

# CRITICAL ANALYSIS OF JUVENILE DELINQUENCY AND THEIR CRIMINAL BEHAVIOUR IN INDIA

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## ABSTRACT

**Purpose:** This paper examines the character and causes of juvenile delinquency in India, including the social, economic, and cultural factors that contribute to this issue. The study investigates the various types of criminal behaviour exhibited by juveniles, such as theft, drug abuse, and violent crimes, as well as the repercussions of such conduct on society.

**Research implication:** This analysis of juvenile delinquency and criminal behaviour in India provides valuable insights into the character and causes of the problem and suggests potential solutions.

**Findings:** The research findings indicate that poverty, lack of education, fractured families, peer pressure, and exposure to violence are significant contributors to juvenile delinquency in India. The study also emphasises the need for a multidisciplinary approach involving the cooperation of parents, schools, communities, law enforcement agencies, and the judiciary in order to effectively address this issue.

**Originality/ Value:** The paper also examines the institutional and legal frameworks in place to address juvenile delinquency in India, including the Juvenile Justice Act and the function of the juvenile justice system. The study emphasises the lack of ultimatum and constraint in the justice system's approach to juvenile delinquency and suggests potential strategies for preventing and reducing such conduct.

**Keywords:** Juvenile delinquency, heinous crimes, Juvenile Justice

## INTRODUCTION

In India, juvenile delinquency is a severe social issue, as an increasing number of young people engage in criminal behaviour. Concerns have been expressed regarding the causes of delinquency and the efficacy of the juvenile court system in preventing and treating young offenders in light of the increase in juvenile offences. A critical analysis of juvenile delinquency and criminal behaviour in India could provide valuable insights into the underlying causes of this issue and identify effective solutions for its resolution. Given the potential long-term consequences of juvenile crime, which can have significant effects on the social, economic, and psychological well-being of individuals and communities, this topic is of particular importance. In this context, a critical analysis of juvenile delinquency and illegal activity in India can inform policy and practice aimed at preventing and addressing this problem, thereby contributing to the development of a safer and more just society.

In **M.C. Mehta v. State of Tamil Nadu**<sup>i</sup>, the Supreme Court examined the federal structure surrounding the abolition of child labour and issued comprehensive directives to the Indian government regarding the provision of schooling, healthcare, nutrition, and other essential services to child labourers. The ruling of the supreme court emphasised the importance of safeguarding children's freedoms and guaranteeing their holistic development, particularly for those who are susceptible to exploitation and harassment at work. In accordance with India's constitutional and international commitments, the court's directives aimed to protect the welfare of children and expand their access to education and other basic rights.

In **Sakshi v. Union of India**<sup>ii</sup>, the Supreme Court of India ordered the government, particularly the Ensure Accountability, to conduct a comprehensive investigation and submit a report on effective methods to combat child abuse. The court acknowledged the gravity of the situation and emphasised the urgent need to resolve this serious issue that affects the most vulnerable members of society. The court's directive was intended to guarantee that the government takes the necessary steps to prevent and fight child abuse. It was anticipated that the report's findings

and recommendations would inform government policies and programmes designed to avoid child abuse and safeguarding kids from all kinds of exploitation and damage.

## RESEARCH OBJECTIVES

- To study the prevention of juvenile crimes and injustice.
- To analyse the cause of juvenile delinquency.
- To study the preventing measures taken in India for juvenile crimes.

## LITERATURE REVIEW

1. William Coxtton - Juvenile delinquency is a term used to describe the infrequent behaviour of individuals below the age of 18. A child is deemed delinquent when they commit an act that is illegal and not accepted by society. In the same vein, a young person is regarded as delinquent when they engage in behaviour that is against the law and not tolerated by the community. It is important to understand the factors that contribute to delinquent behaviour among youth and to implement strategies that aim to prevent such behaviour and provide support and rehabilitation for those who engage in it.

An infant is born innocent, but may become a delinquent owing to an unhealthy environment, neglect of fundamental necessities, and bad company. Typically, criminal intent is necessitated in order to commit a crime, however this is not always the case. If a person is unaware of the law, that person can be accused of a crime.

2. Akshaya Rayavarapu (2021) – Juveniles are defined as individuals under 18 years of age. In every country, adolescents are regarded as the most vital component of society. As implied by the proverb "Today's Children are Tomorrow's Citizens," adolescents are anticipated to be the future leaders of our society. But in a country like India, where the crime rate is on the rise, there are numerous instances in which juveniles are responsible for a particular crime. This is devastating and shocking news for any nation whose future leaders have committed crimes ranging from minor thefts to high-profile murders, sexual offences, and smuggling, among others. The causes of juvenile

delinquency could be anything, but if this is addressed and the juveniles are provided with an appropriate environment, they can develop good skills and abilities. Such juvenile offences should not be ignored, as they have a high probability of becoming more serious in nature.

3. Nadendla Roja Rani (LL.M), Ramswaroop Pareek (LL.M) - On the proposal of Justice Verma's Committee, historic legal changes have occurred to protect women and children from all sorts of exploitation, sexual assault, and abuse. The term "juvenile delinquency" has occupied a prominent position in the discussions surrounding the country's criminal law. Juvenile Justice (Care and Protection of Juveniles) Act. Children occasionally conduct horrible crimes on par with adults and do so in the same manner ugliest shape.
4. Kudrat-E-Khuda (2019) - Juvenile delinquency and juvenile criminality are legal definitions as opposed to specific behavioural or psychological illnesses. Due to the fact that common law is built on religious law, society has traditionally dealt to juvenile crime and delinquency based on moral and religious ideas surrounding the age at which juveniles are legally accountable rather than scientific information. According to research, there is a high rate of juvenile delinquency; nevertheless, the majority of violations of the law are one-time events and are typically non-violent. 5-10% of adolescents only conduct violent crimes. The purpose of this essay is to demonstrate how juvenile delinquency is typically associated with illiteracy and low-income households in Bangladesh, and how this has a negative effect on their propensity to commit juvenile crimes.
5. Meera gungea, Vani Ramesh, Vishal Chandr Jaunky(2017) - Juvenile delinquency is an area of study that has attracted considerable attention from sociologists and social scientists, who have investigated its causes and effects. Youth delinquency is a type of conduct disorder that is characterized by antisocial behaviour and a lack of moral growth. It is affected by various factors, including historical patterns, societal shifts, and family dynamics. The purpose of the present study is to investigate the role of personality characteristics in juvenile delinquency and criminal behaviour and to determine whether certain factors are predictive of future offending. The purpose of the study is to cast light on this crucial issue and improve our knowledge of the root causes of juvenile delinquency.

## CAUSES OF JUVENILE DELINQUENCY

Juvenile delinquency is a complicated social issue with numerous potential causes. Here are some common factors of juvenile delinquency:

- Children from households that have a record of criminal behaviour, drug dependency, or family abuse are more likely to engage in delinquent behaviour.
- Children who associate with friends who engage in delinquent conduct are more likely to engage in such behaviour themselves.
- Students who have trouble in school and feel isolated from scholastic life may engage in delinquent behaviour as a form of self-expression or to feel a sense of belonging.
- Drug addiction: Drug addiction is a prevalent cause of delinquent behaviour. Adolescents who use illicit substances or alcohol are much more likely to engage in illegal activity.
- Children who have psychological disorders such as melancholy, anxiety, or borderline personality are more likely to engage in delinquent behaviour.
- Poverty and socioeconomic factors: Students from low-income households may experience greater stress and a dearth of resources, which can result in delinquent behaviour.
- Absence of parental guidance and supervision: Children who lack parental supervision and guidance may lack appropriate role models or boundaries and engage in hazardous behaviour.

It is essential to recognise that these causes are not mutually exclusive, and that a variety of variables may contribute to juvenile delinquency. Successful intervention and prevention methods should address the root causes of delinquent behaviour and provide children with the support and resources they need to surmount obstacles.

Domestic violence is one of the most significant factors contributing to juvenile criminality. Every youth criminal defence attorney in Tulsa will tell you that when children are exposed to violence, they become violent adults. It is extremely common for victims of domestic violence to lash out at others. In spite of all these regulations, the problem remained unchanged since different states had varied juvenile justice statutes that treated the same case differently. There

was no definite definition of the term "kid," and state laws recognised the term differently. In **Sheela Barse v. Union of India**<sup>iii</sup>, the Supreme Court ruled:

It has been proposed that instead of individual states having their own Children's Acts with varying procedures and contents, the Central Government should enact Parliamentary legislation to ensure uniformity in child-related provisions throughout the country. Children who experience or witness acts of violence are more prone to anxiety and frustration, which may lead to a careless attitude and an increased risk of delinquency. This behaviour can make it easier for them to get into trouble, highlighting the importance of protecting children from exposure to violence and providing appropriate support and care.

## **JUVENILE JUSTICE IN INDIA**

The legal framework for juvenile justice in India is primarily governed by the Juvenile Justice (Care and Protection of Children) Act of 2015. The act is based on the values of the United Nations Convention regarding the Rights of the Child and seeks to promote the treatment, protection, and recovery of children in legal trouble and those in need of protection and care. The act stresses the importance of a child-centered approach to youth court and seeks to ensure that kids in legal trouble are given dignity, respect, and equity while being accountable for what they have done.

A minor who has not reached the age of 18 at the point of the offence committed is designated a juvenile under the act. The act establishes a distinct juvenile justice system that prioritises the child's rehabilitation and reintegration into society and is child-friendly.

The act regulates the appointment of juvenile court boards, the formation of observation homes and special residences for children in need of care and security, and the supply of legal aid and psychological counseling.

The act also includes a variety of diversionary measures designed to prevent the minor from being subjected towards the formal justice process. Included among these measures are therapy, community service, and restitution.

However, the act's implementation has been difficult, and the high recidivism rate among juvenile offenders has raised concerns. Additionally, the juvenile justice system has been criticised for failing to provide adequate safeguards and care to children in need, especially those from marginalised and disadvantaged backgrounds.

Efforts are underway to strengthen the juvenile justice system in India, including the provision of specialized training for juvenile justice professionals, the establishment of child-friendly courts, and the development of community-based programs for the rehabilitation of juvenile offenders.

In the case of **Gopinath Ghosh v. State of West Bengal (1983)**<sup>iv</sup>, the defendant had given his age as much above the cut-off age prescribed for being a child. However, in this case, the court not Gopinath Ghosh v. State of West Bengal only grant the plea of child status to be elevated for the first time but also referred the matter to the sessions judge for a determination of the age of the accused. Approving this approach, the Supreme Court in **Rajinder Chandra v State of Chhattisgarh**<sup>v</sup>, further laid down that the standard of proof for age determination is the degree of probability and not proof beyond a reasonable doubt. The influence of western civilisation and the allure of opulence and luxury have deeply troubled the contemporary Indian youth. As a result, there has been a substantial increase in juvenile delinquency.

## **PREVENTION OF JUVENILE DELINQUENCY**

Preventing juvenile delinquency involves taking a multi-faceted approach that addresses various risk factors that may contribute to the development of delinquent behaviour. Here are some strategies that can be helpful in preventing juvenile delinquency:

- **Family Support and Parenting Programs:** Providing parenting programs to enhance parenting skills can help promote positive family relationships and reduce family conflict, which can reduce the risk of juvenile delinquency.

**Early Intervention:** Early recognition and treatment can prevent the escalation of delinquent behaviour. This can include programmes for early education, counselling, and mentoring.

**School Programs:** Activities that encourage positive classroom participation and prevent truancy and withdrawal can reduce the likelihood of juvenile delinquency.

**Community Involvement:** Promoting community engagement through after-school programmes, sports teams, and community work can provide possibilities for constructive interpersonal relationships, thereby decreasing the likelihood of delinquent behaviour.

**Services for Mental Health:** Providing psychological care to adolescents with emotional or behavioural issues can aid in the prevention of delinquent behaviour.

**Law Enforcement and Judicial Process:** A justice system that emphasises recovery rather than penalties can help prevent delinquent behaviour by allowing youth to learn from their errors and make positive changes.

Increasing awareness about the impact of multimedia on young people's behaviour and providing media literacy programmes can aid in preventing exposure to negative influences that can contribute to delinquent behaviour.

By implementing these strategies, communities can prevent juvenile delinquency and foster a positive environment for the growth and development of young people.

## **PUNISHMENT FOR JUVENILE DELINQUENCY IN INDIA**

The Juvenile Justice (Care and Preservation of Children) Act of 2015 regulates the sanction for juvenile delinquency in India. The Act establishes a unique justice system for minors in legal trouble, with the goals of rehabilitation and reintegration.

In accordance with the Juvenile Justice Act, the following are typical forms of punishment for juvenile delinquency:

**Counseling and advising:** This may be provided to the juvenile in order to resolve any underlying issues that contributed to his or her delinquency.



Community work: The juvenile may well be compelled to do unpaid work in the community for a set number of hours.

Probation: While under the supervision of a probation officer, the juvenile may be required to follow specific rules and restrictions.

Injunctive relief: The juvenile may be liable for damages they caused.

Juvenile detention: For more severe offences, the juvenile may be sent to a juvenile home for a certain amount of time, but not for more than three years.

It is essential to note that the Juvenile Justice Act emphasises rehabilitation and reintegration rather than punishment for juvenile offenders. The law additionally provides protections for the rights of juveniles throughout the legal process.

## **CONCLUSION**

Analysis of adolescent delinquency in India has uncovered several contributing factors, including destitution, lack of education, inadequate parenting, and susceptibility to violence and crime. Furthermore, the inefficiency of the justice system and the absence of rehabilitation programmes for juvenile offenders have contributed to the persistence of the problem.

Preventive measures such as primary prevention, parental involvement, active participation, behavioural health services, and education are crucial for addressing this issue. Additionally, effective rehabilitation programmes for juvenile offenders are required to reduce recidivism and facilitate successful reintegration into society.

In conclusion, to effectively address the problem of juvenile delinquency and illicit behaviour in India, a holistic approach that addresses not only the symptoms but also the root causes is required. It is essential to involve all stakeholders, including families, communities, the justice system, and the government, in order to implement effective measures that promote positive conduct and provide support and opportunities for youth. To effectively combat juvenile delinquency, a comprehensive strategy is required, and it is essential to collaborate to discover solutions to this problem.

## ENDNOTES

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<sup>i</sup> M.C. Mehta v State of Tamil Nadu [1996].

<sup>ii</sup> *Sakshi v Union of India* [2004].

<sup>iii</sup> Sheela Barse v. Union of India, the Supreme Court [1986].

<sup>iv</sup> Gopinath Ghosh v. State of West Bengal (1983).

<sup>v</sup> Rajinder Chandra v State of Chhattisgarh (1986).

