



CAUSES AND PROBLEMS OF JUVENILE DELINQUENCY IN INDIA

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ABSTRACT

The most shocking trend that has been observed is the rise in juvenile crime as the overall crime rate rises in India. They're responsible for a wide variety of crimes, from robberies to homicides, from drug trafficking to sex assaults. Humans under the age of 18 are considered juveniles. Juvenile crime, especially violent crime involving youth, is on the rise globally. Trends in violent crime committed by young people in India are similar to those seen in the United States. This is a major problem that the country needs to address, so any potential solutions should be investigated thoroughly. In light of these shifts, the Indian judiciary and legal system have revised certain provisions relating to juvenile offenders. The purpose of this paper is to examine the various theoretical explanations offered by experts in the field of juvenile delinquency.

Keywords: Delinquency, Crime, Legal system, Criminal, Poverty

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I. INTRODUCTION

Juvenile crime is a serious problem in India. A child is considered a juvenile if he or she has not reached the age of majority and thus cannot be held legally responsible for his or her criminal actions. Juvenile is not the same as Minor. Although "juvenile" and "minor" are often used interchangeably in everyday speech, they have distinct legal meanings. Juvenile refers to a young criminal offender while minor refers to a person under the age of majority in law. Therefore, a Juvenile is a minor who is accused of breaking the law by doing or failing to do something that is considered illegal.

Juveniles have been implicated in some of the most heinous crimes of recent years, including murder and gang rape. It's not always easy to spot a criminal in a child or adolescent. Despite the complexity of the factors that lead children to engage in

criminal activity, some children's future involvement in delinquency can be reasonably predicted at a young age. And similar to how antisocial behaviour in the form of juvenile delinquency is a predictor of adult criminality. Evidently, however, early problem behaviour should not be ignored for two reasons: (a) it is predictive of later, more serious problems; and (b) if acted upon, even simple interventions may be effective at reducing future delinquency.

Children are a blessing from God, and as such, we have a responsibility to ensure they are raised in a nurturing home and community where they can flourish emotionally and develop into contributing members of society. The State has a responsibility to ensure that all children have access to high-quality developmental opportunities throughout their formative years. People who can express their feelings, work through their differences,



and come together to make positive change in their communities are the backbone of a sustainable future. As a result, raising children to be obedient, respectful, and good-natured is a top priority. However, some youngsters, for a variety of reasons, do not conform to established norms of social and legal behavior. Juvenile delinquency and juvenile criminality are terms used to describe the criminal activities in which such adolescents frequently engage. The current law, according to many experts, is insufficient to cope with the problem, and modifications are needed so that minors can be prosecuted and punished like adults for horrific crimes. However, there are counterarguments that reject this interpretation.

II. CAUSES OF JUVENILE DELINQUENCY

Someone's upbringing can make someone criminal, but nobody's born badly. All because of his unfortunate circumstances. The home and wider social and cultural contexts both have a significant impact on an individual's development and character. Juveniles in India, however, are more likely to engage in criminal behavior due to poverty and the influence of media, particularly social media. One of the leading factors that compels a young person to engage in criminal behavior is financial hardship. Also, the role of modern social media, which leaves more negative than positive impressions on the minds of today's youth. Juvenile delinquency has many causes, but we can broadly divide them into two categories: (A) social factors and (B) personality factors.

Social Factors

- **Broken Homes**

Death of one or both parents, long-term illness or insanity, desertion, and divorce can all cause a disruption in the family unit. Having meaningful conversations at home is crucial for a child's development and socialization. The mother's influence is crucial in this respect. The child's development will be negatively impacted if the mother gets a divorce, leaves her spouse, or passes away. Without maternal love and guidance, a kid is

more vulnerable to the corrupting influences of the world. However, it would be wrong to assume that children from broken homes are more likely to engage in criminal behavior.

- **Poverty**

Many kids who act out have grown up in deprived environments. They are committing these crimes as members of organized gangs. Because of the need to provide for their families, low incomes sometimes require both parents to work lengthy hours away from the house. The kids won't get any attention. These youths are at risk of associating with criminals, whether on purpose or unintentionally. Locations with a high concentration of working class people and slums are particularly prone to this problem.

- **Companions and Gangs**

Once he reaches school age, the child joins other kids his age in the neighbourhood to play. If he falls in with a group or gang that promotes criminal behaviour, he is more likely to adopt those practises. Adolescents also commit crimes because of the company they keep. However, it would be a mistake to assume that hanging out with friends automatically leads to bad behaviour.

- **Beggary**

An often overlooked contributor to youth offending is poverty. Most kids who beg come from broken homes or extremely low-income households. This betrayal deprives these youngsters of the much-needed love and attention from their carers. They've come to the conclusion that only by engaging in illegal activities can they fulfil their wants and requirements. As a result, they go on a path toward criminal activity.

Personal or Individual Factors

Juvenile criminal behavior may also be influenced by internal variables like mental retardation or emotional instability.

- **Mental Deficiency in Delinquency**

A sizable percentage of criminals have been shown to have cognitive impairments. Research shows that children have a higher rate of mental retardation than adults. It's reasonable to presume that teenagers with



cognitive impairments are unable to distinguish between "proper" and "deviant" practices. The older members of the gang or the group's smarter members would frequently exploit these kids for their own nefarious ends.

• **Emotional Problems of the Individual**

Problems with one's mind and one's emotions are major contributors to criminal behavior. The delinquent youth often suffer from inferiority complexes and jealousy issues. As a result, "Delinquency is a revolt and an expression of anger that is aimed at damaging, breaking down, or altering the environment," as one psychologist put it. The societal constraints that prevent a person from realizing his basic wants and rights are the primary targets of this uprising. So, delinquents aren't born that way, but rather, they develop into such as a result of environmental and internal factors. Young people who turn to crime typically suffer from mental distress and are acting out as a form of protest or attention seeking from their families.

Juvenile delinquency, then, may be attributed to a combination of internal and external influences.

III. JUVENILE DELINQUENCY IN INDIA-CURRENT TRENDS

The treatment of juvenile criminals by the law in any given nation depends on its definition of "kid." A kid or minor cannot be tried as an adult under Indian law or in accordance with international standards. A youngster is considered doli incapax, without mens rea, since they lack the mental maturity to appreciate the results of their acts.

Keeping this in mind, the law specifies that minors must be dealt with by the juvenile justice system and not the adult criminal

court system. No amount of jail time or the ultimate penalty will ever be applied to them. State Parties are obligated under Art. 40 (3) (a) of the CRC to encourage the creation of a minimum age below which a child is assumed to not have capacity to deviate the criminal law, and India is no exception to this rule. According to section 82 of the Indian Penal Code (1860), the minimum age at which a person can be regarded criminally responsible is seven years. According to Section 83 of the Indian Penal Code (IPC), 1860, a kid under the age of twelve who is not of adequate age to evaluate the nature and consequences of his or her action and who did not know that what s/he was doing was illegal is not guilty of an offence.

However, there has been a disturbing rise in adolescent delinquency in India's capital of Delhi and other major cities. Concerns have been voiced around the country due to the participation of minors in crimes such as murder, attempted murder, kidnapping, and abduction. Many debates and discussions pointed to the Juvenile Justice System's more lenient response to significant offences after the December 2012 Gang rape in Delhi (or Nirbhaya case, as it is generally called). The discovery that children are capable of the same levels of violence as adults has led many in India to reconsider their understanding of and method to dealing with young offenders. Psychiatrists believe that people's hopes and dreams are starting to converge because of widespread internet access (D. Ghosh, 2013). According to statistics compiled by the National Crime Records Bureau (NCRB), the number of crimes perpetrated by minors, particularly those between the ages of 16 and 18, has been on the rise.

Table 1: 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 2: 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 (Section 308 IPC)	0	24	65	89
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

Cases filed against minors in India for various offences listed in various sections of the Indian Penal Code are summarised in Table 1. These numbers are cause for serious concern. Table 2 displays 2015 data broken down by age and gender for juveniles arrested for IPC and SLL offences. Evidently, the participation rate of teenagers aged 16 to 18 is rather high. This increase in adolescent delinquency has been attributed to a number of factors. Psychologists and advocates for women's rights believe that the widespread availability of pornography and shifts in dietary practises are to blame for the increasing sexual activity among adolescents (Alok K. N. Mishra, 2013). Hormonal shifts make it difficult for young people to regulate their instincts, as has been pointed out in the same topic. As the social norms of city dwellers erode, the rate of rape there rises above that of rural places. Table 2 shows the breakdown of teenage crime by category in 2015, with rape having the greatest number of charges with 1841. This increase in juvenile delinquency has been attributed to a number of different factors that have been discussed. Reports of increased adolescent delinquency in India have been linked to a breakdown in community, peer, and family support, as reported by DNA (an English Broadsheet daily published from Mumbai, India). The family unit is becoming increasingly dysfunctional, especially in metropolitan areas, where parents have less time and resources to devote to raising their children. It's also

becoming less common for people to actively connect with others in their communities or get involved in local issues. Young people are spending less time doing things together, preferring instead to stay indoors and do things like watch TV or play video games on their phones or computers. The games normalise violence by featuring several narratives involving murdering people. Youth is a time when a great deal of knowledge is accumulating in the mind. We cannot protect our young by telling them which of these sources are reliable. Teenage aggressiveness is on the rise because youngsters nowadays have less outlets for their pent-up irritation and negativity.

IV. NEED FOR AMENDMENTS IN JUVENILE JUSTICE ACT

It was because of this movement that the Indian legal system's notion of a kid was called into doubt. With the rising number of youths becoming implicated in violent crimes in India, Malvika Tyagi (2016) agrees that the government must step in to implement reforms and new laws. The revised Juvenile Justice Act of 2015 made several changes to account for the participation of minors in serious offences. If a kid aged 16 or older commits a serious offence, the Juvenile Justice Board is required to conduct an initial evaluation of the juvenile's mental and physical maturity. His maturity will be assessed in light of his alleged criminal behaviour, his understanding of the nature



and potential repercussions of his actions, and the context in which they occurred.

After the Nirbhaya case, it became clear that something needed to be done about the disproportionate number of 16- to 18-year-olds committing significant crimes. Thus, in 2014, the Juvenile Justice bill was submitted in the Lok Sabha. Despite the fact that the Indian Acts do not explicitly mention "severe crimes," this term can be understood to refer to any offence that carries a sentence of seven years or more for an adult. As the JJ Act of 2000 had certain operational problems, this new measure sought to address these concerns.

Legislation based on the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, 1993, was implemented. The Juvenile Justice Board is charged with determining whether a juvenile offender between the ages of 16 and 18 should be treated as an adult, as mandated by the statute passed in 2015. Juveniles who commit crimes of such extreme seriousness as murder or rape (for which the minimum sentence is seven years in prison) should be tried and sentenced as adults. However, the juvenile may be sent for treatment if the Board so chooses.

The Act mandates the establishment of a Juvenile Justice Board and Child Welfare committee in each district in India, with at least one female member serving on each board. It further stipulated that any minor apprehended for criminal activity would be submitted for an initial evaluation of juvenile delinquency (Here assessment is not same as trial).

For the purpose of reducing juvenile delinquency, the JJ Act has focused heavily on preventative measures. The Act has placed an emphasis on the role of the family in preventing adolescent delinquency in light of the decline in family and community authority over its members (Prakash Haveripet, 2013). The family is the primary social unit for both structural and functional purposes. In terms of child care, nurturing, and protection, the

Act places a strong emphasis on the role of the family. As a result, the kids are taught the values they'll need to become contributing adults. The kids are protected from harmful influences like drugs and pornography by their loving family.

V. CONCLUSION

Climate change has a negative impact on young people. In the meantime, the old social control mechanism that has always functioned as a preventative check on any antisocial behaviour is slowly but surely being eroded. As a result, youth delinquency and antisocial tendencies have reemerged as a serious issue that must be addressed. It is important to remember that the legal system is only one subset of the greater social structure. If the society as a whole undergoes a transformation, it is imperative that the individual components also undergo similar transformations. Therefore, when societal changes occur rapidly, the legal system must adapt rapidly as well. These alterations were made possible by the Juvenile Justice (Care and Protection) Act of 2015.

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