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## **JUVENILE DELINQUENCY: WHERE IS INDIA HEADED?**

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### **ABSTRACT**

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

**KEYWORDS:** juvenile delinquency, crimes, statistical data

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### **INTRODUCTION**

According to etymology, the word "delinquency" comes from the Latin verb delinquer, which meaning "to omit." The term was first used by the Romans to describe someone who did not complete the task or obligation that was expected of them. William Coxson is credited with

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coining the term "delinquent" in 1484 to characterise a person found guilty of a common offence. The word was used in Shakespeare's well-known play "Macbeth" in 1605. Delinquency can be defined as a type of behaviour, or more accurately, misbehaviour or a departure from the widely recognised norms of conduct in society. When it came to punishment, early criminology did not acknowledge any distinction between adult and child offenders. Therefore, the main component of the juvenile delinquency problem is a recent problem.

A specific age group of children are prone to being seduced by life's temptations and turning to crime. The child of today is the citizen of tomorrow, as is frequently said. Young people's criminal propensity must therefore be promptly restrained to prevent them from developing into lifelong offenders. The majority of nations are currently prioritising the solution to the issue of adolescent delinquency with this goal in mind. To deal with minor criminals, several of them formed distinct juvenile courts, and the process used in these courts is drastically different from that of regular trial courts. In India, the Juvenile Justice (Care & Protection of Children) Act, 2000 (Section 6 of 2000), which is uniformly applicable throughout the nation with the exception of the State of Jammu & Kashmir, enacts special provisions for the care, protection, treatment, development, and rehabilitation of neglected or delinquent juveniles as well as their trial and disposition. Additionally, rules under the Act enacted to be known as the Juvenile Justice Rules, 2007 which came into force with effect from October 26, 2007.

### **Reasons behind Juvenile delinquency**

"The juveniles occasionally experience cultural deprivation and status frustration, which can lead to the development of a delinquent subculture." (Cohen, 2005) Teenagers who experience peer pressure and cultural deprivation are more likely to engage in criminal activity. Walter B. Miller claims that "certain adolescents (often from lower social classes) turn the mainstream culture upside down, therefore giving up whatever is valued and is viewed as positive generally by the society and replacing it with the exact opposite value system. (Walter, 2006). Therefore, if society upholds certain morality, young delinquents abandon these principles in favour of trying to outperform everyone else in terms of toughness and excitement-seeking behaviours.

As much as the community's thinking affects adolescent misbehaviour, it seems that the family's financial situation also plays a role in it. As was already mentioned, there are some communities that frequently act in opposition to what is appropriate. Juvenile delinquency is highly likely to occur if a youngster lives in such a place. These kids have the potential to engage in criminal activity if given the chance, and if organised crime isn't their forte, they may even engage in street fighting and hooliganism. According to numerous studies, family dysfunction, substance misuse, illiteracy, and poverty all play a significant role in adolescent criminality.

Delinquency clearly corresponds to the id, ego, and super-ego theories put out by Sigmund Freud. (William, 2012). "The ego evolves into an antisocial person when the id [the innate portion of an individual's personality] becomes too powerful and the super- ego [the socially learned element of personality] becomes weak." Then, a state of delinquency is typically felt as the person's instinctual aspect takes precedence over the sociological or societal factor. Delinquency will develop because the person is unable to distinguish between right and wrong. According to a study on female prisoners in Bangladesh, there is a strong correlation between mental health issues and juvenile offenders as well as extensive substance addiction.

## **HYPOTHESIS DEVELOPMENT**

### **1. Juvenile delinquency in India**

India has the greatest young population of any nation in the world with 42% of the total population being under the age of 18. The average age of an Indian is predicted to be 29 in 2024. In terms of views, thoughts, and ideologies, the current Indian society has seen significant changes. Because of the shift in public opinion towards morality, what was once regarded as immoral may no longer be so in the present. The amenities and comforts of life have improved along with a significant improvement in people's aspirations to get more and more. Everyone is occupied with their everyday tasks.

86% of the minor offenders who were apprehended in 2016 lived with their parents, according to a review of their family history. Nagasimha G. Rao, director of Child Rights Trust and expert in cases involving children involved in conflict, previously remarked: "The social context is changing constantly. Parents have less time to spend with their children, and we see many instances where kids come from families who don't have financial problems, which suggests that the issue is something else. The way children spend their time in schools is changing, with less friendship and more competition.

According to a report by the National Drug Dependence Treatment Center and the All India Institute of Medical Sciences (AIIMS) on substance abuse among young people in India, a significant portion of those surveyed have used a variety of drugs, including alcohol, tobacco, marijuana, cannabis, and inhalants. 82% of the kids admitted that they were friends closely with those who used drugs. The study also showed that 29% of children living in cities and 18% of children living in households had sexual encounters while using drugs, while 20% of them had encounters while using drugs or receiving money.

*H1: There is increasing incidents of juvenile delinquency in India.*

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## 2. Juvenile delinquency and Indian legislation

The Juvenile Justice Act, 2000 was passed by the Indian government in 2000, creating a unified system of justice across the whole nation. The aforementioned Act made sure that no juvenile offender was imprisoned. The Act also addressed child-friendly juvenile adjudication and disposition of cases involving juveniles, as well as the custody, protection, and rehabilitation of the juvenile offender. The Child Welfare Committee could be formed under the Act's provisions, according to 9. The Committee will have a Chairperson and four other members that the State Government may decide to designate, one of whom must be a woman and another must be an expert in child-related issues.

The Juvenile Justice Act of 2000's Section 2(d) defined "children in need of care and protection" as a different category of minors. These are the abandoned and abandoned children who have no one to care for them and no obvious means of support. All of these children are protected by the Act. The need to include these kids stemmed from the Act's preventive approach, which recognised that children from marginalised groups who lived in such impoverished and deplorable circumstances were more likely to engage in antisocial behaviour that would be detrimental to both them and society as a whole.

The juvenile justice board should deal with juvenile criminals, and the child welfare committee should deal with non-offenders, according to the Act, which mandates that two independent institutions handle the two distinct classifications of children. Every police station would have a dedicated juvenile police unit, according to the Act. When handling crimes involving minors, police officers should be sympathetic and have training in child psychology. Additionally, the juvenile trials must proceed in a very informal manner. A minor cannot be shackled, and the identity of the child should remain a secret.

The Juvenile Justice Act of 2000 was replaced by the new law in 2015. Because one of the defendants in the Delhi rape case of 2012 was convicted despite being a few months under the age of 18, was tried as a juvenile in a juvenile court, and received a sentence of three years in prison, the case had a significant impact on how the public perceived the innocence of a child offender. Several petitions that contested the earlier Act were submitted, and the Supreme Court of India later invalidated those petitions.

The Act permitted a minor between the ages of 16 and 18 to be tried in adult court. The Juvenile Justice Board will examine the case to decide if it was done by a "kid" or a "adult." The Act states that a Metropolitan Magistrate or Judicial Magistrate of First Class, who is not a Chief Metropolitan Magistrate or Chief Judicial Magistrate and has at least three years of experience,

and two social workers, at least one of whom must be a woman, shall make up the juvenile justice board. Each of these benches shall have the authority granted to a Metropolitan Magistrate by the Code of Criminal Procedure, 1973. The 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption was incorporated into the bill in ways that the earlier Act did not. The bill also included clauses relating to foster care and adoption in India.

*H2: The existing legislation in India is insufficient to tackle the challenges of juvenile delinquency in India.*

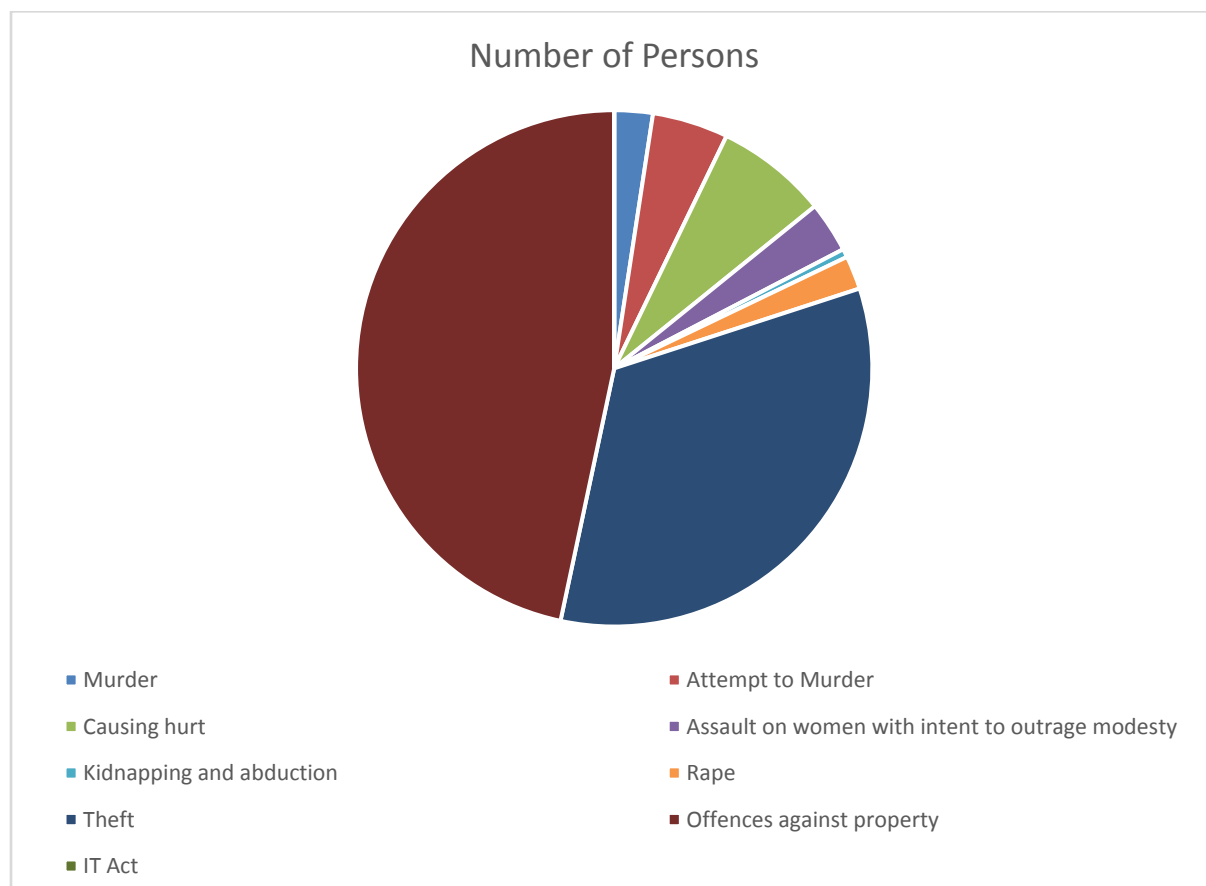
## **RESEARCH METHODOLOGY**

### **Data analysis and interpretation**

In order to ascertain and understand the trends in juvenile justice in India, the Records of National Crime Bureau was analysed.

	<b>Number of Persons</b>
Number of cases pending disposal at the beginning of the year	2825
Juveniles apprehended during the year	3287
Total number of juveniles apprehended	6143
Juveniles released as cases did not occur/were quashed/discharged by courts	376
Juveniles sent home after admonition	2651
Juveniles sent to Special homes of appropriate institute	746
Juveniles dealt with fine	82
Juveniles awarded imprisonment	1
Juveniles acquitted or discharged	349
Percentage of juveniles held guilty	90.09%
Cases against juveniles pending disposal	1938

The following table displays the different crimes committed by the juveniles as per the NCB Records of 2021.



Despite the widespread belief that children are doli incapax and lack the mens rea necessary to commit a crime, recent events have seen some of the most horrifying and heinous atrocities perpetrated by juveniles, demonstrating that kids can be just as vicious as adults. Following are a few notorious crimes involving young offenders:

The rape incident at Nirbhaya: It is one of the most violent crimes ever committed, and it involved a young offender. The savage gang rape of a paramedical student in a moving bus was witnessed on the chilly night of December 16, 2012, in Delhi, the nation's capital. One of the criminals found guilty was a minor, just a few days' shy of his 18th birthday, who was released from the reformatory after serving his sentence. Even while we feel our hands are bound in dealing with the parents and others, the Supreme Court showed its helplessness by saying, because there is no law in the land. This situation paved the way for the 2015 juvenile justice law to be introduced. The rape incident in Hatigaon occurred in September 2013. In this case, the defendants were youths between the ages of 12 and 16 who committed a young girl's rape in the dead of night. A new case of juvenile delinquency occurred in 2015, shocking and upsetting the

entire country. In this incident, three young people opened fire indiscriminately inside the Kakardooma courthouse in Delhi, killing a police officer.

The juvenile justice Act of 2015 was first implemented in the 2016 Mercedes hit-and-run case, in which a teenager struck a marketing executive while operating his father's Mercedes. The accused's case was moved to the city court because the board determined that even though he was a juvenile, he was mature enough to appreciate the results and repercussions of his acts.

The kathua rape case of 2018 demonstrated how the prior Acts that prohibited locking up minors were severely abused by the offenders. In one case, a young girl was violently raped, and two of the suspects admitted to being minors when they were arrested. However, after conducting a bone-ossification test to determine their ages, the court rejected one of their arguments.

## **SUGGESTIONS**

"A child is a person who will continue what you have begun. When you leave, take care of the things you believe are most important. He will take your place in the chair. You are free to establish any policies you want, but he will determine how they are implemented. He will take over command of your towns, states, and countries. He will occupy and control your churches, schools, colleges, and businesses. He will evaluate or condemn each of your novels. He controls humanity's future. Therefore, it might be wise to pay him attention. - Abraham Lincoln.

The world's future will be decided by children. They are essential to human civilization. Therefore, if he can improve a child's life in any way, he will be able to influence the future of the planet in some way. Where children have started participating in heinous acts, it is easy to anticipate that the future of the nation is in danger. One such nation where the rate of juvenile delinquency is alarmingly rising is India. Numerous measures have been done and still need to be taken to combat the same. The Indian government has adopted a number of measures to address the problem of juvenile delinquency, but it is still difficult to put these measures into practise.

Governmental actions alone are insufficient. On a societal level, certain actions must be taken. The importance of community involvement and sensitization in juvenile delinquency-related issues. Understanding that a juvenile's repentance and bringing him back into compliance with societal norms is more significant than taking disciplinary action against him is crucial. If society's members are made aware of the plight of abandoned and defenceless children, they will be better able to assist in their rehabilitation and prevent them from engaging in antisocial conduct. To report youngsters who engage in strange and deviant behaviour that raises concerns in the mind, some informal associations and bodies can be established.

Family is the finest institution for maintaining a lid on a child's aberrant behaviour since it shows them that they are valued and cherished, which discourages them from engaging in deviant behaviour, as has already been mentioned. Children should have fair and equal opportunities for development. Another crucial instrument for a child's overall growth is education. To address the issue holistically, it is crucial that legislation pertaining to juvenile offenders are implemented effectively. The juvenile board members should be trained to handle cases involving young offenders delicately and should have knowledge of child psychology. Every police station needs to have a dedicated section to handle children.

## CONCLUSION

"So often, we keep our mouths shut because we don't want to expose ourselves to criticism or abuse. Frederick Douglas chastised people who want change without a fight or hardship, and he was right to do so. Whether it is politically expedient or pleasant for our friends, enemies, or peers, we must be prepared to speak and do what is best for our children. Children are in critical need of parents they can rely on to stand up for them when necessary and make difficult decisions without considering their own safety. ... It is evident that until a critical mass of caring adults, parents, religious leaders, child advocates, and other influential people comes together, children—who do not lobby, vote, hold press conferences, or contribute to political campaigns—will continue to be overlooked or marginalised by those in power.

One of the government of India's most forward-thinking pieces of legislation is the juvenile justice Act of 2015. It is urgently needed since more and more young people are participating in horrible acts with the knowledge that they will likely get away with it. the decision to lower the conflicting youths' age lowering the age is an attempt to lower the age of juvenility based on the nature of the crime, and the age of juvenile is a clear violation of the safeguards provided in the Indian constitution and international covenants of United Nations Conventions of the Rights of the Child, the Justice Verma committee noted in its report on the matter (UNCRC).

The Supreme Court, however, did not take this argument into consideration. It was suggested that some of the young people who committed crimes were discovered to be mature enough to have bad intents and fully understand the repercussions of their actions. Therefore, the juvenile justice board has the authority to decide whether to regard minors between the ages of 16 and 18 as children or as adults. When handling cases involving juvenile offenders, Indian courts consider the danger that pairing them with adult offenders will re-socialize them into the criminal underworld, and there may be no turning back to the established social order.



The family and social ties that were sufficient in the past to prevent a child from engaging in aberrant conduct are eroding and are shown to be insufficient in a society with rapidly expanding industrialisation and globalisation. All of this causes the rates of adolescent delinquency to rise. It is important to keep in mind that while society is the superset, the legal system is more like a subset. Any change to the superset, which is society, makes a change to the subset, which is the legal system, unavoidable. Therefore, it is crucial that the legal system alter in accordance with the rapid changes in society.

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