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## Juvenile Delinquency: A detailed Study

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*The major issue of juvenile delinquency harms the country's social structure. This issue is seen as a socio-legal category created by the juvenile court; a label given to youth after a series of decisions involving the police, the general public, and juvenile court officials; and a type of behaviour that violates legal codes, regardless of how it is discovered or dealt with. Analysis of the statistical data found on official websites reveals a rise in the engagement and interest of young people in horrific crimes. Juvenile crimes have become such a widespread issue, and they cause grave concern daily. Children involved in these crimes everywhere in the world develop at varying rates and with varying worldviews. As they gained experience, their capacity to think and form their own opinions about the issues in their lives also grew. Additionally, they have a propensity for comparison and a complex mental structure. Problems arise when young people exhibit criminal behaviour and violate the law.*

**Keywords:** *juvenile, delinquent behaviour, delinquency, juvenile justice.*

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### INTRODUCTION

Right goes the saying, “Today’s Children are Tomorrow’s Citizens”. Children being the real assets of a nation are a valuable resource and every effort should be made to give them equitable development possibilities so that they grow up to be strong citizens who are morally sound, mentally alert, and physically fit, with the abilities and motivations required by the society.

<sup>1</sup>Coming to the term 'Juvenile', denotes "children who are under the age of 18 years". The very fact that 'Juveniles' are considered to be the upcoming commander of society is heartbreaking for a nation to witness them committing crimes ranging from petty thefts to heinous crimes such as murder etc.<sup>2</sup> However, in a nation like India, where crime rates are rising daily, we frequently discover that young people are to blame for specific crimes that have been committed. They may be motivated to perpetrate such acts by a variety of circumstances. These young people are mostly responsible for the future of our nation, and if they receive the correct education, they will use their skills to make India a better place.<sup>3</sup>

Now, as far as the term 'Delinquency' is concerned, it is the abnormality in behaviour that may have numerous causes which have resulted in the 'Juvenile' deviating from the course of normal social life. <sup>4</sup>Whatever the motivation for the crimes that juveniles do, if this can be addressed and if the juveniles are given the right environment, they can grow in skill and ability. Juvenile crimes should not be disregarded because they have a good probability of developing into serious offences among them. The government has voiced worry about both avoiding juvenile delinquency and properly punishing children for the crimes they commit since juvenile crimes have grown to be a national concern.<sup>5</sup>

## JUVENILE DELINQUENCY- DEFINITION

The Juvenile Justice Act of 1986's Section 2(a)<sup>6</sup> originally defined a juvenile or child as a person who has not reached the age of 16 if they are a boy or the age of 18 if they are a girl. Later, a juvenile or child is defined as "a person under the age of 18 under Section 2 of The Juvenile Justice (Care and Protection of Children) Act, 2015"<sup>7</sup>. A kid in conflict with the law is defined by

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<sup>1</sup> Sadaf & Punam Kumari Bhagat, 'Juvenile Delinquency: A Critical Analysis' (2019) 6 (1) IJRAR 257

<sup>2</sup> Akshaya Rayavarapu, 'Juvenile Delinquency- Causes and Prevention' (*The Law Gurukul*, 26 June 2021) <<https://www.thelawgurukul.com/post/juvenile-delinquency-causes-and-prevention>> accessed 15 July 2022

<sup>3</sup> Akshaya Rayavarapu (n 2)

<sup>4</sup> Dr. Soumen Acharya, 'The Study of Juvenile Delinquency with reference to Psychological Perspectives in the Juvenile Homes of Delhi' (2017) 6 (11) IJARMAS 13

<sup>5</sup> Akshaya Rayavarapu (n 2)

<sup>6</sup> Juvenile Justice Act, 1986, s 2(a)

<sup>7</sup> Juvenile Justice (Care and Protection of Children) Act, 2015, s 2

the Juvenile Justice Act, 2015<sup>8</sup> as "a child who is alleged or determined to have committed an offence and who has not completed eighteen years of age on the date of such offence."

Delinquency is typically regarded as deviant behaviour. Simply put, it is an anti-social behaviour known as delinquency that is typically not normal. Juvenile delinquency is defined in a legal context as behaviour that violates the law by someone under the age of 18. However generally, a kid's anti-social and deviant behaviour that occurs before a certain age is known as juvenile delinquency.<sup>9</sup> According to its etymology, the word "delinquency" comes from the Latin verb *delinquent*, which means "to omit." The term was first used by the Romans to describe someone who did not complete the task or obligation that was expected of them. William Coxson is credited with coining the term "delinquent" in 1484 to characterize a person found guilty of a common offence. The word was used in Shakespeare's well-known play "Macbeth" in 1605. Delinquency can be defined as a type of behaviour, or more accurately, misbehavior or a departure from the widely recognized norms of conduct in society.<sup>10</sup>

## REASONS FOR JUVENILE DELINQUENCY

Crime has been one of the most pervasive issues from the dawn of human society, including crimes perpetrated by children. The issue of 'juvenile delinquency is more prevalent than ever in all societies today.<sup>11</sup> There may be several causes of the 'delinquent' behaviour of 'Juveniles'. Some of them are discussed below:

1. **BROKEN FAMILIES:** The fractured home is one aspect of family structure that has been the focus of numerous research. Some researchers have discovered a very high rate of broken households among offenders and have given broken homes significant weight as a contributing factor. Others have placed a less direct emphasis on the significance of

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<sup>8</sup> *Ibid*

<sup>9</sup> Akshaya Rayavarapu (n 2)

<sup>10</sup> Sadaf & Punam Kumari Bhagat (n 1)

<sup>11</sup> Riyaka Surong & Anniesha Lyngdoh, 'A study on the causes of juvenile delinquency and its prevention by the community' (2020) 8 (4) *The International Journal of Indian Psychology*, 1265

broken homes and have hypothesized that the impact of a broken home may fluctuate depending on factors like sex, location, or family cohesion.<sup>12</sup>

2. **VIOLENCE IN HOME:** The prevalence of violence in the family is one of the main causes of delinquency. Every juvenile criminal defence lawyer in Tulsa will tell you that children who experience violence grow up to be violent individuals. The violence that people endure at home often causes them to lash out at other people. Children who experience or witness violent behaviour are more likely to act out their anxieties and frustrations. They frequently exhibit a "don't care" attitude, which makes it easier for them to get into trouble.<sup>13</sup>
3. **PEER PRESSURE:** Similar to neighbourhood factors, peer pressure from close friends can influence how a youngster responds to challenging circumstances. If all of the child's peers are engaging in criminal behaviour, the child can feel under pressure to follow suit to fit in. Maintaining regular contact with the friends your child hangs out with will help you prevent situations like this one. understand their friends. The parents of their buddies. This not only assures your child to act morally, but it can also assist parents in shielding their kids from negative influences.<sup>14</sup>
4. **SOCIO-ECONOMIC FACTORS:** In disadvantaged areas, juvenile criminality is more prevalent. Delinquent behaviour does occur in all neighbourhoods, but it is thought to be more prevalent in those where kids feel they must commit crimes to succeed. Theft and similar crimes may not just be small-time offences but also the result of necessity. Making sure that kids in these communities have access to what they need and are aware that they do not need to engage in criminal activity to succeed in life is the only real solution to this problem.<sup>15</sup>

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<sup>12</sup> Robert Winslow, 'Broken Homes And Delinquency: An Appraisal Of Cause And Effect' *The Nigerian Observer That People May Know* (26 February, 2015) 01

<sup>13</sup> Sadaf & Punam Kumari Bhagat (n 1)

<sup>14</sup> Sadaf & Punam Kumari Bhagat (n 1)

<sup>15</sup> *Ibid*

5. **LACK OF EDUCATION:** “Children who suffer from conduct disorder are mostly from weaker sections of the society, where people are less educated, if not completely uneducated. For children living in economically weaker sections, crime is a daily activity that they witness. Drug addiction and similar ills are also witnessed by them daily, and it's because of these that they tend to commit heinous crimes.” Says Dr. Srikanth Reddy, Psychiatrist.<sup>16</sup> According to NCRB data, out of the 7870 minors detained in 2015, 3088 had only received primary education, 902 were illiterate, and 3261 had higher secondary education.
  
6. **LACK OF MORAL SUPPORT:** The main component in preventing delinquency is parental or adult influence. The likelihood that a youngster will conduct in a way that is not delinquent increases when a parent or other adult interacts with them and demonstrates what is right and incorrect behaviour. A youngster needs a strong relationship with a good adult who can guide their behaviour and teach them the difference between right and wrong. Your child's life is not over even if they have performed delinquent behaviour.<sup>17</sup>

### **INTERNATIONAL PERSPECTIVE OF 'JUVENILE JUSTICE'**

The global approach has been to hold parents accountable for their children's behaviour, establish boot camps, and create educational models meant to combat deviant juvenile behaviour to stop the tide of rising juvenile criminality. Reducing youth incarceration and making the victims of their crimes whole led to the development of restorative justice.<sup>18</sup>

- The juvenile justice systems in Asia, the Middle East, South America, and Europe have been reformed to regard the child as an individual rather than as the state's obligation.<sup>19</sup>

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<sup>16</sup> 'Lack old education causes delinquency' (*The Times of India*) (27 November 2016) 01

<sup>17</sup> Sadaf & Punam Kumari Bhagat (n 1)

<sup>18</sup> James W. Beeks Sr, 'Juvenile Justice In Global Perspective' '*Juvenile Justice Information Exchange*' (30 November 2015) 01

<sup>19</sup> *Ibid*

- In China, migration from rural to urban areas had an impact on how juvenile justice was administered. The Mao decree of one child per family posed significant difficulties for the legal system as well. Caning was a common punishment method in the past.<sup>20</sup>
- Laws and judicial systems in Europe and Scandinavia started to adapt to reflect a welfare and justice model for children entering the juvenile justice system. The U.N. treaty served as the impetus for this. Juveniles are held accountable for their acts under this strategy's judicial component, which added due process, decriminalization, and diversion to the process.<sup>21</sup>
- The juvenile justice system did not get started in Latin America until the 20th century when the American model was imported in 1919. The outcomes were not empirically evaluated, and minors under the age of 18 were institutionalized in safe places. This brings to mind the colonial American system, where a youngster might be put to death or imprisoned.<sup>22</sup>
- The Soviet Union had an impact on Polish juvenile justice history. The juvenile justice system in South Africa evolved from the apartheid regime, which denied minorities any legal protections.<sup>23</sup>
- The United States had an impact on the legal systems of Japan and South Korea, which also underwent similar legislative changes. These geographical areas share the influence of an outside force and are moving into a new phase of self-awareness.<sup>24</sup>

It is important to note the recurring theme that the international community is pressuring nations to reevaluate their approaches to juvenile justice.

## **'JUVENILE JUSTICE' & INDIA**

According to data on juvenile delinquency in India, the issue is not as severe as it is in the west. This could be attributed to differences in living circumstances, such as stronger family ties and

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<sup>20</sup> *Ibid*

<sup>21</sup> *Ibid*

<sup>22</sup> *Ibid*

<sup>23</sup> *Ibid*

<sup>24</sup> *Ibid*

parental supervision, strong religious convictions, and adequate observance of moral principles in Indian society. This is not meant to imply that India has a small rate of adolescent delinquency. The influence of western civilisation and the lure of luxuries and an ostentatious lifestyle have deeply troubled the youth of modern India.<sup>25</sup> The notion of juvenile delinquency in Indian law is more specific. It states that any breach of the country's current penal code committed by a kid under the age of 18 is considered an act of contravening the law and falls under the purview of the Juvenile Justice Board.<sup>26</sup>

### DEVELOPMENT OF INDIAN LEGISLATION FOR JUVENILE JUSTICE

There were no explicit rules managing juvenile delinquency during the pre-colonial times; instead, the laws were included under the existing Hindu and Muslim laws, where the individual families were in charge of controlling the actions of the children. The 'Apprentice Act of 1850', 'The Code of Criminal Procedure of 1861', and 'The Reformatory School Act of 1876' were all passed as the British began to rule. Under 'The Apprentice Act', offenders between the ages of 10 and 18 were not found guilty but were instead placed in the employ of businessmen as apprentices. Even the IPC provided special guidelines for the kids under Section 82, which said that kids under the age of seven could not be found guilty.<sup>27</sup>

The Procedural Law, or CrPC, mentions setting up separate tribunals for children under the age of fifteen who would be sent to reformatories rather than the usual prisons. The Reformatory School Act, which established special reformatories for delinquents for a period of two to seven years until the age of eighteen before transferring them to regular jails, served as the foundation for the current juvenile justice laws in India. Although there were no overarching regulations, the provinces of Madras and Bombay developed their statutes to address juvenile delinquency.<sup>28</sup>

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<sup>25</sup> Sadaf & Punam Kumari Bhagat (n 1)

<sup>26</sup> *Ibid*

<sup>27</sup> Parth Dhotre, 'Emerging Trends of Juvenile Delinquency in India' 'Auro University Integral and Transformational Learning' (*Stu Doc*, 2020) <<https://www.studocu.com/in/document/auro-university/business-and-law-integrated-course/trends-of-juvenile-delinquency-in-india-research-paper/8615821>> accessed 16 July 2022

<sup>28</sup> *Ibid*

The UN Convention on the Rights of the Child (CRC) and the Beijing Rule, also known as the UN Standard Minimum Rules for the Administration of Juvenile Justice, served as the foundation for the development of India's juvenile justice system. The Juvenile Justice Act, which was passed later in 1986 to protect juveniles and arrange for the rehabilitation of neglected children, was created with these goals in mind. Concerning neglected children, this primary act also established juvenile courts and a juvenile welfare board. The Juvenile Justice (Care and Protection of Children) Act, which was passed later in 2000, had as its primary goal the admission of no juveniles younger than eighteen to jails. This law was revised in 2006, 2010, and 2015, respectively.<sup>29</sup>

***The Juvenile Justice (Care and Protection of Children) Amendment Bill 2015<sup>30</sup>:***

This law was proposed as a bill in the parliament after the case of Nirbhaya sparked an outrage of tremendous proportions since the young criminal was not prosecuted equally with their adult counterparts because he was only a few months shy of 18, the legal age at which a minor becomes a major.<sup>31</sup> The new amendment states that, depending on the severity of the offence, all children between the ages of 16 and 18 who commit terrible crimes (equivalent to rape and murder) will be treated as adults. But it's not as easy as it seems. This law has the potential to be unfairly exploited and utilised against children. This directly contravenes child rights, which the UN – of which India is a member – views as a severe issue.<sup>32</sup>

To ensure that the action is not carried out arbitrarily, the accused will be taken before a Juvenile Justice Board, which will be presided over by one magistrate and two social workers. The Juvenile Justice Board will decide whether or not the child should be sentenced as an adult. They will be transferred to juvenile homes for correction and reformation if he is not. If the accused is found guilty and is tried as an adult, they will be transferred to adult jail when they turn 21. The offenders will receive rehabilitation even after their release because they were detained and tried

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<sup>29</sup> *Ibid*

<sup>30</sup> Viswajith, 'Nirbhaya's Case: Release of The Juvenile and Its Consequences' (*ICY Tales*) (23 May 2021) 01

<sup>31</sup> *Ibid*

<sup>32</sup> *Ibid*



as juveniles.<sup>33</sup> Although the new amendment aims to reduce the majority of the threat, there is still a heated debate about the infringement of children's rights. Many activists believe that this amendment was just passed to calm the public's agitated emotions since it looked too harsh to treat children like adults.<sup>34</sup>

Vice Chancellor of NALSAR Faizan Mustafa claimed that this change gave the impression that women were being used as a card against children. What possibilities are there, if children are treated like adults, that they won't make friends with other, potentially nastier inmates? This is another problem. <sup>35</sup>People will certainly remember this for a very long time to come, even though all of these questions can only be answered with time. Nearly everyone was deeply affected by this case and the convict's eventual release, to the point that even the convict's biological family is calling for his punishment and opposed his release.<sup>36</sup> The National Crime Records Bureau reports that the juvenile age group of 16 to 18 has a crime rate of 66.3 percent. We can only hope that this figure decreases—possibly to zero percent—even though it is unquestionably a very significant number. And now that the new law is in force, one can only hope that additional crimes like this will be prevented and that the way will be cleared for a society that is better for children and women in general.<sup>37</sup>

## **JUVENILE JUSTICE AND THE INDIAN CONSTITUTION**

The Indian Constitution, which sets down the rights and obligations of its citizens that must be upheld, is the supreme law of the land. The Indian constitution also contains provisions on how the government functions. Additionally, “*Directive Principles of State Policy (DPSP)*” are provided for in “Part IV of the Indian Constitution”, primarily to maintain the smooth operation of society.

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<sup>33</sup> *Ibid*

<sup>34</sup> *Ibid*

<sup>35</sup> *Ibid*

<sup>36</sup> *Ibid*

<sup>37</sup> *Ibid*

And the following provisions have been made by the constitution on the rights and welfare of children<sup>38</sup>:

- According to 'Article 21A', all children between the ages of 6 and 14 have the legal "right to free and compulsory education".<sup>39</sup>
- 'Article 24' of the Indian Constitution provides that anyone under the age of 14 must be prevented from engaging in any dangerous work.<sup>40</sup>
- "Article 47' of the Indian Constitution" guarantees the right to a good standard of living and nutrition.<sup>41</sup>
- "Article 39 of the Indian Constitution" guarantees the right to protection from forced labour and human trafficking.<sup>42</sup>

Therefore, all of the measures established by 'the constitution for the welfare and protection of children's rights were taken into account by the legislators when they drafted the 'Juvenile Act of 2015'. And for the same reason, "Chapter IV of the Juvenile Justice Act" contains several provisions that have their primary focus on 'the welfare and improvement of children as well as "the reformation and rehabilitation of juveniles" in all circumstances.

## CONCLUSION

The most recent 'Juvenile Justice Act, 2015', shows how the Indian legislature is moving out of step with the most recent patterns of trends in 'juvenile delinquency' in India. The Board is tasked with determining whether the offence committed by the offender is justified or not, and the Act took a bold step by lowering the age limit from 18 to 16. If we carefully examine crime trends before 2016, the current laws were not sufficiently deterrent. One of the factors contributing to the rising rate of adolescent delinquencies is exposure to violent video games and the use of the internet from a very young age. In this age of industrialization, globalisation,

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<sup>38</sup> Namrata Kandankovi, 'Juvenile Justice System in India' (*Ipreaders*, 30 May 2019) <<https://blog.ipreaders.in/juvenile-justice-system/>> accessed 17 July 2022

<sup>39</sup> *Ibid*

<sup>40</sup> *Ibid*

<sup>41</sup> *Ibid*

<sup>42</sup> *Ibid*

and profit maximisation, society has lost sight of the fundamental elements that make up a functioning society. The idea of family is vanishing day by day, which encourages youthful crime, and people are restraining themselves from socialising because they are so competitive. These circumstances contribute to juvenile delinquency. However, the Indian legislature has adopted the newest trends.

## RECOMMENDATIONS

- First and foremost, educational institutions should offer counselling sessions and awareness programs to their students who require assistance with emotional instability, family problems, or other related issues. Awareness programs like anti-bullying prevention programs, the role of social media, etc. need to be ingrained in their curriculum.
- Second, the government must construct additional shelters for street kids so that they won't have to choose the wrong career route.
- Thirdly, additional cops working with juvenile offenders need to be trained, and community members need to be exposed to appropriate parental guidance programs. Finally, there needs to be an increase in the number of social workers, counsellors, and other people who are willing to raise awareness about issues related to societal delinquency.