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## Juvenile Delinquency in India

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### **ABSTRACT:**

Criminals in our country have been increasing for the last few decades. Especially, juvenile criminals, who have not attained the age of majority yet i.e., 18 years. The reasons for juvenile delinquency the poverty, lack of education, lack of quality of environment, lack of parental bonding, and many more other reasons. In this article, we will discuss the meaning of juvenile delinquency, its reasons, its prevention methods, kinds, juvenile boards, officers, and many more things in detail.

### **INTRODUCTION:**

A child or an adult is like the bedrock of every country. The evolution or development of every country from every sphere is dependent on the future generation of that country whether the country is developed or not. The future generation means teenagers, adults, and children. The young age is very elegant or delicate at this phase of life child shapes themselves according to their surroundings.<sup>1</sup> So, their upbringing or growth shall be well nourished with love, affection, and care, and ethics or etiquette are imbibed in them. So that they will become a law-abiding citizen of their country. If they continue to be in touch with bad company, they will surely turn into abusive or abiding citizens i.e. Delinquent means a young person who does not follow the law or committed any crime or illegal act. So, in this article, we are going to discuss in detail about juvenile delinquency in India.<sup>2</sup>

**Keywords:** Juvenile delinquency, Kinds, Reasons, Prevention methods and Juvenile Justice Board

### **What is Juvenile Delinquency?**

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<sup>1</sup> [sustainabledevelopment.un.org, https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf](https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf), (last visited Oct. 30, 2023).

<sup>2</sup> [ncert.nic., https://ncert.nic.in/pdf/NCF\\_for\\_Foundational\\_Stage\\_20\\_October\\_2022.pdf](https://ncert.nic.in/pdf/NCF_for_Foundational_Stage_20_October_2022.pdf), (last visited Oct. 30, 2023).

Juvenile delinquency is not defined neither in any statute nor in any act. Generally, juvenile delinquency means a person who is involved in the commitment of a crime or any illegal act at a young age i.e., who has not attained the age of 18 years.

The legal term “juvenile delinquent” was established in the 1800s by the United States to describe minor lawbreakers who have not attained statutory the age of majority. The consequences of juvenile delinquency can be severe like imprisonment, fine, or any criminal record<sup>3</sup>.

### **History of Juvenile Delinquency:**

The notion of protecting juvenile delinquents was started in the 18<sup>th</sup> century all over the world including the U.S.A. or U.K. In the past, juvenile offenders were treated as same as adult offenders including trial proceedings, conviction, etc. So, movements were started by a group of people in the U.S.A. called child savers to protect juvenile offenders. The movement of child savers had a great impact on the judicial system of the U.S.A. As a result, separate juvenile court and juvenile detention were established. In the 1990s many countries gradually adopted the juvenile justice system. Then, in 1989 UN convention gave political, economic, social, civil, and political rights to the child.<sup>4</sup>

In 1986, **The Juvenile Justice, 1986** superseded the **Children Act, of 1960**. Then, with time several amendments came up with **The Juvenile Justice Act, of 2000 and the Juvenile Justice Act, of 2015** in the juvenile system of India<sup>5</sup>.

### **Important Definitions under the Juvenile Justice Act:**

- 1. Abandoned Child:** - The abandoned child is the child, who is left by his natural parents or foster parents or guardians and has been declared abandoned child by the authority after due inquiry<sup>6</sup>.

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<sup>3</sup> Amandeep Kaur, *Juvenile delinquency*, Blog ipleader (10 October 2023, 10: 30 PM), <https://blog.ipleaders.in/juvenile-delinquency-related-legislations-india/>

<sup>4</sup> Bishop, Donna M. “Juvenile Offenders in the Adult Criminal Justice System.” *Crime and Justice*, vol. 27, 2000, pp. 81–167. *JSTOR*, <http://www.jstor.org/stable/1147663>. Accessed 17 Nov. 2023.

<sup>5</sup> Amandeep Kaur, *Supra* note 3, at 1092

<sup>6</sup> Juvenile Justice Act, 2015, s2(1), No.2, Acts of Parliament (India)

2. **Adoption:** - Adoption is the process in which the adoptive child becomes the legal child of the adoptive parents with all rights, responsibilities, and duties that are attached to the blood child<sup>7</sup>.
3. **Child:** - Child means who is less than the age of 18 years and minor in eyes of law<sup>8</sup>.
4. **Child in conflict:** - child in conflict means a child who is less than the age of 18 years and has committed any act or omission which is prohibited by the law<sup>9</sup>.
5. **Children Court:** - These courts are different from the court of session. These courts constitute the Commissions for Protection of Child Rights Act, 2005, and the exclusive court under the Protection of Children from sexual offenses act, 2012<sup>10</sup>.

### Reasons for juvenile delinquency:

There are several reasons for juvenile delinquency which increases the rate of juvenile offenders. So, to uproot juvenile delinquency first we need to understand the causes of it which are as:<sup>11</sup>

#### Economic factor:

Crime and poverty are intensely connected. As the rate of poverty increases the rate of crime also increases simultaneously. So, Poverty plays an important role in the increasing rate of juvenile offenders. When the parents are not able to fulfill the demands of the children due to the economic factor, then children start to indulge in the commission of the crime to fulfill their demands<sup>12</sup>.

#### Education:

Children mostly spend their time at school, so, it plays an important role in the upbringing of children. At this age, the child learns from their surroundings and adapts the things very fast. The education sector of children shall have a healthy and hygienic environment which helps

<sup>7</sup> Juvenile Justice Act, 2015, s2(2), No.2, Acts of Parliament (India)

<sup>8</sup> Juvenile Justice Act, 2015, s2(12), No.2, Acts of Parliament (India)

<sup>9</sup> Juvenile Justice Act, 2015, s2(13), No.2, Acts of Parliament (India)

<sup>10</sup> Juvenile Justice Act, 2015, s2(20), No.2, Acts of Parliament (India)

<sup>11</sup> "The Development of Delinquency." National Research Council and Institute of Medicine. 2001. Juvenile Crime, Juvenile Justice. Washington, DC: The National Academies Press. doi: 10.17226/9747.

National Academies of Sciences, Engineering, and Medicine. 2001. Juvenile Crime, Juvenile Justice. Washington, DC: The National Academies Press. <https://doi.org/10.17226/9747>.

<sup>12</sup> Amandeep Kaur, Supra note 3, at 1093.

the children to follow the instructions and that help them to become a law-abiding citizen of our country .so, the education factor has a great impact on the growth of children<sup>13</sup>.

### **Relationship with parents:**

The young age is very delicate, at this age children adapt the things very rapidly as compared to an adult. In the modern era, parents are very occupied with their schedules. They even don't have time for their children and as a result, children feel neglected which leads them toward crime. So, parents should interact with their children from time to time. Their relationship should be friendly so, that they can share their every problem with their parents which helps the children to learn the difference between right and wrong<sup>14</sup>.

### **Family issues:**

Family factors also play an important role in the life of youngsters. Family issues such as continuous quarrels between parents, lack of love and affection, broken families, etc. have a great bad impact on a child's upbringing due to which the child feels devastated, frustrated, and neglected which results in the child starts taking part in crime to lessen their overwhelming emotions of frustration and neglect.

### **Socio-cultural Factor:**

The neighbors, friends, and the surroundings also play a vital role in the upbringing of children. So, the surroundings of a child shall have a healthy and hygienic environment which helps children to become law-abiding citizens of their country.

### **Prevention methods of juvenile delinquency:**

Several methods help to protect children from becoming the prey of juvenile delinquency which are as follows:

1. From time to time interaction of children with their parents helps the children to learn the difference between right and wrong.
2. A healthy and friendly environment of family and surroundings helps the children to become law-abiding citizens of their country.

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<sup>13</sup> Amandeep Kaur, Supra note 3, at 1094.

<sup>14</sup> Amandeep Kaur, Supra note 3, at 1094.

3. Anti-raging programs or other programs.
4. Proper implementation of juvenile laws in the state.
5. Create awareness as to child laws.

**Kinds of juvenile delinquency:**

There are four main types of juvenile delinquency which are as follows: -

**Individual delinquency:**

Individual delinquency is a delinquency in which a juvenile commits a crime on his own without anybody's support.

**Group delinquency:**

Group delinquency is a delinquency in which more than one child is involved in the commission of any offense or an illegal act. In group delinquency, the no. of the child shall be more than one.

**Organised delinquency:**

Organized delinquency is delinquency in which one person in a group provokes or encourages the other person in a group to commit any offense or illegal act. Organized delinquency was found in the 1950s.

**Situational delinquency:**

Situational delinquency is a delinquency in which nothing is preplanned by the child it is done at the whim of grave and sudden provocation. In situational delinquency, the situation is beyond the control of the juvenile.

**Juvenile Justice Board:**

Section 4 of the Juvenile Justice Act, 2015 deals with the juvenile justice board. The object or purpose of the constitution of this board is to deal with the matters of children which is contravention to the law<sup>15</sup>.

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<sup>15</sup> Juvenile Justice Act, 2015, s4, No.2, Acts of Parliament (India)

**Constitution of Board:**

According to subsection 1 of section 4 of this act, the State government have the power to constitute one or more juvenile board for each district of the state. No other authority has the power to constitute a juvenile board. Every district shall have one juvenile board. However, in exceptional situations, the state empowers to constitute more than one juvenile board in a district<sup>16</sup>.

**Appointment of Members of the Board:**

According to section (4) (2) The State has the power to appoint the members of the Juvenile board. The juvenile boards consist of: -

1. One metropolitan magistrate or judicial magistrate of the first class who has experience of 3 years.
2. Two social workers one shall be a woman, who has been involved in the health, education, or welfare activities of children for seven years.<sup>17</sup>

The power of members of the juvenile board is the same as the metropolitan magistrate or judicial magistrate of first class have under the criminal procedure code,1973<sup>18</sup>.

**A person is not Eligible if he:**

1. Has any involvement in the violation of any human or child rights?
2. Has been convicted for any immorality and the conviction has not been reversed or pardoned.
3. Has been removed or dismissed from the service of the central and state government.
4. Has any involvement in the employment in child labor or child abuse.
5. Has any involvement in the violation of human or moral rights.

**Term of office:**

The term of office and manner of resignation of members of the board shall be as the manner prescribed by the state government.

<sup>16</sup> Juvenile Justice Act, 2015, s4(1), No.2, Acts of Parliament (India)

<sup>17</sup> devgan, <https://devgan.in/jja/section/4/>, (last visited Oct. 30, 2023).

<sup>18</sup> Juvenile Justice Act, 2015, s4(2), No.2, Acts of Parliament (India)

**Termination of member:**

The state government has the power to terminate the member of the board from his office except the Principal magistrate after holding an inquiry if the member of the board has been found guilty of misuse of power vested to him under this act, fails to attend the meeting of the board for 3 consecutive months without any reasonable excuse, fails to attend minimum three-fourth sittings in a year and having any involvement in the violation of human and child rights.<sup>19</sup>

**Suggestions:**

As we discussed earlier, the reasons behind juvenile delinquency. So, in my opinion, there are a few suggestions to control the problem of juvenile delinquency.

1. In, schools the faculties should organize some programs for the parents to aware them about juvenile delinquency.
2. Our government should organize programmes from time to time to aware the civilians about juvenile delinquency.
3. Parents should be aware of the company of their children and provide them with a healthy environment.

**CONCLUSION:**

The children are the backbone of our country. So, the government shall implement the child laws effectively and properly. Time to Time programmes should be organised to aware the children for child laws. The government shall take effective measures towards child safety and health and start some effective schemes for free child education which helps poor children in education and help them to become law-abiding citizens of our society. Also, provides the best rehabilitate environment for the juveniles rather than giving harsh punishments.

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<sup>19</sup> cara.wcd.gov, <https://cara.wcd.gov.in/pdf/jj%20act%202015.pdf>, (last visited Oct. 30, 2023).