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JUVENILE DELINQUENCY AND PREVENTION OF CRIME

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ABSTRACT

In order to allow minors charged with Heinous Offences to be prosecuted as adults, the Juvenile Justice Act of 2015 seeks to replace the outdated Juvenile Justice Act of 2000 in India. In this context, the term "juvenile" refers to adolescents who are between the ages of 16 and 18 or who have not yet reached the age of majority.¹ Juvenile crime is not something that a child is born with, but it is mostly present in him as a result of the environment in which he is raised, his own unwise behaviours, or just a lack of discipline and a good education. The initial portion of the article introduces the idea of juvenile delinquency and the development of juvenile justice legislation. Even though there is a welfare statute for those children, there are more juvenile criminals in every state than ever before. This research also looks into the reasons behind juvenile crimes in our culture. To prevent children from becoming hardened criminals, preventive methods against juvenile crime are also offered.

KEY WORDS – Juvenile Delinquency, Rehabilitation, Heinous offences, Juvenile justice system, Special homes and Correction Homes.

GRASP - EDUCATE - EVOLVE

¹ Ms. Rajni Kohli & Ms. Kunjana Mittal, "Juvenile Delinquency in India", available at: https://www.researchgate.net/publication/342734513_JUVENILE_DELINQUENCY_IN_INDIA (visited on June 18, 2021).



INTRODUCTION:

The initial portion of the article introduces the idea of juvenile delinquency and the development of juvenile justice legislation. Even though there is a welfare statute for those children, there are more juvenile criminals in every state than ever before. This research also looks into the reasons behind juvenile crimes in our culture. To prevent children from becoming hardened criminals, preventive methods against juvenile crime are also offered.

In India, juvenile delinquency is a major issue that causes many young people to have their lives destroyed. Juvenile criminality and related issues have a negative impact on kids, their families, and society as a whole. The issue has an impact on the juvenile offender's family, their future, and society as a whole in addition to the victims of the crime. The victims are those who are most immediately impacted by juvenile misbehaviour. The socioeconomic and psychological issues that young offenders face, which have an impact on their families and the community, are the most severe consequences.² Sometimes young people participating in robberies, rapes, and assaults are significant due to psychological issues. The youngsters who engage in these illicit activities develop a habit of using alcohol or other substances.

JUVENILE:

A person who has not reached the age of 18 is referred to as a "Juvenile" or "Child" under Section 2(k) of the Juvenile Justice (Care and Protection of Children) Act, 2000.³ A juvenile is a young person who has not reached the legal minimum age required by their country's laws and does not otherwise resemble an adult who may be held legally responsible for their unlawful behaviour. Modern times have seen a

global rise in juvenile crime. The frequency of juvenile delinquency has increased due to the rising inclination among youth to be violent and disobedient to the law, despite many rehabilitative measures and unique procedures for addressing the issue. Juvenile delinquency is associated with a number of risk factors. A child is more likely to engage in delinquent behaviour if they are less intelligent and do not acquire a suitable education. Impulsive conduct, unrestrained hostility, and an inability to defer pleasure are other risk factors.⁴

Justice R.C. Lahoti reminds the court in *Arnit Das v. State of Bihar*,⁵ that it is important to remember that neither the definition of juvenile nor any other provision in the Act specifies the date by which a boy or a girl's age must be determined in order to determine whether he or she is a juvenile or not. In this case, the Supreme Court ruled that the boy's or girl's age must be established at the moment they are brought before the appropriate authorities. The top court noted the issue that many minors have been detained in adult prisons because they lack documentation proving their age, which is the basis for this ruling.

PREVENTION OF JUVENILE DELINQUENCY

Preventative measures are required for such kids. Such young people should first be identified, and then they should receive therapy. If they are not immediately stopped from perpetrating the crime, they will develop into chronic offenders. Helping children and their families at a young age has unquestionably proven to be the most effective strategy to reduce juvenile misbehaviour. Early intervention is attempted by many state programmes, and independent organisations may now approach the issue in novel ways thanks to federal support for community projects. The following essential elements are included in all successful programmes. Delinquency, the wide word

² Scott, T., & Brown, S. L. (2018). Risks, strengths, gender, and recidivism among justice-involved youth: A meta-analysis. *Journal of Consulting and Clinical Psychology*, 86(11), 931.

³ Patacchini, E., & Zenou, Y. (2012). Juvenile delinquency and conformism. *The Journal of Law, Economics, & Organization*, 28(1), 1-31

⁴ Cuellar, A. E., Markowitz, S., & Libby, A. M. (2004). Mental health and substance abuse treatment and juvenile crime. *Journal of Mental Health Policy and Economics*, 59-68.

⁵ *Arnit Das vs. State of Bihar* [(2000) 5 SCC 488]



"prevention" refers to all initiatives made to keep young people from engaging in criminal or other negative behaviours. Governments are beginning to realize how crucial it is to devote funds to delinquency prevention. Activities including drug addiction education and treatment, family counselling, youth mentorship, parental education, educational assistance, and youth sheltering are examples of prevention programmes.⁶

Another significant case is *Gaurav Jain v. Union of India*, in which the Delhi High Court ruled that juvenile criminals should not be subject to different treatment under the law depending on the type of crime they committed. No matter how serious the offence, the court decided that every young offender should have a chance at rehabilitation and **reintegration**.

MAIN CAUSES OF JUVENILE DELINQUENCY:

India's industrialization and economic expansion have led to urbanisation, which has in turn led to new issues including housing, slum living, overcrowding, and a lack of parental supervision. Another potential factor contributing to adolescent misbehaviour is poverty. Failure of parents to supply basic needs like clothing and food. Even the parents have been known to participate in this scheme on occasion for small financial advantage.

The biological causes of adolescent criminality, such as early physiological maturity or poor knowledge, are also to blame. Juveniles' impulsive and rebellious attitude is a result of hormonal changes in their bodies. Girls should be effectively protected from prostitution and child pornography with special consideration. Numerous behavioural changes in juveniles and adolescents across the world are linked to the abrupt changes in their bodies brought on by the hormonal surge associated with puberty, according to interdisciplinary research on juvenile delinquency. The physical characteristics of the teenagers, including their

changing height and weight, show the changes the greatest, and other sexual and physical maturational characteristics follow quickly. There are also mental changes that go along with these bodily changes.

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

The juvenile justice (care and protection of children) act 2015(2 of 2016) was passed by the parliament and approved on December 31, 2015, by the president of India. The act's Section 3 lists the guidelines that must be followed in its administration, some of which include:

- Guidelines for the presumption of innocence
- principles of value and dignity
- best interest guidelines
- the fundamentals of family responsibility
- the safety principle

In accordance with the J.J. Act, there are two types of juveniles: Juveniles in conflict with law, Children who require protection and care.⁷ A kid who is accused of committing an infraction but is under the age of 18 at the time of the alleged offence is considered a juvenile in violation of the law. The minors who require care and protection are described in Section 2(d). According to the Act, the maximum sentence that may be imposed on juvenile offenders is three years, and this sentence is applicable even in cases of egregious crimes. The maximum sentence that may be imposed on an adult criminal is seven years in jail, life in prison, or the death penalty.

It was argued in *Salil Bali v. Union of India & anr*,⁸ that the current juvenile justice system should be changed to lower the age from 18 to 16 years old and to change the juvenile law such that minors who have committed terrible crimes like rape and murder should be prosecuted as adults. The Juvenile Act is founded on good principles and is in accordance with the Indian

⁶ Cuellar, A. E., Markowitz, S., & Libby, A. M. (2004). Mental health and substance abuse treatment and juvenile crime. *Journal of Mental Health Policy and Economics*, 59-68.

⁷ A meta-analysis of the effect of juvenile delinquency interventions on academic outcomes. *Children and Youth Services Review*, 34(9), 1695-1708.

⁸ Prakash Haveripet, Causes and consequences of juvenile delinquency in India.

Constitution, according to the Supreme Court, which rejected the argument made in favour of it. A number of international instruments, such as the Beijing Rules and the Riyadh Guidelines, which permit independent juvenile justice systems, also recognise the rights of children.

CHALLENGES TO JUVENILE JUSTICE LAWS IN INDIA:

Those who have been tortured, mistreated, or used for sexual exploitation are given care and protection under Section 4(2)(viii). Children who have experienced sexual abuse in the past are not given the safety offered by the section. It has a terrible impact on a child's mentality and causes social shame.

The term "aftercare" is defined in Section 2(5) as the provision of financial assistance to people who have reached the age of majority but are under 21. However, the following issues may have been listed in opposition to the appropriate outcomes of after-care facilities.

- a lack of resources.
- Institutionalised stigma.
- society's lack of awareness of the aftercare programmes.
- Parents' disregard for the aftercare plan.
- a little amount of interaction between the youth and the aftercare staff.

Even in the *Mukesh & ors v. State of Delhi*,⁹ case—commonly known as the "Delhi Gang Rape case"—the supreme court declined to impose a stiffer punishment due to the heinousness of the behaviour. There are, of course, exceptions where a child exhibits criminal tendencies at such a young age that it is nearly difficult to reintegrate them into society, but such instances are extremely rare. Instead of placing kids in the jail alongside the most seasoned offenders, it is preferable to strive to reintegrate youngsters into society.

REHABILITATION AND JUVENILE JUSTICE:

The main goal is to rehabilitate the adolescents, even while they are held accountable for breaking the law and are being put in juvenile homes or other comparable correctional facilities for public safety.

The rehabilitative procedure entails:

- Psychological analysis of the juvenile offender's crime
- Environment that led to the event
- They get therapeutic counselling and skill development that includes yoga and other mental development exercises.

Governmental financial restrictions are a roadblock to rehabilitation. Additionally, it promotes the engagement of nonprofit organisations and social workers, which has led to the development of multimodal rehab programmes for young people that are both efficient and affordable. Another option for rehabs is through aftercare care organisations.¹⁰ These are unique places where children are housed prior to integration into society. These organisations are recognised by the governmental nodal organisation responsible for the welfare of juvenile offenders.

SPECIAL HOMES OR CORRECTION HOMES:

The J.J. legislation of 2000 also allows for the establishment of correctional facilities for the detention of juvenile offenders. Juveniles who are delinquent have access to basic necessities including housing, healthcare, education, and vocational training in these homes. Homes serve as crime incubators for young people who are in trouble with the law due of poor administration, a lack of direction, and inadequate infrastructure.

ADAPTING DIFFERENT METHODS TO SOLVE:

- Education: Programmes that educate and raise awareness, such as those that instruct parents on how to communicate with their kids, how their actions affect children, and

⁹ Shipra Lavania, 'Juvenile Delinquency', (1983) Pub. by Rawat Publications, Jaipur, p.1920.

¹⁰ Shipra Lavania, 'Juvenile Delinquency', (1983) Pub. by Rawat Publications, Jaipur, p.1920.



how vital it is to interact with them, should be run. Additionally, social skills education for children in schools is necessary.

- Parenting techniques and appropriate parent-child relations should be the subject of programmes. To adequately teach the child about the behavioural concerns, parents and children should have wholesome conversations. For the parents, there should be programmes on how to react to their child's behaviours.

- The majority of the time, bullying occurs on school grounds or close to a child's home by other peer groups. The children's mental health may be impacted by the bullying. Sometimes young people may have resentments and unintentionally commit crimes.¹¹

- Children in recreation programmes have more opportunity to interact with both adults and other kids. They could develop a good friendship that will benefit them later. The personality and skills of the youngsters should be taken into consideration while designing these leisure programmes. Children need access to extracurricular activities like music, dancing, athletics, martial arts, painting, etc. to keep their minds stimulated and busy.

CONCLUSION:

But in a nation like India, where crime is on the rise, we frequently come across cases in which young people are to blame for a crime that was done. For any nation to learn that its future leaders have engaged in crimes ranging from minor thefts to high-profile murders, sexual assaults, smuggling, etc. is sad and disturbing.

Suggestions:

These young people are committing crimes for a variety of reasons. They may be motivated to perpetrate such acts by a variety of circumstances. These young people are mostly responsible for the future of our nation, and if they receive the correct education, they will use their skills to make India a better place. Modern times have seen a global rise in juvenile criminality. There has been a noticeable

increase in the prevalence of juvenile delinquency despite rigorous rehabilitation efforts and unique procedures for addressing the problem of juveniles. This is due to a rising inclination among young people to be aggressive, arrogant, and rebellious to the law. Need to have strict regulations and laws.

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¹¹ A meta-analysis of the effect of juvenile delinquency interventions on academic outcomes. Children and Youth Services Review, 34(9), 1695-1708.