingly follow their peers and try to become like them by practicing sinful acts. They get appreciation from the distracted youth and they feel cool in sinning. They start consuming drugs in the lieu of proving their masculinity.
- Financial insecurity in the family and the increasing gap between having and have not's forces an individual to go to any extent to earn money. The consistent urge to becoming rich and looking for short term ways to earn lots of money results in juvenile delinquency. Problematic circumstances at home divert the mind of individuals and they start practicing sinful acts. They start looking for illegal works like selling drugs, demanding ransom, practicing robbery, and snobbery to get more money and to live lavish life as well.
- Teens who are not familiar with any social or moral training seldom leads to juvenile delinquency. Parents many times are not able to give appropriate social ethics and moral values to their children, which often results in kids becoming distracted youth. Parents ought to look after their children's acts and must teach them moral values. They must take strict action against any of the sinful acts committed by their kids so that they never repeat. The dearth of moral values and social ethics can create barriers to effective communication. Parents' leniency towards their children makes them selfish and arrogant in society. They end up with feelings like hatred, dominance, insecurity, jealousy, overconfidence, etc. They gradually neglect the laws of the state. Parents often neglect their children due to work pressure and children get ample time to get indulge in the sinful act as they feel life free of limitations and discipline. In their absence, children tend to spend time with someone who pays attention to them. Children start looking for a company to get more importance and to seek more attention as well.
- Provocative Web Series are becoming the most common reason behind Juvenile crime. Juveniles are more prone to provocative web series, which generate ideas of committing crimes. Whatever they see, they try to act accordingly. There must be some restrictions over open content for specific age groups.³
- Psychologist study suggests that individual commit crimes because his mind is exactly framed and prepared to commit crimes at a particular point of time. To elaborate it more clearly, we can take the example of child-stealing books and a pencil box from his friend's bag, now the reason behind a child's habit is his mind which is full of temptations and unfulfilled desires. Juveniles see nothing wrong in committing the heinous act. The same thing happens with Juvenile too. Their mind is not framed in a manner to understand the

³ Ramesh Kumar Bhardwaj, *Juvenile Delinquency in India: A Study*, 9(11) JOURNAL OF RESEARCH IN HUMANITIES AND SOCIAL SCIENCE 69-76 (2021).

difference between right and wrong psychological therapies should be given to juveniles to come out of this habit.

- Separation of Joint families and Societal Disturbances: People in search of work migrate to metropolitan cities leaving their towns and getting separated from joint families. Parents due to their busy office schedule are unable to look after their children. This hampers the moral and emotional development of the child and has drastic impacts in long run.
- Children are entering into the world of crimes because of adverse company. Adverse company provokes them to commit sinful acts and the child goes in the direction of life which is full of darkness. Parents must be friendly to their children to get them rid of bad company.
- Societal attitude is based on the societal happenings, if someone commits a crime, our society gives negative identification to the individual which results in negative provocation and incites the individual to go in the wrong direction. The individual is purposely being labeled by society. For example, if the student gets fail in a class, then the name of failure is labeled to that student, which forces him to fail again and again in class and his mindset and low esteem doesn't allow him to get out of it.
- Discipline plays a very crucial role in individual life. Many families ignore this factor at home and let their children to break the rules, to act differently, and to do things of their choice only. This has severe impacts in the long run where children unknowingly perform wrong things because they were never stopped by elders before. Apart from this Economical condition varies from family to family, Step- Mother treatment, unexpected circumstances result in juvenile crime.
- Locality plays a vital role in an individual life. It is well said that whatever happens in society directly impacts children's minds. Unfortunately, if locality consists of people like smugglers, gamblers, drunkards then it would influence juveniles to commit sinful acts.
- Nowadays children live apart from their own family and local guardian, teachers, friends at that time play a very decisive role in a child's life. They must look after the actions of the child and they should behave friendly to them.⁴

2.2 Behavioral aspect of juveniles

Since children's behavioral patterns are dynamic and ever-changing, the behavioral component is crucial to understanding juvenile delinquency. Delinquent behavior is more common among minors with low IQs and inadequate education, also known as the individualism factor. Impulsive behavior, unrestrained aggressiveness, and an inability to wait for satisfaction are some characteristics that may be present in a juvenile offender. Personal health considerations are another aspect of an individual's mental health. A person's mental health is crucial because of his

⁴ VAISHALI RATHORE, AN INSIGHT INTO INDIAN JUVENILE JUSTICE SYSTEM 96-105 (Notion Press 2019).

actions in social situations. So, these things can make teens more likely to do bad things for them, like breaking the law or damaging property.

Between the ages of thirteen and nineteen, a person goes through a profound personal and physiological change known as puberty. The defining features of adolescence are physical maturation, a lack of social identity, heightened decision-making abilities, increased stress, and the quest for identity. As this developmental stage progresses, adolescents may worry more about their appearance, exhibit more aggressive tendencies, and even demand greater freedom and independence. Another way to look at it is as a time when kids are more susceptible to peer pressure, which can lead them astray and even urge them to commit crimes.⁵

3. LEGAL FRAMEWORK

3.1 Legal Provisions

Due to the necessity for a more robust and efficient justice system that prioritized reformative and deterrent measures, the “Juvenile Justice Act of 2015” superseded the Juvenile Justice Act of 2000. It was argued in the Parliament that a specific justice system is necessary to allow juveniles more room for reformation, progress, and transformation, which is different from the way adults are treated. Therefore, a juvenile-friendly approach to adjudication and disposition of matters was the emphasis of the new laws, the “Juvenile Justice (care and protection of children) laws, 2015”.

A child is defined as an individual who has yet to attain the legal age of majority (i.e., is younger than 18 years old) according to “Section 2 (12) of the Juvenile Justice (care and Protection of Children) Act, 2015. The Juvenile Justice (care and protection of children) Act, 2015” classifies minors as either "Child in need of care and protection" or "Child in conflict with law" according to Section 2 (13) of the Act.

Crimes are classified according to their severity, with the most egregious as "heinous," "serious," and "petty" transgressions. After a thorough evaluation of their mental capacity, juveniles (defined as those between the ages of 16 and 18) can be tried as adults for any crime they commit.

Juvenile courts are established, meaning existing courts (such as those dealing with “POCSO, NDPS, etc.”) would no longer hear cases involving juvenile offenders.

⁵ Chung, L.H, *Relations between Neighborhood factors, Parenting behavior, Peer deviance and Delinquency among Juvenile Offenders*, 42(2) DEVELOPMENT PSYCHOLOGY 319-331 (2006).

3.2 Case laws

In the case of “*Deoki Nandan Dayma v. State of Uttar Pradesh*”⁶, the court ruled that the entry in the school register stating the student's date of birth is acceptable evidence for calculating the age of a juvenile or to establish whether the accused is a juvenile or a child.”

In the case of “*Satbir Singh & others v. State of Haryana*”⁷, the Supreme Court reaffirmed that when determining whether an accused person is a juvenile or not, the Juvenile Justice Board should consider the date of birth given in the school records.”

In the case of “*Krishna Bhagwan v. State of Bihar*”⁸, the court ruled that while conducting a trial under the Juvenile Justice Board, the appropriate date for determining the age of the juvenile should be the date on which the offense was committed.”

However, in the case of “*Arnit Das v. State of Bihar*”⁹, the Supreme Court reversed its prior ruling and determined that the date for deciding on a claim of juvenility shall be the date when the accused is presented before the competent authorities.”

4. CONCLUSION AND SUGGESTIONS

It is critical to address the underlying causes of juvenile delinquency, which include social and economic issues, right from the start. Therefore, it is the responsibility of every society to prioritize the well-being of its children and provide them with an environment conducive to learning and development so that they can assume their suitable role in society as adults.

This problem will not be solved by lowering the age of juvenile delinquents from 18 to 16, as proposed in the “Juvenile Justice (Care & Protection) Act, 2015”. While it is encouraging that India's lawmakers have sought to meet their convention-mandated obligations, the government could do more to ensure that the Act is effectively implemented and, in keeping with the reformatory spirit, find productive ways to put juvenile offenders to work so that they can eventually lead peaceful lives.

Suggestions-

- Families must be educated and literate to fully understand the significance of providing adequate attention to the needs of their young children. Investments in enhancing parenting abilities and providing support might function as proactive approaches.
- Providing appropriate support to disadvantaged youngsters is imperative to instill positive character traits and respect for the law.

⁶ Deoki Nandan Dayma v. State of Uttar Pradesh, 1994 (31) ACC 341.

⁷ Satbir Singh & Ors. v. State Of Haryana, 2021 SCC Online SC 404.

⁸ Krishna Bhagwan v. State of Bihar, AIR 1989 PAT 217.

⁹ Arnit Das v. State of Bihar, (2000) 5 SCC 488.

- The social atmosphere in slum neighbourhoods, crowded marketplaces, gaming centers, and similar locations should be enhanced.
- To prevent youngsters from becoming delinquent due to economic hardships, it is necessary to improve the overall economic conditions of the population.
- Efforts should be made to enhance the circumstances of juvenile and correctional homes by conducting frequent inspections, allocating sufficient finances, and providing training to the personnel.