

JUVENILE DELINQUENCY: ESTIMATING FEARLESS SYMBOL AND FERTILIZATION

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ABSTRACT

Juvenile delinquency is one of the eminent misdemeanors in the society, where minors participating in unwarranted acts of lawlessness, in the backdrop of increasing socio-economic binaries especially economic crisis, growing unemployment, lack of education, and social barriers, which encourage youth to indulge in criminal activities in order to produce resources to survive. At the time of, the 26.11.2008 Mumbai terror attack accused, Ajmal Kasab, claimed to be a juvenile and therefore he should be given benefit of the law relating to juvenile justice in India, notwithstanding the fact that he was involved in a ghastly terror attack. The issue of juvenile justice is again in limelight since one of the main accused in the 16.12.2012 Delhi gang rape case was also a juvenile. The law requires that this delinquent will have to be dealt with only under the law relating to juvenile justice in India and not under the normal criminal laws that apply to adults. There are strong demands from various sections of the society to consider this juvenile as an adult and prosecute him along with other five accused persons in this gang rape case. When a young individual is unable to climb up on the social ladder, it increases his frustration and enables them to commit such heinous crimes. The severity of the crime decides whether or not the individuals should be treated as an adult. With the increasing influence of media and internet to children, it has become difficult to ascertain the level of maturity in an individual, maturity being a matter subjective to social norms and culture.

The paper aims to analyze the cause and effects of juvenile delinquency along with the recently proposed Juvenile Justice Act. It necessary to stop treating children as gifts sent by god and to treat them like adults when it comes to punishing them for the crimes committed by them. There is also the need to prevent minors from committing crimes in the first place. Juvenile crimes in India is a harsh reality which needs to eradicated from its roots and this can come true only if offenders between the age of 16 to 18 get punished so that even the victims get some justice.

INTRODUCTION

*Abraham Lincoln said:" A child is a person who is going to carry on what you have started. He is going to sit where you are sitting, and when you are gone, attend to those things you think are important. You may adopt all the policies you please, but how they are carried out depends on him. He is going to move in and take over your churches, schools, universities and corporations. The fate of humanity is in his hands"*¹

Juvenile means a person who is very young, teenager, adolescent or underage. In other words, juvenile means children who have not yet reached the age of adults in the sense that they are still a child or immature. Sometimes the term "child" is also interchangeably used for the term "juvenile".² In a legal term juvenile can be defined as a child who has not attained a certain age at which he can be held liable for his criminal acts like an adult person under the law of the country. Juvenile is a child who is alleged to have committed certain acts or omissions which are in violation of any law and are declared to be an offence.

Children are recognized worldwide as supreme assets or resource of the nation. Children should be allowed to grow up or to give an opportunity to become a good citizen who is physically fit, mentally alert and morally healthy, endowed with skills and activations which are needed by the society. Due to various reasons children do not follow the settled

¹ Congressional Record-Volume 131,pp-6479

² <http://www.indiacelebrating.com/social-issues/juvenile-crimes> (last accessed on April 12.2016)

social and legal norms. At a very young age or initial years of their age they are forced towards the outside world as to go out and face it. This is mainly due to the factors based on socio-economic and psychological reasons. Poverty, broken homes, family tensions, emotional abuse, rural-urban migration, break-down of social values and abuses by parents or guardians, faulty educational system, the influence of media besides the unhealthy living conditions of slums and other such conditions, at the end of which children having delicate mind are moulded and turned towards the world of crimes so as to exist in this world at the starting of which they start committing delinquent crimes. Juvenile delinquency is a relatively new legal concept that selects a certain age range for special consideration of misconduct and treatment.³ Juvenile delinquency is a big upbringing centre of criminals. The word delinquency is derived from the Latin word “delinquere” meaning de i.e. away and linquere i.e. to leave thus, meaning to leave or to abandon.⁴ Originally, the word had an objective meaning as it referred to parents who neglected and abandoned their children. In present day, it is used and applied to those children who indulge in wrong and harmful activities.

According to Reckless³ (1956), the term ‘juvenile delinquency’ applies to the “violation of criminal code and pursuit of certain patterns of behavior disapproved of for children and young adolescents”⁵. Thus, both age and behavioral infractions prohibited in the statutes are important in the concept of juvenile delinquency⁶.

‘Juvenile delinquency’ when employed as a technical term rather than merely a descriptive phrase is entirely a legislative product. In a developing country like India the problem of juvenile neglect and delinquency is considerably low but gradually

³ Ruth Shonle Cavan and Theodore N. Ferdinand, Juvenile Delinquency, Chapter-2

⁴ <http://www.legalservicesindia.com/article/article/juvenile-justice-system-&-its-delinquency-in-india-1031-1.html>
(last accessed on April 12, 2016)

⁵ <http://www.legalservicesindia.com/article/article/juvenile-justice-system-&-its-delinquency-in-india-1031-1.html>
(last accessed on April 12, 2016)

⁶ Walter C. Reckless and Ellen Murray, “Self-Concept as an Insulator against Delinquency,” *American Sociological Review*, 21(1956), 744-746

increasing. According to the statistics released by National crime record bureau report (NCRB), juvenile criminals between 16 and 18 years accounted for more than 60% of the crimes registered against minors in India in 2013⁷.

Historical Background

In the year 1704, it was Pope Clement xi, who introduced the idea of “the correction and instruction of profligate youth” in the institutional treatment. It was after this that Elizabeth fry established separate institution for juvenile offender. Constantly in Britain Reformatory Schools Act were brought on statute book.⁸

The move to establish special court for juveniles was initiated, in 1847 for the first time, in Unites States of America. However, the first juvenile court was established in 1899 in Chicago under Juveniles Offender Act. Along with which in 1905 first juvenile court of England was also established.

In India, which has a long history of Juvenile Legislation, most statutory provision has been followed of the British pattern in the sphere of the juvenile cases. The idea that was evolved in England that the juveniles are to be treated separately was passed on to India in latter nineteenth century. The Apprentices Act, 1850 is chronologically the first law to deal with Juvenile. Section 82 of the Indian Penal code, 1860 exempts children under the age of seven years from criminal responsibility. It further states that children who are between age of seven to twelve years, who have not attained sufficient maturity to understand and judge the nature and consequences of their conduct, from criminal responsibility fall under the ambit of Section 83 of the Indian Penal Code, 1860. Section 363-A of the Act also provides some protection to the children from the evil designs of the adults.

⁷ <http://www.mapsofindia.com/my-india/society/juvenile-delinquency-the-babble-of-opinions-the-elusive-definition>
(last accessed on April 13, 2016)

⁸ <http://www.legalservicesindia.com/article/article/juvenile-justice-system-&-its-delinquency-in-india-1031-1.html>
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Specialized treatment for juvenile offender has been provided in The Code of Criminal Procedure of 1898. The Code also envisaged the commitment of juvenile offender's up-to the age of fifteen years to Reformatory Schools and provided probation for good conduct to offender's up-to the age of twenty one. Children Act 1960 was made for the better care of juveniles and was in full force in union territories, but this could not be enforced in the states and was at their discretion to follow. At this stage the juvenile justice system was uneven in the country and had varying standards. This problem was resolved through the Juvenile Justice Act 1986, and the law was enforced all over the country.

Definitions of Juvenile

Juvenile is a child who unlike an adult person, having not attained the legal age and cannot be held liable for his criminal act. The age criteria for being a juvenile vary from country to country, state to state. In ancient era of India, a parent was supposed not to punish a child who is under the age of five years for any offence. As per the law then prevailing a children of such tender age should be nursed and educated with love and affection only. After the age of five, punishment may be given in some suitable manner such as physical chastisement or rebuke by the parents, towards the latter half of the childhood, punishment should be gradually withdrawn and replaced by advice. From the age of sixteen upwards sons and daughters should be treated as friends by the parents.

The Roman Laws stated that a child under seven years was incapable of crime. Boys from seven to fourteen and girls from 7 to 12 (pre-puberty age) were considered partially responsible and the punishment left to the discretion of the Praetor.⁹ The Germanic Laws, in medieval Europe was that the children less than seven years of age were sometimes considered capable of criminal intent. In the United States age of juvenile ranges from 16 to 21 but 18 is the most common. In France and Poland, the age limit is 13. In Australia, Germany and Norway it is 14 and in Denmark and Sweden it is 15. In India, under section

⁹ Ruth Shonle Cavan and Theodore N. Ferdinand, Juvenile Delinquency, Chapter-1

82 of the Indian Penal Code, nothing is an offence which is done by a child under seven years of age and under section 83 nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge the nature and consequence of his conduct on that occasion. Maturity of understanding is to be presumed between the ages of seven to twelve unless the contrary be proved.¹⁰

Section 27 of the Criminal Procedure Code, 1973, provides that any offence, other than one punishable with death or imprisonment for life, committed by any person who at the date when he appears or is brought before the court is under the age of sixteen years may be tried by the court of Chief Judicial Magistrate or any Court specially empowered under the Children Act, 1960 or any other law for the time being in force providing for the treatment, training and rehabilitation of youthful offenders, The Reformatory Schools Act defined a 8 Glanville L. Williams , The Criminal Responsibility of Children, Cr.L.R.1954, youthful offender as any male child who is below 15 years. The majority of the Children Acts passed in the various States fixed the upper age limits of protection at sixteen years. The more recent Acts of West Bengal and Saurashtra have raised this age limit to 18 years. The Central Children Act, 1960 retained the age of sixteen in case of boys but has extended it to eighteen for girls. The higher age limit in case of girls was considered to be essential in view of the social setting of our country where girls need protection for a longer period. The Probation of Offenders Act, 1958, imposes a restriction on the imprisonment of a person below 21 years. Thus, a boy or a girl below 21 is not to be imprisoned. Juvenile Justice Act, 1986 treated a boy under 16 years of age to be a juvenile. But in case of a girl this age limit was 18 years. Juvenile justice Act¹¹ however, provided a uniform age of 18 years for boys and girls.

Definition of delinquency

¹⁰ K.D.Gaur, Textbook on Indian Penal Code, 5th EDN, pp-117

¹¹ The Juvenile Justice (Care and Protection of Children) Act, 2000

Delinquency is an act or conduct of a juvenile which is socially undesirable. Juvenile delinquency generally means the failure of children to meet certain obligations expected of them by the society. Delinquency is simply a certain type of misbehavior that has been singled out of special attention. Whether a particular act or conduct of the child would be deviant or not will depend on various factors and vary in different States, Cities and also time to time. Delinquency is not limited to urbanized countries or to the cities in developing countries, although it is typically an urban phenomenon.¹² Adolescence emerges the teenager in a social web linked with but antagonistic to the dominant adult world. Without adolescence there is no delinquency¹³. The distinction between a delinquent and normal child, at times is very blurred and deciding point between a playful act and the juvenile delinquency is his relation to concerned person.¹⁴ In fact Delinquency is not clearly defined because some laws are vague and loosely worded. The first legislation on juvenile delinquency, passed by the State of Illinois in 1899 specifies many exact kinds of delinquency in addition to the offences covered by the criminal laws. The broad definition of Delinquency includes conduct which violates the law only when committed by children; e.g., truancy, ungovernable behavior, and running away.¹⁵ Delinquency is an act, conduct or interaction which is socially undesirable. The causes of juvenile delinquency are varied.

The concept of delinquency also varies with the point of view of the people. According to a social worker, "delinquency consisted of socially unaccepted acts". A psychiatrist suggests that delinquent behavior is activity which deviates from the normal and a lawyer would say juvenile delinquency is what the law says it is.

In the words of W.H. Sheldon, it is "behavior disappointing beyond reasonable expectations". Delinquency, it is clear, is many things to many people. He believes that

¹² Cavan and Cavan, Delinquency and Crime, Chapter 8.

¹³ Ruth Shonle Cavan and Theodore N. Ferdinand, Juvenile Delinquency, Chapter 1.

¹⁴ Robert M. Regoli and John D. Hewitt, "Delinquency in society" (9th edition), pp.4-5

¹⁵ Juvenile Court Statistics, 1974, National Institute for Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U.S. Department of justice, Washington D.C., 1974, p.11

the official label of delinquency is attached only when the behavior is really harmful and has occurred repeatedly. However, there are two generally accepted approaches to the interpretation of the term, viz the sociological and the legal. The sociological view gives a liberal interpretation to the term delinquency. This view is well expressed by the definition given by Clyde B. Vedder who says, 'juvenile delinquency refers to the anti-social acts of children and of young people under age. Such acts are either specifically forbidden by law or may be lawfully interpreted as constituting delinquency, or as requiring some form of official action. In short, delinquent in the sociological view is a child whose activities cause concern and alarm to parents and teachers and others responsible for his care and education¹⁶.

The eschatological meaning of the word 'Delinquency' is wrong doing' Juvenile Delinquency is a Legal term that was first defined in 1889 when Illinois passed the first law on Juvenile Delinquency: Since then each state has passed delinquency laws. In U.S. the laws were passed for the purpose of changing the concepts of Delinquency, which have led to changes in some of states.

The legal definition of delinquency can be any act prohibited by law for children up to prescribed age limit; therefore that a child found to have committed an act of Juvenile Delinquency by a court is Juvenile Delinquent.¹⁷

The concept of delinquency is best represented by the United States as in 1896, the U.S. Supreme Court ruled in *Allen v. United States*¹⁸ that any child who is younger than the age 7 could not be guilty of a felony or punished for a capital offence because he or she is presumed to be incapable of forming criminal intent¹⁹. In the absence of exact meaning the nature and type of acts which may constitute delinquency differ in the different parts of the country. It may be said against this approach that "if we decide to broaden the

¹⁶ K. Kusum, 'Juvenile Delinquency- A Socio-legal Study'(1979) Published by KLM Book House, New Delhi

¹⁷ Juvenile Justice System, Legal Service Authority and advocates, pp-155

¹⁸ [164 U.S. 492](#) (1896)

¹⁹ Jean Stafford, *The Mountain Lion* (New York: Harcourt, Brace & World, 1947), p.30

definition to include not only adjudged delinquents but arraigned cases disposed otherwise than by a finding of delinquency; cases referred to the police but dealt with directly by that agency through investigation and warning or by referral to unofficial and private treatment services; and cases known to public school agencies and either handled directly or referred to unofficial agencies for treatment; then not only will the magnitude of the delinquent group have been greatly increased, but the problems of definition and of measurement will have been multiplied for lack of a set of legal working definitions of what constitute social misconduct, and for lack of a central agency through which such cases may be cleared for registration or enumerate.

The Children Act, 1960 defines a delinquent child as a child who has been found to have committed an offence. A child under the Act means a boy under 16 years and a girl less than 18 years of age. 'Separate provisions however, exist for the care and protection of the neglected and uncontrollable children too who if not 'treated' and cared for in time may well be inducted into delinquency. These children are dealt with by the Child Welfare Boards.²⁰ In fulfillment of its commitment to the United Nations declarations and rules the Government of India has enhanced the age of a juvenile to 18 years for boy and the girl as well in Juvenile Justice (Care and Protection) Act, 2000.

Classifications of delinquencies

Delinquency carries different kinds of styles of conduct or forms of behaviour. Each of the patterns has its own social context, the causes that are alleged to bring it about, and the forms of prevention or treatment most often suggested as appropriate for the pattern in question.

²⁰ K. Kusum, 'Juvenile Delinquency- A Socio-legal Study'(1979) Published by KLM Book House, New Delhi

Howard Becker (1966: 226-38) has referred to four types of delinquencies: (a) individual delinquency, (b) group-supported delinquency, (c) organised delinquency, and (d) situational delinquency.²¹

(a) Individual delinquency:

This refers to delinquency in which only one individual is involved in committing a delinquent act and its cause is located within the individual delinquent. Most of the explanations of this delinquent behaviour come from psychiatrists.

Their argument is that delinquency is caused by psychological problems stemming primarily from defective/faulty/pathological family interaction patterns. The nature of unhappiness differed: some felt rejected by parents and others felt either inferior or jealous of siblings or suffered from mental conflict.

They indulged in delinquency as a solution to these problems, as it (delinquency) either brought attention from parents or provided support from peers or reduced their guilt feelings. Later studies also identified important aspects of family relations leading to delinquencies. They found that delinquents differed from non-delinquents a little in their relationship with their mothers but more in their relationship with their fathers.

(b) Group-supported delinquency:

In this type, delinquencies are committed in companionship with others and the cause is located not in the personality of the individual or in the delinquent's family but in the culture of the individual's home and neighbourhood. The studies of Thrasher and Shaw and McKay talk of this type of delinquency.

The main finding in understanding why the young became delinquent was their association and companionship with others already delinquent. Unlike the psychogenic

²¹ <http://www.yourarticlelibrary.com/essay/juvenile-delinquency/types-of-delinquency-refereed-by-howard-becker/43996> (Last accessed on April 13, 2016)

explanations, this set of ideas focuses on what is learnt and who it is learnt from rather than on the problems that might produce motivation to commit delinquencies.

(c) Organised delinquency:

This type refers to delinquencies that are committed by formally organised groups. These delinquencies were analysed in the United States in the 1950s and the concept of 'delinquent subculture' was developed.

This concept refers to the set of values and norms that guide the behaviour of group members encourage the commission of delinquencies, award status on the basis of such acts and specify typical relationships to persons who fail outside the groupings governed by group norms.

(d) Situational delinquency:

Situational delinquency provides a different perspective. It is stated that the delinquency is not deeply rooted, and the motives for delinquency and the means for controlling it are often relatively simple.

A young man indulges in a delinquent act without having a deep commitment to delinquency because of less developed impulse-control and/or because of weaker reinforcement of family restraints, and because he has relatively little to lose even if caught.

However, the concept of situational delinquency is undeveloped and is not given much relevance in the problem of delinquency causation. It is a supplement to rather than a replacement of other types.

Relationship between age and crime

The view that involvement in crime diminishes with age is one of the oldest and most widely accepted term in criminology. Beginning with the pioneering research by Adolphe Quetelet in the early nineteenth century, criminological research consistently has

confirmed that the population involved in crime tends to peak in adolescence or early adulthood and then decline with age. This age-crime relationship is remarkably similar across historical periods, geographic locations, and crime types.²²

Human behavior goes through a change from late adolescence to early adulthood. The fact that maximum number of crimes are being committed by the ones who fall in the age group of 16 to 20 can mean two things- firstly, that maybe the tendency to commit a crime declines with age, secondly, it can also be that the offenders are arrested disproportionately.

Maturity is the reason why crimes committed by an individual are reducing with age but main reason behind the kinds of crime people commit is poverty. In order to come out of the gutters of poverty, young people look for an easy and the fastest way towards a better life. Most of the times, they end up indulging in heinous crimes which promise them with quick money. But as one goes up on the ladder of age, they stop resolving to quick solutions. With age individuals start adopting the more conventional ways to become successful in life.

Also, as one grows up, his personality undergoes a change, where in one is no longer rebellious but is patient and intelligent enough to resist anti social behavior. They become aware of the fact that once they enter adulthood, the punishment gets severe and no juvenile justice system can save them from being punished. Hence, adults automatically stop being a part of violent activities.

The relationship between age and crime is invariant and remains the same in individuals even across the borders. This relationship remains the same in every society amongst every group. Biological explanation for the decline in the number of crimes with age is testosterone. Testosterone leads to aggression but testosterone also declines with age. Therefore the youth is full of aggression which makes them to take the wrong path of

²² [Encyclopedia of Crime and Justice](#) | 2002 | STEFFENSMEIER, DARRELL, ULMER, JEFFERY

crimes. Hence, when a boy is in the age group of 12 to 20, that's the time when testosterone is rapidly rising, making the principle perpetrators of violence.

On comparing the pre or post industrialization period with the contemporaries times, what comes out is the fact that in the former time period, the number of crimes committed by young people were less than the number of crimes committed by the young from the contemporary times. Earlier, the youth was aware of its responsibilities and worked hard to earn a living. Working class children were expected to leave schools and work on the farms in order to provide their families with financial support. But in the present times, the youth is under a lot of pressure because of the increase in competition. If they work hard, they get only marginal jobs which make them conscious of their status. Hence, they take up criminal acts out of frustration in order to climb up on the social ladder. There is the absence of any social body which can help these adolescents to travel into adulthood without being attracted towards criminal acts.

When an individual is in his/her late adolescence or early adulthood, then this is the time when a lot of things become accessible to them, for example, access to legitimate sources of excitement like sex, alcohol, and gambling. With age, the physical capabilities reduce therefore individuals are no longer attracted towards anti-social activities. They start acting according to their age and stop indulging in childish activities. Therefore, crimes reduce with age due to various social, biological and economic factors. Every factor shapes the type of crime and the age group of the criminals.

Laws on Juvenile Delinquency

According to Article 1 of the CRC, "a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier". Individual countries have the right select the age limit of when childhood ceases. Age limits provide a reflection of children's capabilities as determined by the society. From setting the age for when can they join school, when can they marry, when can they

join the armed forces, when can the consume alcohol etc, highlights the various ways in which age limits regulate certain activities. Ironically no minimum age limit has been specified for child labour. Similarly various laws have been passed based on the age of different individuals. For instance, according to Article 51, it is the duty of every individual and guardian to provide Education to their child between the ages of 6 to 18. As per the Protection of Women from Domestic Violence Act 2005 a child is any person below the age of 18, including an adopted step-or foster child.

Under the Age of Majority Act 1875, every person domiciled in India shall attain the age of majority on completion of 18 years and not before. Under the Child Marriage Restraint Act, the age for marriage is 21 years for males and 18 for females. But under the Muslim personal law, the age of marriage is the age of puberty.

Apart from these laws, there are laws which protect children if they commit any heinous crimes. The Juvenile Justice Act²³ provides with a framework in order to give treatment for juvenile delinquency. Child friendly approach is adopted in order to cater to their developmental needs. Under the act, a juvenile is a girl or a boy who hasn't attained the age of 18.

In certain cases, if the police feels that the child is fit enough to be considered as an adult then he/she is denied the provisions provided by the juvenile justice system.

India's National Institute of Mental Health and Neuro-Sciences (NIMHANS) have told the government that negligence is the main reason behind juvenile crimes. Children get exposed to exploitation and abuse because of which the child ends up committing a crime. Hence, the child must get the right to develop properly in rehabilitation center with proper guidance and support. In the *Salil bali v. Union of India*²⁴, the Court stated, "the age of 18 has been fixed on account of the understanding of experts in child

²³ The Juvenile Justice(Care and Protection of Children) Act,2000

²⁴ (2013) 7 SCC 705

psychology and behavioral patterns that till such an age the children in conflict with law could still be redeemed and restored to mainstream society." Therefore, children can never be dealt with under the adult criminal justice system. They can never be imprisoned or given the death sentence. As far as cases of right to sexual intercourse are concerned, then under Section 375 of the Indian Penal Code, the girl (aged 16-18) is given the right of consent to sexual intercourse. But she can still not marry before she turns 18.

Case study

At the time of, the 26.11.2008 Mumbai terror attack accused, *Ajmal Kasab*²⁵, claimed that he was a juvenile and therefore he should be given benefit of the law relating to juvenile justice in India, notwithstanding the fact that he was involved in a ghastly terror attack. However, his claim was found to be false.

The issues of juvenile justice come again in limelight since one of the main accused in the 16.12.2012 Delhi gang rape case²⁶ is also a juvenile. The law requires that this juvenile will have to be dealt with the laws relating to juvenile justice in India and not under the normal criminal laws that apply to adults. This means that he cannot be sentenced to imprisonment and cannot be awarded with the death penalty. There are strong demands from various sections of the society to consider this juvenile as an adult and prosecute him along with other five accused persons. On the other hand many people were demanding death penalty for this juvenile as well as for other accused persons. The outrage caused by the *Nirbhaya case*²⁷ resulted in people demanding for stricter laws for juvenile offenders and further a reduction in age from 18 years to 16 years. The SC touched upon on this matter examining the question of whether juvenile maturity should be used as a yardstick before referring trial to the Juvenile Justice Board in case of serious and heinous offences. In response to the same, The Women and Child Development

²⁵ Mohd. Ajmal Amir Kasab v. State of Maharashtra, (2012) 9 SCC 1

²⁶ Nirbhaya case

²⁷ SC No. 114/2013

Ministry proposed an amendment to charge juveniles between ages of 16-18 years of age involved in heinous crimes under the Indian Penal Code. However, the amendment has faced strong opposition from agencies like NCPCR, CRY, UNICEF and others citing the reason that it stands against the UN Convention on Child Rights which has been ratified by India. It has been argued that such an amendment would result in retributive justice rather than restorative and reformatory justice. The main aim of the Juvenile Justice Act is to save young offenders from getting sucked into the criminal justice system so early on in life and to allow them to reform.

When a young individual is unable to climb up on the social ladder, it increases his frustration which makes him carry out dangerous acts. Due to various such factors a large number of minors have been participating in dangerous acts. The severity of the crime decides whether or not to treat individuals under 18 as adults. With the coming up of media and internet and its influence on children, it has become difficult to calculate the level of maturity in an individual-even a 36 year old can be less mature than a 16 year old.

Conclusion

Taking all the above factors, cases, causes and judgments into consideration, it is necessary for India to take the issue of Juvenile Delinquency seriously. Be it the Nirbhaya case or that of Kasab and many more of such crimes committed by juveniles have outraged many individuals all over the world. Hence, when such cases come to the forefront, it becomes necessary to look at the gravity and severity of the crime instead of the age of the criminal. This is neither a sensational reporting nor a figment of anyone's imagination, but these are certain hard facts which stare back at us when we introspect as true citizens of a great nation. On the one hand, it is about sacrificing child rights and punishing children for their crimes, whereas on the other hand it is about protecting the child rights while letting them get away with heinous crimes. When you compare the two

situations, one cannot deny the fact that in the long run it is necessary to punish these kids because a country like India cannot afford to see more incidents like Nirbhaya.

