

Deepshikha Agarwal, 2018

Volume 3 Issue 3, pp. 1365-1383

Date of Publication: 3<sup>rd</sup> February, 2018

DOI-<https://dx.doi.org/10.20319/pijss.2018.33.13651383>

This paper can be cited as: Agarwal, D. (2018). Juvenile Delinquency in India- Latest Trends and Entailing Amendments in Juvenile Justice Act. PEOPLE: International Journal of Social Sciences, 3(3), 1365-1383.

This work is licensed under the Creative Commons Attribution-Non-commercial 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc/4.0/> or send a letter to Creative Commons, PO Box 1866, Mountain View, CA 94042, USA.

## **JUVENILE DELINQUENCY IN INDIA- LATEST TRENDS AND ENTAILING AMENDMENTS IN JUVENILE JUSTICE ACT**

**Deepshikha Agarwal**

Associate Professor, University School of Law and Legal Studies, GGS IP University, Delhi,  
India

[deepshikha\\_agarwal@yahoo.com](mailto:deepshikha_agarwal@yahoo.com)

---

### **Abstract**

*Juvenile delinquency is a serious offence and it is detrimental for the social order in any country. There is a trend of increase in juvenile crimes world-over, with more and more involvement of the youth in violent crimes. India shows similar trends of increasing rate of violent crimes committed by the juveniles. It is a very serious concern for the nation and solutions to end the problem need to be sought very carefully. Indian legal system and judiciary has responded to these trends and has brought some amendments in the laws pertaining to juvenile justice in India. This paper aims at looking at the causes of juvenile delinquency and explanations given by scholars from various fields to explain the problem. The analysis of statistical data available at official sites indicates increasing involvement of the juveniles in heinous crimes. To contain the problem of juvenile delinquency in India, the Act pertaining to Juvenile Delinquency has been amended and now trial of juveniles involved in heinous crimes is held as adults.*

### **Keywords**

Delinquency; Juvenile Justice System; Juvenile Justice Act; Juvenile Justice Board

---

## **1. Introduction**

Children are the rock of any nation on which its future is built. They become the leaders of the country, the creators of national wealth, who care for and protect the human community of the land to which they are rooted. These children across the world develop at different rates and develop different world-views. They increase their ability to think abstractly and develop their own views regarding social and political issues. They develop ability to indulge in long-term – planning and goal setting. There is also a tendency of making comparison of self with others. They yearn for separate identity and independence from parents. This is the age when peer influence and acceptance becomes very important. They also develop strong romantic/sexual ideas, and tend to show indulgence in Love and long-term relationships.

However, these are normal changes and there are no anomalies generally. Problems arise when these juveniles develop delinquent tendencies, and get into law and order problems. There occurs to be a very strong relationship of crime/ deviance with age- according to Hirschi and Gottfredson (1983), the age- crime relationship is universal. The general observation is that criminality/ delinquency peaks in adolescence and diminishes with age, This pattern of crime common across historical, geographical and cultural contexts. Indulgence in conventional crimes is more widespread in teenage and young adults. Most of these offenders disengage from crime after a brief career in crime. However, for some types of crime, there are older peak ages, and they decline relatively more gradually

Juvenile crimes have become such common phenomena that they raise serious concern in any nation. In common terminology, juvenile is a child who has not attained a certain age at which he can think rationally and often understand the consequences of his/ her act. Hence, the juvenile can't be held liable for his/her criminal acts. A juvenile delinquent may be regarded as a child who has allegedly committed /violated some law, under which his/her act of commission or omission becomes an offence.

Under the Indian Laws, Section 2 (k) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (referred generally as JJ Act) juvenile is a person who below 16 years. Prior to JJ Act of 2015, the age bar for juveniles was 18 years (Juvenile Justice (Care and Protection of Children) Act, 2000, 2006, 2012). In fact, the age of the juvenile under the Indian legislations has taken variation in temporal and spatial perspectives. It varies from 14 to 18 years under different laws and different Indian states.

## **2. Research Issues Covered**

This study is purely based on doctrinal research. Relevant books, journals and on-line research articles have been consulted for the same. It aims to delve into some of the causes/reasons for juvenile delinquency and the theoretical prepositions given by different scholars to understand the problem. It looks into the evolution of Juvenile Justice Act and Juvenile Justice System in India, and important provisions in the Act. To understand the latest trends in juvenile delinquency, statistical data from National Crime Records Bureau (official site for data on crimes in India) has been taken and analyzed. Further, this data has been linked with latest amendments made in the Juvenile Justice Act. All analysis in this paper is based on statistical data available. Empirical study of juvenile delinquency through visits to Juvenile Homes and Juvenile Boards (Courts) is proposed by the author in the coming years to get a deeper insight into the problem.

## **3. Reasons for Juvenile Crimes**

Interdisciplinary studies on juvenile delinquency reveal that across the world, many behavioral changes occur in the juveniles/ adolescents, which are related to the sudden changes in their body due hormonal surge, associated with puberty. The changes are most apparent 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.

### **3.1 Social Factors**

Sometimes, the juveniles develop delinquent sub- culture due to cultural deprivation and status frustration that they go through (Albert Cohen, 1955). They often adopt the delinquent tendencies due to peer pressure. According to Walter B. Miller (1958), some youth (usually belonging to lower class) turn the mainstream culture up- side down, thus whatever is valued and is regarded as positive generally by the is society given up by these youth, and is replaced by just the opposite value system. Thus, if certain morals are upheld by society, juvenile delinquents give up these values and try to excel in the areas of toughness, over- smarting the others and indulge in things that give them excitement (defined as focal concerns by Miller). Delinquent sub- culture theory has been applied in latest studies in the United States (Ling Ren, Hangowel Zhang et al, 2016), where new area of attitude of the juvenile towards the Police in China has been focused.

Cloward and Ohlin (1960) feel that juveniles develop different delinquent tendencies depending upon what opportunities are available in their surroundings. The youth may become criminals if they have opportunities to learn illegal activities. They may indulge in acts of street brawls and hooliganism if they lack these opportunities, or are not able to excel in the area of organized crime.

Other studies indicate that social factors such as poverty and low education are also responsible for juvenile delinquency (Ombato, John Onyango et al 2013). Habits of substance abuse also make the youth vulnerable to offending. Broken families are directly related to higher rates of delinquency. The negative role of family has also been highlighted in other studies (World Youth Report, 2003). The report indicates that the juvenile who receive less familial supervision, or who live in dysfunctional family settings or in disadvantaged families have more chances of getting involved in delinquent behavior.

### **3.2 Psychological Factors**

There are psychological explanations to delinquency also, which can be well understood through Freudian concepts of id, ego and super-ego. When the id (the instinctive element of individual's personality) becomes too strong, and the super-ego becomes weak (the socially taught element of personality) the ego develops into anti-social person (K. S. Williams 2012). Sometimes when the self-control and social control through primary groups becomes weak, the juveniles develop delinquent tendencies. The breakdown of the social institutions has also been connected to deviance and delinquency (Chris Knoester and Dana L. Haynie, 2005). There can be a strong link between psychological condition of the youth and delinquent tendencies. Study of female inmates in Bangladesh showed very high incidence of psychiatric disorder among the offenders of Female Juvenile Center (Maruf et al, 2015). These offenders also showed high incidence of substance abuse.

David Brandt (2006) has extensively talked about the social and psychological factors responsible for delinquency in India. Under the social factors it has been noted that the social environment has a strong impact on deviating tendencies of the juveniles. Amongst these neighborhood ties and social organization can be important determinant in the delinquent behavior of the juvenile. This is highlighted in the study conducted by He Len Chung and Laurence Steinberg (2006). The study indicates that when the neighborhood ties are weak and the social organization factors are not effective, the social control over the members of the society becomes weak, thus leading to delinquent tendencies. Along with the weak

neighborhood, ineffective parenting and association of the youth with deviant peers leads to higher rates of offending.

### **3.3 Biological Factors**

The biological explanations suggest that individuals are influenced by their biological/genetic make-up. They are not exactly the captives of biological designing, but it does render these individuals inclined towards delinquent tendencies. The hormonal changes in the body of the juveniles are responsible for their impulsive and rebellious behavior. Ecological/environmental and economic parameters also play important trigger points in lives of the juveniles. But usually it's the combination of these factors that together creates situation of juvenile delinquency.

## **4. Relevance of Socio- Psychological Studies in Creating Need for International Instruments**

All these researches done in the area of juvenile delinquency under various academic disciplines created the need for a strong instrument at international level that could lay down guidelines for various countries to deal with the situation.

The United Nations Convention on Rights of Child (CRC) was laid down in 1989, which became a landmark in the international Human Rights legislations. It clearly indicated the rights of the children and why they should be protected. This rights approach shielded in the CRC entailed changes in the area of social; justice, equity and empowerment of the young members of society.

The CRC is a legally binding agreement that sets out the civil, political, economic, social and cultural rights of every child, irrespective of their race, religion or abilities. Consisting of 54 articles, it sets out children's rights and sets out children's rights and how governments should work together to protect these rights. Ever since the convention was adopted in 1980, 194 countries have signed up the Convention. All the countries that ratified to UNCRC are bound by International law and its implementation. Committee on CRC sees to it that countries which have signed up the UN convention abide to the norms of the Convention.

India ratified to the CRC in 1992 and since then it has been bringing out various legislations to cover the rights of children. Juvenile Justice Act in India is one such legislation which clearly and extensively deals with issues of erring children.

## **5. Brief Evolution of Juvenile Justice Legislations in India**

Some authors have evaluated the origin and development of Juvenile Justice in India (Mousami Dey, 2014). Prior to coming of British in India, the actions of children were governed under existing Hindu and Muslim laws, where the respective families of the person concerned were held responsible for monitoring the actions of their children. In India, the need for new legislations for children was felt under the British rule. Some specific laws were passed between 1850 and 1919, like the Apprentice Act (1850), the Code of Criminal Procedure (1861) and the Reformatory School Act (1876 and 1897).

Under the Apprentice Act (1850), it was held that destitute or petty offenders in the age group of 10 and 18 years should be dealt with separately- the convicted children were required to work as apprentices for businessmen. Section 82 of the Indian Penal Code of 1860 also recognized the special status of children. It set age limits on criminal responsibility and excluded children younger than 7 from culpability. The children between 7 and 12 years of age were considered to have sufficient maturity to understand the nature of their actions under certain circumstances.

The Code of Criminal Procedure of 1861 allowed for separate trials of persons younger than age 15 and their treatment under the reformatories rather than prisons. It also laid down provisions of probation of the young offenders. Such attempts marked the changing attitude and approach of state to juvenile delinquents, and the transition from penal to reformatory philosophy.

In this regard, the Reformatory School Act 1876 and 1897 came as harbinger of such legislations. Under the Act, the provisions were laid down for putting the delinquents in the reformatory schools for a period of two to seven years. However, as they attained 18 years of age, they were shifted to adult prisons. Provision for treatment and rehabilitation of young offenders was laid down in the 1897 Act.

There was no national legislation under the British rule. However, certain provinces came up with their own legislations to deal with juvenile delinquency (like Bombay, Madras and Pondicherry).

After India got independence, Juvenile Justice policy in India got structured around the mandates prescribed under various articles of Indian constitution (Article 15 (3), 21, 24, 39 (e) & (f), 45 & 47). The Indian Juvenile justice policy was also guided by various

International Covenants such as UN Convention on Rights of Child (CRC) and Beijing Rules, or UN Standard Minimum Rules for Administration of Juvenile Justice. The important law for neglected and delinquent children in India was passed Central Child's Act (1960), which prohibited imprisonment of children under any circumstances. It declared children's courts and child welfare board to be two important bodies that would deal with such children.

In 1986, the central government of India passed a central Act, called the Juvenile Justice Act of 1986. It was a social legislation that aimed to provide care, protection, treatment and rehabilitation for delinquent and neglected children. It also looked into adjudication of juvenile matters. It created juvenile courts for the offenders and juvenile welfare boards for the non-offenders/ neglected children.

The juvenile Justice (Care and Protection of Children) Act was passed in 2000. It provided for a uniform legal framework of justice across the country. The main objective of the new Act was to ensure that no child (up to the age 18 years) offender is lodged in jail. The Act also made provisions for the infrastructure and machinery for care, protection and rehabilitation of children. The Act was again amended in 2006 and then in 2010.

The Juvenile Justice Act, apart for providing for care, protection, rehabilitation and development needs also makes the juvenile adjudication and disposition system child – friendly. It enables the Juvenile Justice Board (earlier called Juvenile Court) in taking a multi-disciplinary approach when conducting inquiries. Under the Act, Child Welfare Committee has been established to cater to the needs of vulnerable children.

New Act dealing with Juvenile delinquency came in 2015, about which a discussion will be held later in this article.

## **6. Important Provisions under the Indian Juvenile Justice Act**

The Juvenile Justice Act, 2000 defines, under section 2 (I) defines juvenile in conflict with law as a juvenile who is alleged to have committed an offence and is under 18 years of age (and above the age of 10 years) on the date of commission of crime. Under the various Indian laws, there is no consensus over the definition of child, which creates confusion and dilemma over the legal treatment of the children.

Under section 2 (d) the same Act, there is another category of children- "Children in Need for Care and Protection" referred. 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.

They may be street children/ indulging in beggary, child laborers, orphaned/ abandoned/ destitute children, abused children/ trafficked children, children suffering from physical deformity/ mental illness or victims of conflict and disaster situations. The Indian JJ Act acts all such children and legally protects their rights, at least on paper. R. N. Choudhary (2005) talks about various laws that are prevalent in reference to juvenile justice in India. S. K. Bhattacharya also discusses about the juvenile justice in India (2000).

The need to incorporate the second category of children came from preventive approach of the JJ Act. The children who live under the condition of destitution, or under difficult situations, are very vulnerable to commit crime. Any trigger point in their lives can push the offender button, and they may convert into delinquents. So, keeping up to the philosophy prevention is better than cure, the JJ Act of India has made provisions for including both category of children, both who are offenders, or those who are quite likely to indulge in deviant acts should be treated under the Act.

The two category of children are also treated by different institutions- juvenile offenders under the Juvenile Justice Board, and the vulnerable children under the Child Welfare committee.

The Juvenile Justice Board consists of a metropolitan judge, or judicial magistrate of first class, and two social workers, at least one of whom should be a woman. Under the Act, there are also provisions for a Special Juvenile Police Unit in every police station. All these personnel must be preferably trained in child psychology, or should have sensitivity in child related matters.

If the juvenile is a co- accused with an adult/ adults, joint trial of the juvenile offender cannot be held along with adult criminals. Further, the Juvenile Justice Act in India restricts the apprehension of juveniles, stipulates bail as a right to the offender, irrespective of the fact that the offence is bailable or not.

Further, the trials of the juvenile offenders are held in a very informal manner, where the offender cannot be brought to the Juvenile Justice Board handcuffed. The police officials or other government personnel are dressed informally. The identity of the offender is always concealed, and in no case media can mention the name of the offender in newspapers or on news channels. After the trial, the offenders are kept under the observation homes or Special homes. Children in need for Care and Protection are sent to Children's homes.



All these child friendly measures of Indian government are indicative of the fact that government does not want to jeopardize the lives of the young criminals, and wants to give them all a chance for improvement. All the provisions are very much in line with juvenile jurisprudence.

## **7. Juvenile Delinquency in India- Current Trends**

The legal definition of child affects how the courts in a country deal with offenders. As per the international norms, and also under the juvenile Justice System in India, a minor or a child cannot be tried in the same manner as an adult. A child is treated as *doli incapax*, with no mens rea- he/ she is not capable of understanding consequences of his/ her actions.

Keeping this logic in mind, children are dealt under juvenile justice system, and not under the adult criminal justice system. They can never be given imprisonment or death penalty. Hence, under the Indian legal system, Art. 40 (3) (a) of CRC requires State Parties to promote establishment of minimum age below which child is presumed not to have capacity to deviate the penal law. Age of criminal responsibility is held to be 7 years- child below 7 years cannot be considered a child in conflict with law – section 82 of IPC, 1860. Thus, nothing is an offence done by a child between 7 and 12 years, who has not attained sufficient maturity to judge the nature and consequences of his/ her conduct, and did not know that what s/he was doing was wrong - Section 83 of IPC, 1860.

However, juvenile delinquency has been increasing in capital city Delhi and other places in India at an alarming rate. The involvement of the juveniles in serious offences like murder, attempt to murder, kidnapping and abduction has raised concerns in the nation. After the December 2012 Gang rape in Delhi (or Nirbhaya case, as it was commonly called), many debates and discussions pointed to the softer approach of Juvenile Justice System to serious offences. It has been found that the youngsters can be as brutal as the adults, which forced the people to reanalyze the definition and approach to juvenile delinquents in India. Due to access to internet, the psychiatrists feel that aspirations of adolescents and adults are becoming at par (D. Ghosh, 2013).

The National Crime Records Bureau (NCRB) data indicates that there has been an increase in crimes committed by juveniles, especially by those in the 16-18 years' age group. NCRB data given below shows the trends of juvenile offences.

**Table 1:** *Cases registered against Juvenile in conflict with law and Crime Rate under IPC during 2015- 2016*

Year	Cases Registered		Percentage cases of Juvenile in conflict with law to total cognizable Crimes	
	Against Juveniles in conflict with law	Under total cognizable IPC Crimes		
2005	18939	1822602	1.0	1.7
2006	21088	1878293	1.1	1,9
2007	22865	1989673	1.1	2.0
2008	24535	2093379	1.2	2.1
2009	23926	2121345	1.1	2.0
2010	22740	2224831	1.0	1.9
2011	25125	2325575	1.1	2.1
2012	27936	2387188	1.2	2.3
2013	31725	2647722	1.2	2.6
2014	33526	2851563	1.2	2.7
2015	31396	2949499	1.1	2.5

Source: NCRB

As it is evident from the data in table 1, there is an increase in number of cases registered against juveniles in conflict with law. From 2005 to 2015, this number has increased from 18939 to 31396 (in category of Against Juveniles in conflict with law) and from 1822602 to 2949499 (Under total cognizable IPC Crimes). Though the Percentage cases of Juvenile in conflict with law to total cognizable Crimes has ranged from 1.0 to 1.1, the Rate of crime under cases of Juveniles in Conflict with law has increased from 1.7 to 2.5.

**Table 2: Cases registered in India against Juvenile in conflict with law under different crime heads of IPC during 2015**

S.no.	Types of crime	No. of cases
1.	Murder (Section 302 IPC)	853
2.	Attempt to commit murder (Section 307 IPC)	980
3	Culpable Homicide not amounting to murder (Section 304 IPC)	36
4	Attempt to commit Culpable Homicide (Section 308 IPC)	60
5	Rape (Section 376 IPC )	16988
6	Kidnapping and Abduction	1630
7	Dacoity	193
8	Robbery (Section 392 To 394, 397 And 398 IPC)	1358
9	Criminal Trespass/Burglary (Section 457 To 460 IPC) (Total)	2605

**Table 3: Juveniles Apprehended under IPC and SLL Crimes by Age Groups & Sex During 2015**

S.no.	Types of crime	Below 12 years	12 – 16 years	16- 18 years	Total
1	Murder (Section 302 IPC)	13	283	796	1092
2	Attempt to commit murder (Section 307 IPC)	10	342	1008	1360
3	Culpable Homicide not amounting to murder (Section 304 IPC)	1	15	25	41
4	Attempt to commit Culpable Homicide	0	24	65	89

	(Section 308 IPC)				
5	Rape (Section 376 IPC )	14	490	1337	1841
6	Kidnapping and Abduction	11	288	1209	1508
7	Dacoity	0	45	256	301
8	Robbery (Section 392 To 394, 397 And 398 IPC)	22	431	1385	1838
9	Criminal Trespass/Burglary (Section 457 To 460 IPC) (Total)	81	1288	2263	3632

Table 2 shows number of cases registered all over India for the juveniles under various crimes under different heads of IPC during the year 2015. These figures are pretty alarming. Table 3 shows the figures for Juveniles Apprehended under IPC and SLL Crimes by Age Groups & Sex during 2015 under different age categories. It is evident that involvement of juveniles in the age group of 16- 18 years is very high.

Various reasons can be cited for this rise in juvenile delinquency. According to the psychiatrists and women right activists, easy access to pornography and changing food habits can be attributed as a cause for this change in behavior of juveniles, who show rising involvement in sexual offences (Alok K. N. Mishra, 2013). It has been pointed out in the same discussion that the youngsters are not able to control their biological impulses prompted by hormonal changes. There are more rape cases in urban areas than in rural areas, as the societal control in the former (cities) have weakened. This can be seen in the table 2 on various categories of crimes committed by juveniles- a staggering 1841 number of cases of rape charges, the highest in all types of crimes committed by the youth in year 2015.

Certain other reasons are cited in discussion on this rise in juvenile delinquency. According to DNA (an English Broadsheet daily published from Mumbai India) correspondent, the weakening social ties at community, peer and family level in India is responsible for this rising trend of juvenile crimes. The family as a basic unit of human society is specially getting

weaker in urban areas, with lesser family control on children. The community networking and involvement in affairs of individual members has also become slack. Peers groups are becoming less active, with the youth mainly spending time indoors watching television, or playing games on mobiles or computer. The games involve lot of plots of violence, killing others etc, which instills violence as normal in the young minds. The mind of the youth is place where lot of information keeps gathering. There is no way to filter this information and tell the youth what information is correct or what is not. Further, these days children fewer options of venting out their frustration and negativities, leading to pent – up teenage aggression.

## **8. Need for Amendments in Juvenile Justice Act**

Due to this trend, legal definition of child under Indian legal system came under question. Malvika Tyagi (2016) also feels that with trend of involvement of juveniles in violent crimes in India, state intervention is required in terms of making amendments and in terms bringing in new legal provisions. The new Juvenile Justice Act of 2015 took into cognizance the involvement of juveniles in heinous crimes and brought out some amendments. Under the new legal provisions, if a child of 16 years or above commits a heinous crime, a preliminary assessment of his mental and physical maturity will be made by the Juvenile Justice Board. Level of maturity will be matched to his capacity to commit such an offence, his ability to understand the consequences of his offence and the circumstances in which he allegedly committed the offence.

The Juvenile Justice bill was introduced in the Lok Sabha in 2014, after it was felt in the post- Nirbhaya case that some action has to be taken against the increasing involvement of juveniles in the age group of 16 to 18 in heinous/ serious crimes. The serious crimes have not been in the Indian Acts per se, but they may be taken to mean the category of crimes which would entail imprisonment for 7 years or more for adults. It was felt that JJ Act 2000 was flawed with implementation issues, and the new bill intended to close these loop holes.

The bill introduced concepts from Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption 1993. It was laid down under the bill of 2015 that the Juvenile Justice Board will decide whether a juvenile offender in the age group of 16 to 18 years should be treat as an adult. Those juveniles who commit heinous crimes such murder and rape (which invite punishment of 7 years or more) should be treated as adults. However, if the Board decides, the juvenile can be sent for rehabilitation.

The earlier Acts dealing with Juvenile Justice in India have had serious implementation issues (Ved Kumari, 2010) - the Bill (which became an Act) sought streamline the adoption process of orphaned and abandoned children. Through the 2016 Act, foster care has been introduced, under which families can take up responsibilities of juveniles in conflict with law, or the orphaned or abandoned children.

The Act has made it mandatory for all states in India to set up Juvenile Justice Board and Child Welfare committee in each and every district, with at least one woman member on board. It also laid down that when any child is found committing a crime, he will be first sent for a preliminary assessment of child's capacity to commit crime (Here assessment is not same as trial).

The JJ Act has paid lot of attention to preventive measures in controlling juvenile delinquency. Keeping in mind the weakening family and community control on individual members, the Act has emphasized on the role of family in controlling juvenile delinquency (Prakash Haveripet, 2013). Family is the most fundamental structural and functional unit of society. According to the Act, family plays a very crucial role in taking care, nurturing and protecting the children. Thus, the children are groomed to become responsible members of society. The family keeps the children away from bad habits, such as substance abuse, watching pornography etc.

## **9. Conclusion**

The Juvenile Justice Act of 2016 can be seen as a very progressive step of the Indian government towards keeping pace with changing trends in juvenile crimes. The bold step under the Act on treating the juvenile offenders found guilty of committing heinous crime as adults, subject to the observations of the Juvenile Justice Board. The Justice Verma Committee took a stand against the lowering of age of juveniles in conflict with law. It was observed in the report that "Any attempt of reducing the age of juvenility, or excluding certain children from the purview of the Juvenile Justice (Care and Protection of Children) Act 2000 on the basis of nature of the offence and age, will violate guarantees made under the Constitution and international instruments, the United Nation Convention of Rights of the Child (UNCRC)".

But the Supreme Court in India took a stand contrary to the suggestions and warnings of the Committee. It was argued that the age of 18 years was fixed because of the expert notion of psychologists that children/ juvenile up to this age are malleable and can be reformed through

redeeming and restoring techniques. It was then argued that putting them with adult criminals would re-socialize them into the world of crime and convert them into hard core criminals. The Indian courts keep this fact in mind when dealing with offenders who are not habitual criminals. The judges don't want to burden the jails with criminals.

However, when the latest trends in juvenile delinquency in India are analyzed, in respect of the age pattern and nature of offences committed, it appears that we need to review and amend our juvenile justice policy (Shivani Goswami and Neelu Mehra, 2014). The same kind of trends appeared in US and UK, with peaking of heinous crimes committed by the juveniles in the age group of 16 to 18 years (McDowell, L. Gary, Smith, Jinney, 1999). US came up with a change in its juvenile justice policy, with a shift from restorative to retributive methods. The same applies to UK also. Here, a person under 18 years is tried by the youth court normally, but in instances of serious offences, the case can be transferred to the Crown court.

In India, it is indicated from the crime trends that existing laws (prior to 2016) were not proving to be a deterrent. The constant exposure of children to violence and lack of understanding about the consequences of crime committed makes them quite prone to delinquent tendencies. The problem gets worsened in absence of some adults in role of responsible guardians to give them and help them in filtering the information that comes to them through various sources.

In the face of fast pace of industrialization and globalization, the self-control and parental control that was earlier sufficient to prevent individuals from committing offences has become weak. The primary socialization that functioned through groups such as family, peer groups, traditional neighbourhood ties, close kin circles is fast becoming ineffective in Indian society. All this has led to present trends in juvenile delinquency.

It is to be kept in mind that the legal sub- system is a part of the larger social system. Any change in the larger whole, that is the society necessitates changes in the constituent parts or the smaller sub- sub systems. Thus, when changes are occurring in the society at a fast pace, the legal system has to go in sync with the society. The Juvenile Justice (Care and Protection) Act 2015 has brought these changes.

## **10. Suggestions**

Some suggestion can be made to deal with the issue of Juvenile Delinquency in India. Though Indian government has been making lots of efforts to deal with the problem, and has

taken progressive and bold steps in this direction, more effective measures are required with respect to implementation. It has been found that though various provisions for juvenile justice have been laid down, they are followed properly. For instance, the members of the Juvenile Justice Board should be trained in child psychology and should be sensitized in child related matters, more often they are incompetent in this area.

There are provisions for Special Police unit for dealing with Juveniles at every police station. In reality, these special units are not functional. So, when there are cases of juvenile delinquency or when neglected children are taken to police, the police department is not able to handle the cases in expected manner. The police personnel are not very sensitive to the issues that come up.

It is suggested that strong steps are taken to make effective implementation of the laws pertaining to Juvenile Delinquency, so that we are able to deal with the problem in a holistic manner.

It is also important to monitor the functioning of Observation Homes and Shelter Homes. These special places meant for reformation of the juveniles/ children often become breeding grounds for more offences. Rather than effectively handling the problem and counselling the inmates, these places create atmosphere for resocialization of the juveniles into criminal/ delinquent world. Instances of inmates of Observation Homes indulging in serious offences are quite many. For reformative and rehabilitative measures, it's important that the situation is handled very tactfully.

Community participation and sensitization in matters related to juvenile delinquency is very important. In the administration of Juvenile Justice, preventive measures are very important. For this, if people in society are sensitized about issues of neglected children and children living in difficult situation, they can play important role in rehabilitation. Some informal bodies like registered Residential Associations in different areas can be involved to report matters of juveniles who indulge in deviant behaviour, or whose behaviour cannot be controlled effectively by the parents.

It has been reflected earlier in this paper that families are important agents of social control and socialization. So families, along with other primary groups in society can be more effectively involved in preventive measures.



This article has been based on doctrinal research, but the author intends to take the research at the level of empirical data collection and provide a rich data base for further analysis of the problem of juvenile delinquency.

## **References**

Apprentices Act 1850

Bhattacharya, S K. (2000) *Juvenile Justice: An Indian Scenario*, New Delhi, Regency Publications.

BRANDT, David (2006) *Delinquency, Development, and Social Policy*. London, Yale University Press.

CHOUDHARY, R N (2005) *Law relating of juvenile justice in India*. Allahabad, Orient Publishing Company

Chung, Le Hen, and Lawrence Steinberg (2006) "Relations Between Neighborhood Factors, Parenting Behavior, Peer Deviance and Delinquency Among Juvenile Offenders". *Development Psychology*. March 42 (2): 319- 331 <https://doi.org/10.1037/0012-1649.42.2.319>

Code of Criminal Procedure (Amendment) Act 2010

Cloward, R. and Ohlin, L. (1960). *Delinquency and Opportunity*. NY: Free Press

Cohen, A.K. (1955) *The Delinquent Boys* Glencoe, The Free Press

Crime in India. (2014). National Crime Records Bureau, Ministry of Home Affairs, Government of India, New Delhi.

Crimes in India, National Crimes Record Bureau, Ministry of Home Affairs, 2015

Dey, Mousumi (2014). Juvenile Justice in India. *International Journal of Interdisciplinary and Multidisciplinary Studies*. 1 (6): 64-70. Available online at <http://www.ijims.com>

Ghosh, Dwaipayana (2013) "100 Juveniles Booked for Murder, 63 Held for Rape", *The Times of India*. June 14, page 4

Goswami, Shivani and Neelu Mehra (2014). Juvenile Justice Systems in United States and India: Modern Scenario and Much Needed Modifications. *Journal of Law and Criminal Justice* Government of India. The Apprentices Act, New Delhi, Publication Division, 1850.

Government of India. The Reformatory School, New Delhi, Publication Division, 1876.

Hansaria, V and Jose P. (2011) *Juvenile Justice System*, Delhi. Universal Law Publishing Company Pvt. Ltd.

- Haveripet, Rakesh. (2013) "Causes and Consequences of Juvenile Delinquency in India". *Recent Research in Science and Technology*. 5 (3): 29-31
- Hirschi, Travis and Michael Gottfredson (1983) Age and the Explanation of Crime. *The American Journal of Sociology*, 89 (3), 552-584. <https://doi.org/10.1086/227905>
- Justice Verma Committee Report, 2013, <http://www.nls.ac.in/ccl/cclpositionpaper.pdf>.
- Juvenile Delinquency. (2003) World Youth Report. 189- 211. Available at [www.un.org](http://www.un.org)
- Knoester, Chris and Dana L. Haynie, (2005) Community Context, Social Integration into Family, and Youth Violence. *Journal of Marriage and Family* 67 (3): 767-780 <https://doi.org/10.1111/j.1741-3737.2005.00168.x>
- Kumari, V. (2004) *The Juvenile Justice System in India: From welfare to Rights*, India, Oxford University Press
- Maruf, Mohammad Muntasir, Farzana Rhaman et al (2015) "Socio- Demography, Substance Abuse and Offence Among Inmates with Psychiatric Disorder in Female Juvenile Center, Bangladesh". *PEOPLE: International Journal of Social Science*. 1 (1): 500- 508
- McDowell, Gary L., Smith, Jinney (eds) (1999) *Juvenile Delinquency in the United States and the United Kingdom*. U.K. Palgrave Macmillan. <https://doi.org/10.1007/978-1-349-27412-3>
- Miller, Walter B. (1958) *Lower Class Sub- culture as a Generating Mileu of Gang Delinquency*. *Journal of Social Issues*, 14, 5-19. 1958 <https://doi.org/10.1111/j.1540-4560.1958.tb01413.x>
- Mishra, Alok K. N. (2013). Juvenile Delinquency on the Rise. Times of India. July 13. Available on [timesofindia.indiatimes.com](http://timesofindia.indiatimes.com)
- Ombato, John Onyango, Gerald O. Ondick et al (2013) "Factors Influencing Youth Crime". *International Journal of Research in Social Sciences*. March, 1 (2): 18- 21
- Reformatory School Act, 1897
- Ren, Ling, Hangowel Zhang et al (2016) "Delinquent Subculture and Juvenile Offenders' Attitudes Towards Police in China". *Police Quarterly*. 19 (1): 87-110 <https://doi.org/10.1177/1098611115604450>
- Speak-up Report. (2013). "Rise of Juvenile Crimes: Time to Recheck Social Moral Fiber". DNA. Available at [dnaindia.com](http://dnaindia.com)
- The Juvenile Justice (Care and Protection of Children) Act, 2015. New Delhi,

Tyagi, Malvika, (2016) *Analysis of Juvenile Crime*, Economic and Political Weekly, 51 (51): 17-21

United Nations Convention on Rights of Child, 1989

Williams, K. S. (2012) "Criminology", U. K., Oxford University Press.