

# Juvenile Delinquency: An analysis of children between 10 to 17 years of age group

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**Abstract:** This analytical and comparative study is focused on the reasons behind the development of criminal mentality among the children in between 10 to 17 years of age group. The simple reason behind selection of this age group is that normally children under 10 years of age group are too young and so they are not mature enough to be tried in regular courts. Whereas children above 17 years of age (i.e. 18 years) are legally adult and thus they are fit to be tried in normal courts.

## Introduction

This subject is the cornerstone of criminal justice delivery system. The reason is that if we are able to manage juvenile delinquency appropriately, that will have salutary effect on reduction of crimes as we would have nipped the evil of crime in the bud. The measures are to tighten up the loose ends, make the juvenile system more successful, and show that there are severe consequences to brutal action and to reduce severe and violent crimes.

There is a definite controversy over the juvenile justice system as to whether or not they should focus more on rehabilitation or punishment. To appreciate it in correct perspective, one has to comprehend those children, particularly teenagers, who are in a state where they explore and experiment with everything from learning to comparing and here they require utmost guidance and good atmosphere around them. After all, no child is a born criminal. Society and circumstances make them so. But the scenario become grim when these children fall into bad company and break the law & order.

Considering growing incidents of Juvenile Delinquency, time has come to expand focus on hardening up the juvenile system by including punishment as deterrent for those committing heinous and abhorrent crimes. After all state has an obligation to protect its citizens from the perpetrators of the crime. Criminal justice system has to blend both these aspects carefully, legally as well as socially in order to form a welfare state.

## RESEARCH OBJECTIVE-

To analysis children of which age group are more prone to be indulged in criminal activities through empirical database.  
To evaluate (find out) reasons behind increasing rate of Juvenile Delinquency.  
Find some practical solution to balance Juvenile Delinquency rate.

## RESEARCH QUESTIONS-

Children of which age group are most adaptive to criminal activities according to the Juvenile Justice Act.  
Why has the ratio of Juvenile delinquents increased in past few decade.  
What effective measures may be taken to fight against the criminal activities being indulged in children?

## HYPOTHESIS-

Children between 15 to 17 years of age group are mainly prone to be involved in severe criminal activities  
Main reasons behind the increased rate may be summed up as:-  
Modern education system  
Increased use of internet, media, gadgets & etc.  
Nuclear families & depleting values in the society at large  
Measures for prevention  
Keep a check on excessive use of media/ internet & other accessible gadgets  
Make prevalent education system qualitative instead of quantitative.

## A Comparative Analysis of 10 to 17 year old children, by dividing them into 4 sub-groups

A survey was conducted among the children in between 10 to 17 years of age, by dividing them into four subgroups-  
Children between 10- 11 years of age group;  
Children between 12- 13 years of age group;  
Children between 14- 15 years of age group;  
Children between 16- 17 years of age group.

Here, the former two groups which consists of children from 10 years to 13 years of age, belong to the Primary classes (i.e. V standard to VIII standard). Whereas, the latter two groups which consists of the children from 14 years to 17 years of age, belong to the secondary and higher secondary classes (i.e. IX standard to XII standard). The survey was done in the schools where people of elite group of the society send their children.

The survey was conducted among the students of 5<sup>th</sup> standard to 12<sup>th</sup> standard. 4 students were from each class were selected. Among them, 2 were boys & 2 were girls. So that there not be any sort of gender bias in the obtained data.

In the survey, only 32 students were selected as samples. Among them, 16 were males & 16 were females. About 15 questions were asked from each student on the 'likert scale' like- how much time do they spend on gadgets on an average; how do they see failures in life; how much close emotional bonding do they have with their families; what is the importance of money in their life and etc. in order to evaluate their attitude towards environment.

After this, the obtained data was fed in the MS XL sheet, which further processed several relevant graphics & charts. The statements in the provided questionnaire were marked as follows:

Strongly Agree (SA) – 5

Agree (A) – 4

Neutral (N) – 3

Disagree (D) – 2

Strongly Disagree (SD) – 1



**Image of Microsoft XL Sheet after Filling up Data of Questionnaire into it:**

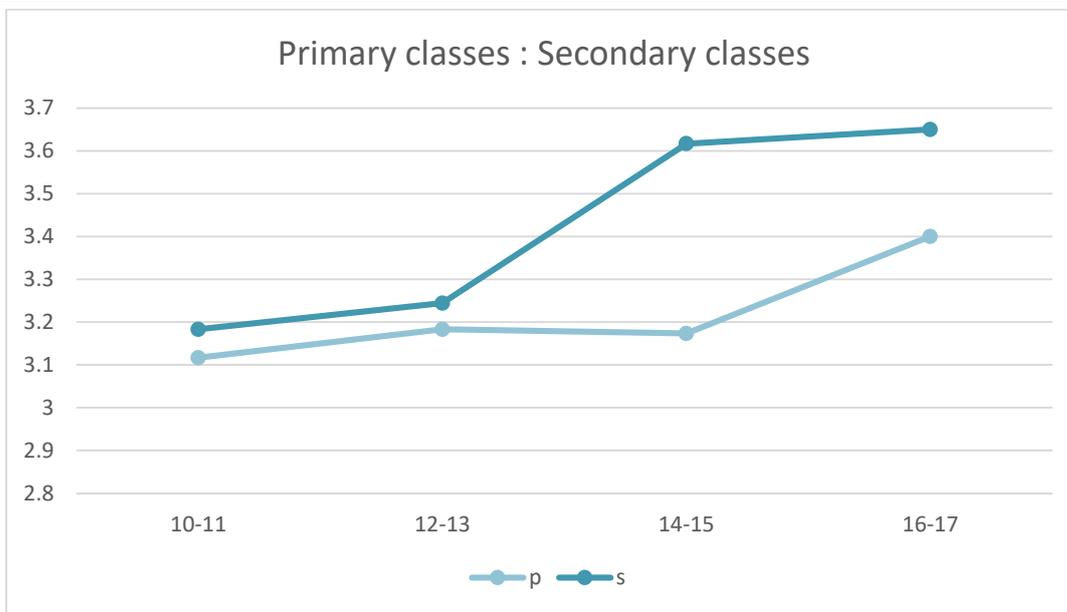
S.No.	AGE	GENDEF	STD.	QUES 1	QUES 2	QUES 3	QUES 4	QUES 5	QUES 6	QUES 7	QUES 8	QUES 9	QUES 10	QUES 11	QUES 12	QUES 13	QUES 14	QUES 15
1	16 M			5 SA	A	SA	SA	SA	N	SD	SD	SD	SA	SD	SD	SA	SA	SA
2	13 F			5 A	SD	D	SD	D	A	D	SA	SD	SA	SA	SD	SD	SA	SD
3	16 F			5 SA	N	SA	SD	A	SD	SD	D	SD	SA	SA	D	N	N	N
4	14 M			5 D	D	SA	SD	SA	SA	SD	SD	SD	SA	SA	D	SD	N	SA
5	13 F			6 N	A	SA	SD	SA	A	SD	SD	N	SA	N	D	SD	N	SD
6	13 M			6 A	A	SA	SD	SA	A	A	SD	SD	SA	N	SD	N	N	A
7	15 F			6 SA	A	SA	SD	SA	A	SD	N	N	SA	N	SD	SD	SD	SD
8	15 M			6 SA	D	SA	SD	A	SA	D	N	SD	SA	SA	SD	A	D	SA
9	14 F			7 A	D	SA	SD	D	A	SD	SA	SD	SA	SA	SD	A	D	SA
10	11 M			7 A	A	SA	SD	SA	A	N	SA	SD	SA	SA	D	A	A	SA
11	12 F			7 A	A	D	SD	A	A	SD	SA	SD	SA	SA	SD	A	A	SA
12	10 M			7 SA	D	SA	A	A	A	A	A	SD	SA	SA	D	D	A	SA
13	17 M			8 A	D	SA	SD	D	D	A	A	SD	SA	SA	D	SD	SD	SA
14	17 F			8 A	A	SA	SD	A	SA	A	SA	N	SA	SA	D	N	A	SA
15	10 F			8 A	D	A	SD	SA	D	SD	N	SD	SA	SA	SD	A	N	SA
16	12 M			8 SA	A	A	A	SA	SA	D	SD	N	SA	SA	A	A	A	SA
17	11 M			9 SA	N	A	D	D	SD	A	SA	A	N	SA	N	D	A	SA
18	16 M			9 SA	A	D	A	A	D	SA	A	N	D	SA	D	N	SA	D
19	15 F			9 A	SA	D	A	A	A	D	SD	SD	A	SA	N	SA	D	N
20	10 F			9 A	A	SD	SD	SA	SA	SA	D	SD	A	SA	SD	A	A	SA
21	16 F			10 A	SD	SA	SD	A	N	SD	SD	A	SA	SA	SD	SD	N	SA
22	12 M			10 A	SA	SA	A	D	SA	SD	N	SA	SA	SA	SD	N	N	SA
23	14 M			10 A	A	SA	D	N	SA	D	N	A	SA	SA	SD	SD	N	SA
24	15 F			10 A	SD	SA	D	N	A	D	N	A	SA	SA	SD	SD	N	SA
25	12 F			11 A	D	SA	SD	A	SA	SA	N	A	SA	SA	D	SA	A	SA
26	14 F			11 SA	A	A	SD	A	A	D	SD	SD	SA	SA	D	A	A	SA
27	13 M			11 A	SA	N	A	N	A	SA	N	N	N	SA	A	N	N	SA
28	11 F			11 A	D	SA	A	A	SA	D	SD	SD	SA	SA	SD	D	SD	SA
29	17 F			12 A	SA	SA	SA	A	SA	A	A	N	SA	SA	SD	SA	A	SA
30	17 M			12 A	SD	SA	SD	SA	D	N	D	SD	SA	SA	SD	D	A	D
31	10 M			12 SA	SA	A	D	N	A	A	D	D	SA	N	SA	A	A	D
32	11 F			12 A	A	D	N	A	D	A	A	N	A	N	D	D	N	D

**Children those who have attained puberty and those who are at the verge of attaining it:**

Here, children from 10 to 13 years of age group, irrespective of their gender, were assumed as being at the verge of attaining puberty. Whereas, children from 14 to 17 years of age group were assumed as having attained their puberty. Now, due going through certain biological changed in their bodies, children of 14 to 17 years of age were little more aggressive towards environment as compared to the younger children.

**Primary standard versus Secondary standard students:**

Younger students those who study in primary classes also spent equal time with gadgets & were less exposed to the nature by not playing outdoor games much, but violent thoughts of committing criminal activities (or becoming delinquent) are relatively less in primary class students.



One reason behind high delinquency rates among the children of secondary and higher secondary classes may be that they have more stress of academic as they have to appear for board exams which lay the foundation of their further professional life. At this age they undergo certain natural biological changes also which often make them stubborn & aggressive.

### Ratio of crime “boys: girls”:

As a result of the survey conducted, it was observed that boys easily become victim of criminal activities as compared to girls. But on the ground of available data also it was seen that the ratio of male delinquent was found much higher than those of girls. There may be many social reason behind this observation. It is also a natural phenomenon that females are a form of nature. Moreover, boys are fonder of violent video games, action and fiction which develop a deep impression of aggression into them.

Early maturation creates particular risks for girls because of the development of physical signs of maturity inconsistent with still largely undeveloped cognitive and emotional systems (Graber, Brooks-Gunn, and Warren, 1999). Several studies suggest that early maturing girls are more likely to engage in delinquency and other risk-taking behaviors. A longitudinal study of 931 males and females (Graber et al., 2004) found that early onset of puberty among girls continued to predict increased risk behavior into adulthood.

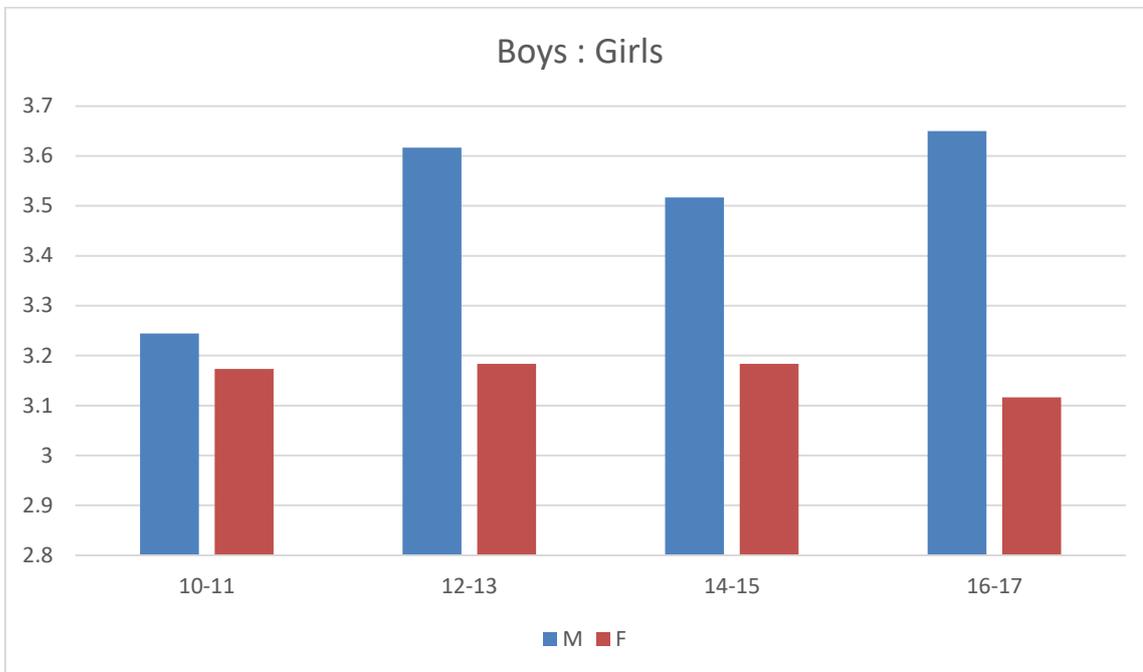
According to the sociological viewpoint, equality for women is not practiced as it is stated in Constitution of India. Due to inequality, women miss most of the opportunities in life which in turn affect her financial independence and thus her economic status is lowered. Women in Indian society are always expected to understand and adjust according to the world around her. In most ways, crimes women commit is considered to be final outward manifestations of an inner emotional imbalance or social insecurity.

The mother is the ‘first teacher’ for the child and the school is the ‘second mother’ for children. As schools concentrates a large number of youngsters in a small area for a major part of their day misconduct starts in school itself, ranges from discourtesy to teachers to vandalism, assault, drug use and alcohol abuse, use of obscene language, cheating, lying, petty theft etc. The inverse relationship between academic performance and deviance is taking serious face day by day. <sup>1</sup>

The impact of neighborhood on the child is greater in urban areas. After the family and school, he spends rest part of the day in the company of neighbors. The neighborhood can contribute to delinquency by blocking basic personality needs, engendering cultural conflicts and fostering antisocial values and can encourage the formation of delinquent gangs

Stress is seen higher among women as compared to men, primarily due to blocked opportunities. Situations that cause continuous stress and isolation combine with poor coping skills and the over-controlled personality which result in violence. Psychological viewpoint is applicable to Indian scenario as there are several crimes committed because of depression and frustration.

<sup>1</sup> . Juvenile delinquency in India available at: [http://shodhganga.inflibnet.ac.in/bitstream/10603/140654/12/12\\_chapter%202.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/140654/12/12_chapter%202.pdf)



It is clear from the above graph, that boys are more aggressive towards the atmosphere.

One aspect of the juvenile justice system which has been untouched for decades is female juvenile delinquents. It has actually been overshadowed by male delinquents in terms of prevalence, magnitude, seriousness research & acknowledgement. As a result, we know very little about female delinquency. It is a quite strenuous task owing to the pluralistic cultural profile of India, drawing a uniform definition of delinquency among girls. There is an incongruity between the meaning attached to delinquency by the girl child herself and what the society considers as delinquency by the girl child. Abusive situations at home are one of the principle cause behind girls coming into contact with the juvenile justice system in India. There are certain situations which force them to run away, due to which usually society labels them as a delinquent child.

Natural cause behind high rates of male delinquents may be summed up as- they have easy access to the alcohol and other narcotic substances. Culturally it is considered that men are fit for outdoor work due to which they easily form their gangs outside and it is quite convenient for them to provoke other companions to be indulged in illegal activities along with their fellow companions. Due to their rebellion nature and desire for adventure, it is easy to drag them towards armed conflicts also. Girls are usually delicate by nature and they mostly stay inside of the homes, it is not easy for them to form a gang of their own. Therefore, there are relatively less chances for them to be engaged in various rebellion and violent activities.

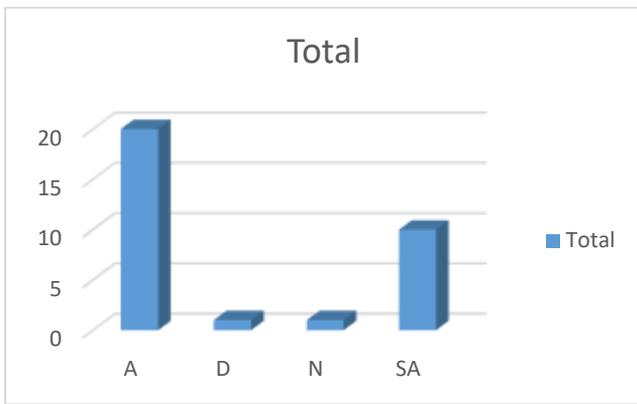
Statistics have also been consistent in reporting that men commit more criminal acts than women. Self-reported delinquent acts are also higher for men than women across many different actions. Burton, et al. (1998) found that low levels of self-control are associated with criminal activity. Many professionals have offered explanations for this sex difference. Some differing explanations include men's evolutionary tendency toward risk and violent behavior, sex differences in activity, social support or gender inequality.

Despite the difficulty of interpreting them, crime statistics may provide a way to investigate such a relationship from a gender differences perspective. An observable difference in crime rates between men and women might be due to social and cultural factors, crimes going unreported, or to biological factors (for example, testosterone or sociobiological theories). Taking the nature of the crime itself into consideration may also be a factor.

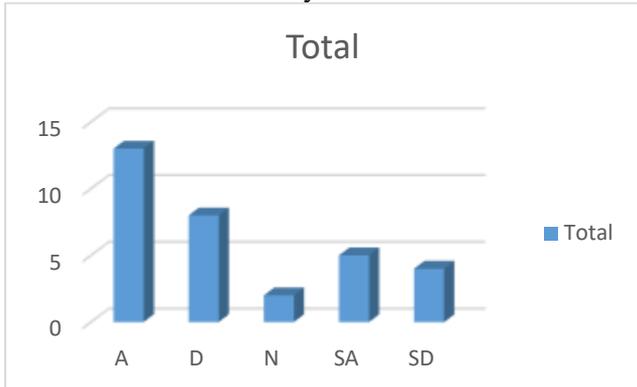
### Graphic Results of Research Questions through Questionnaire:

About four out of fifteen questions exactly matched with the hypothesis made. Following are the graphs which exhibit the attitude of all the children who participated in the survey-

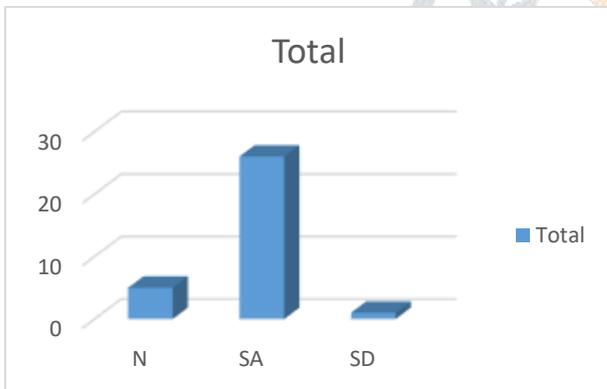
In the first question, liking of gadgets (like T.V., video games, cell phone, etc.) was asked. Maximum students expressed their addiction for the android phones. Here, one remarkable feedback was that none of them said that they 'Strongly Disagree' with the statement that "gadgets are an indispensable part of their life".



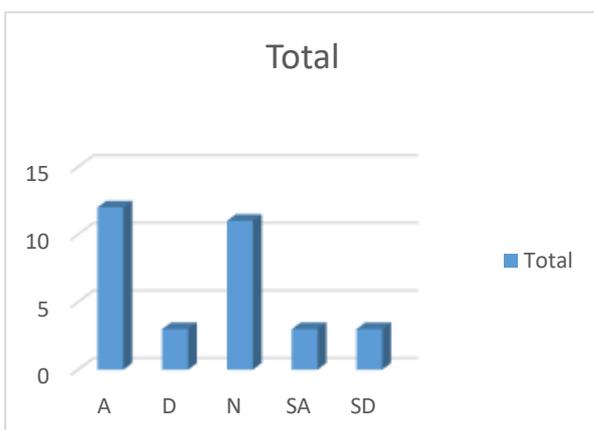
In the second graph, answer of second question of the questionnaire are evaluated- the question was that ‘do they become irritated or stubborn if their parents refuse to fulfill any of their materialistic demand?’ on the likert scale. Here, maximum number of children said ‘yes’ which tells about their attachment for materialistic things.



Eleventh question had a concern about importance of earning money. Here, one thing has to be noticed that these children at a very tender age only gave too much importance to earning money. Whereas all the children in the survey belonged to the good schools where people from the elite group of the society send their children.



The following graph tells about the intensity of attraction towards opposite gender among the children in between 10 to 17 years of age. In this question all the children of secondary and higher secondary classes gave their ascent in the form of strongly agree, agree or neutral. Among those belonging to the primary classes only replied as ‘disagree’.



## Conclusion of this study

The wasteful discussion over age forgets the real things which need to be checked with more fruitful efforts. Also the rising crime rates and much dangerous impact on the youth of country depicts the failure of society as whole. This is a time an altogether measure is needed to be executed to save the bright and potential future of the nation. The legislation is another aspect but a child requires love and protection of every person surrounding him. It is sheer responsible duty of each individual to cater as much possible to motivate in a healthy manner and stand firm against this curse together as one nation. There must not be any discrimination in treatment of any child. This gift needs more love respect, strength to contribute in a developing and rising nation.

*As quoted by swami Vivekananda- "A brave, frank, clean- hearted, courageous and aspiring youth is the only foundation on which the future of a nation lies"*

Every child has a right to live in a free environment and also the environment which is free from crime for the overall development of children and so that the causes which lead the child to become delinquent can be prohibited. This can be done by providing good education at the grass root level and also educating them about the circumstances and companies which lead them to become a delinquent. After the Nirbhaya incident and the forming of Verma committee for that purpose analyzing the legislation relating to juvenile lead to the passing of juvenile justice (care and protection of children) Act,2015. From the analysis of the various provisions of the act relating to child in conflict with law to child in need of care and protection it is hereby concluded that the new act of 2015 is a good act which fills the gaps made by earlier law. It not only provides about the child in conflict of law and child in need of care and protection and also it lays down the general provision to be followed in administration of justice. Not only that the act has made a very nice change related to age of child between 16 to 18 years. However, the act still has lacuna relating to the causes of child becoming a delinquent. The act still does not focuses on the root causes that leads a child to become a delinquent and does not provide any legislation prohibiting that.

The data acquired through various sources clearly exhibits that number of crimes committed by juveniles have been triggered in the previous decades. Through this research work is it is also discovered that the reason behind high rates of Juvenile criminals belonging from the poor families is that juveniles belonging from the wealthy families are hidden (by power and possession) whereas those belonging from the slum areas are registered in the juvenile courts.

### **Boys are relatively more likely to be indulged in criminal activities:**

From a variety of sources, it is clear that females are less involved in serious offense categories, and they commit less harm. Women's acts of violence, compared to those of men, result in fewer injuries and less serious injuries. Their property crimes usually involve less monetary loss or less property damage.

Females are less likely than males to become repeat offenders. Long-term careers in crime are very rare among women. Some pursue relatively brief careers (in relation to male criminal careers) in prostitution, drug offenses, or minor property crimes like shoplifting or check forging.

Female offenders, more often than males, operate solo. When women do become involved with others in offenses, the group is likely to be small and relatively non-permanent. Furthermore, women in group operations are generally accomplices to males (see Steffensmeier, 1983, for a review). And males are overwhelmingly dominant in the more organized and highly lucrative crimes, whether based in the underworld or the "upperworld."

Females are far less likely than males to become involved in delinquent gangs. This distinction is consistent with the tendency for females to operate alone and for males to dominate gangs and criminal subcultures. At the onset of the twenty-first century, female gang involvement was described as a sort of "auxiliary" to a male gang. By the 1980s and 1990s, gang studies found somewhat increased involvement on the part of girls (perhaps 15%), including some all female gangs. Regardless, female gang violence has remained far less common than male gang violence.

The criminal justice system's greater "leniency" and "chivalry" toward females may explain a portion of the lower official offending rates of women in comparison to men. Likewise, the justice system's tendency to be relatively less lenient and chivalrous toward females today may help explain recent increases in levels of female arrests. Although there appear to be relatively small differences between adult women and men in likelihood of arrest or conviction, women defendants do appear to have a lower probability of being jailed or imprisoned. This difference appears to be related to a variety of factors: pregnancy, responsibilities for small children, the greater likelihood to demonstrate remorse, as well as perceptions that women are less dangerous and more amenable to rehabilitation. This is one aspect of the juvenile justice system which has been untouched for decades that female juvenile delinquents are actually overshadowed by male delinquents in terms of prevalence, magnitude, seriousness research & acknowledgement. As a result, we know very little about female delinquency. It is a quite strenuous task owing to the pluralistic cultural profile of India, drawing a uniform definition of delinquency among girls. There is an incongruity between the meaning attached to delinquency by the girl child herself and what the society considers as delinquency by the girl child. Abusive situations at home are one of the principle cause behind girls coming into contact with the juvenile justice system in India. There are certain situations which force them to run away, due to which usually society labels them as a delinquent child.

After examining the cases filed and the incidences reported against the juvenile offenders, it is very clear that maximum number of child offenders are boys and among them also majority of the cases arise in the urban and sub urban regions as compared to the rural areas. One reason behind this fact may be that actual data in the villages is not available on records due to lack of available resources over there. But it is a mere fact that boys easily fall victim of criminal activities as compared to girls.

## Students of '16- 17 age group'are more prone to delinquency:

As per the records, in most of the cases registered against minors, the juveniles were in between 16 to 17 years of age group. In the leading “Nirbhaya case” also, the age of one of the accused culprit was about 17 years.

There may be the biological factor responsible behind this phenomenon that most of the children have attained their age of puberty by this time and out of curiosity, excitement and being in contact with unhealthy literature through easily available internet and other sources they try to follow the acts which are not actually good enough.

In the graphic result, students of IX to XII standard consists of the children between 14 to 17 years of age group which prima facie depicts the higher rate of aggressive attitude towards the environment. Consequently more cases have been reported from this age group.

It has been seen from past few decades that the crime rate by the children under the age of 18 years has increased. The reason of increasing crime rate is may be due to the upbringing environment of the child, economic conditions, lack of education and the parental care are some of the basic reasons. And the most disappointing part is that, children (especially under the age group of 16 to 18 years) now a days are used as tool for committing the crime as at that this stage their mind is very innocent and can easily be manipulated. Many children are exploited as shield for the purpose of crime such as human trafficking of children from child care homes and correctional homes.

The juvenile justice bill 2015 states that 16-18 year old juvenile offenders may be tried as adults in certain cases. There are differing views on whether juveniles should be tried as adults. Recently, the Supreme Court while hearing a case<sup>2</sup> related to juvenile crime observed that

However, the Standing Committee examining the proposed Bill observed that 16-18 years is a sensitive and critical age requiring greater protection.<sup>3</sup> Other experts have argued that a criminal justice system that has a reformatory and rehabilitative approach towards juvenile offenders may reduce cases of repeat offences. They say that under the current law, juvenile crime has only shown a marginal increase over the past few years.<sup>4</sup>

To the contrary, as per 2011 census data, juveniles between the ages of seven to 18 years constitute about 25% of the total population.<sup>5</sup> According to the National Crime Records Bureau (NCRB), the percentage of juvenile crimes as a proportion of total crimes has increased from 1% to 1.2% from 2003 to 2013.<sup>6</sup> During the same period, 16-18 year olds accused of crimes as a percentage of all juveniles accused of crimes increased from 54% to 66 %. The types of crimes committed by juveniles in the 16-18 year age group vary as seen in the under mentioned table.

<sup>2</sup>Gaurav Kumar vs. State of Haryana, Petition for Special Leave to Appeal, 2366-2368/ 2015

<sup>3</sup>The Juvenile Justice (Care and Protection of Children) Bill, 2014, Standing Committee on Human Resource Development, February 25, 2015.

<sup>4</sup>“Rough Justice”, Faizan Mustafa, Vice Chancellor, NALSAR University of Law, The Indian Express, November 27, 2014.

<sup>5</sup><http://www.prsindia.org/billtrack/the-juvenile-justice-care-and-protection-of-children-bill-2014-3362/>

<sup>6</sup>Juveniles in Conflict with Law, Crime in India 2013, National Crime Records Bureau, Ministry of Home Affairs.

**Juveniles between 16-18 years apprehended under IPC**

<b>Crime</b>	<b>2003</b>	<b>2013</b>
Burglary	1,160	2,117
Rape	293	1,388
Kidnapping/abduction	156	933
Robbery	165	880
Murder	328	845
Other offences	11,839	19,641
<b>Total</b>	<b>13,941</b>	<b>25,804</b>

Source: National Crime Records Bureau.

From the abovementioned data it is clear that incidents of rape by a person of 16-18 years of age have increased over four (4) times, offence like kidnapping and robbery have increased almost six(6) times in the cumulative assessment, an offence as heinous as murder has been increased way more than two(2) times in the past decade. Now let us analyze the nature of the abovementioned offences for instance 'Robbery' it can only be committed by creating fear in the mind of the other person, that means a person of the age of 16 was in a position to understand that his action will cause fear in the mind of other person.

All the above mentioned offences requires aggravated form of *mens rea* they are not offences having fractured *mens rea* like negligence death etc. hence, the person should be punished and tried like an adult for such offences.

'Change' is the universal truth of this world. It is the immutable law of nature. The abovementioned data regarding offences committed by juvenile again suggest that the Indian society has changed. It is the fundamental duty of law and the law makers to maintain the organic nature of law, to ensure that laws change as the society needs. Hence, the bigger question now before us is- whether a juvenile who has committed a heinous offence can he be sentenced to death penalty/capital punishment; this I suppose is a question which should always be answered through the wisdom of our courts, there should not be any special law which should suggest capital punishment for the Juvenile. Perhaps, the principle of rarest of rare will be of great assistance while determining as to whether a juvenile should be given death penalty or not. Further I am of the view that in this era of reformatory criminal justice having a death penalty for juvenile offender would be against the current regime of juvenile justice reforms.

The under-current of the abovementioned heading revolves around the fact that whether mere non-attainment of eighteen (18) years of age makes a person juvenile or whether it mental/psychological ability of a person which determines that whether he should be treated as a juvenile or not. Perhaps the answer to the abovementioned question is mentioned in Section 82 & 83 of the Indian Penal Code as it deals with the principle of *Doli incapax* and *partial Incapax*. What was the foremost reason to have such an exception; perhaps it is the inability of the child to understand the consequence of his actions. It is presumed that a child as mentioned in section 82 and 83 of the IPC is unable to understand the effects of his acts due to his mental or psychological ability hence cannot

be charged for an offence. Further, by a conjunctive reading of the abovementioned sections of IPC and the Juvenile Justice Act it can be easily adduced that a juvenile above the age of seven(7) years may be punished for his acts if it is proved that he knew the consequences of his acts.

Hence, on the basis of above mentioned observation one can easily adduce that in order to determine who is a juvenile/child the mental/psychological status of the person is the key ingredient. A perfect example for this is section 82 of the IPC which states Nothing is an offence by a juvenile above the age of seven (7) and below the age of twelve (12), if his mental ability restricts him to understand the consequence of his actions.

### **Recommendation & suggestions:**

Over the years, courts have looked at various cases regarding juveniles committing crimes under the Juvenile Justice Act, 2000, and have recommended reviewing the Act with regard to issues related to implementation of the Act, stringent penalties, etc.<sup>7</sup>

The Bill requires certain juveniles between the ages of 16-18 years to be tried as adults with regard to specific offences. This provision is not in accordance with the UNCRC, as ratified by India, and mentioned in the Bill's Statement of Objects and Reasons. The Standing Committee observed that the Bill violates the UNCRC as it differentiates between children below 18 years of age.<sup>8</sup> The UNCRC states that signatory countries should *treat every child under the age of 18 years in the same manner and not try them as adults*. It recommends that those countries that treat or propose to treat 16-18 year olds as adult criminals, change their laws to align with the principle of non-discrimination towards children. The 2000 Act was enacted to implement the UNCRC guidelines in the Indian context.

However, if this analysis is correct, it presents quite a formidable challenge to those policymakers and advocates who would try to affect change in the lives of disadvantaged individuals and lower-income, crime-ridden communities.

It is beyond doubt that the juvenile laws overzealously try to protect the interest of the neglected and deviated juveniles but it fails miserably because of governmental apathy and inaction of the people involved. Apathy, irregularity and unawareness of the law are endemic in the functioning of each of the components of the juvenile justice system. The law on the subject is quite comprehensive. What is needed is its proper implementation. Quite contrary to the objectives of the Act, the practical reality is horrific, and needs to undergo a sea change before it can truly bring forth the legislative intent. It is not merely enough to have a legislation on the subject, but it is equally if not more important to ensure that all such legislations are implemented in all earnestness and mere lip-service is not paid to such legislation and justification for non-implementation is not pleaded on ground of lack of finances on the part of the State.

<sup>7</sup>Bachpan Bachao Andolan vs Union of India and others, Case no. 51 of 2006, April 18, 2011, Ram Singh and Ors. Vs State of NCT of Delhi, CrI. Rev. P. 124 of 2013.

<sup>8</sup>The Juvenile Justice (Care and Protection of Children) Bill, 2014, Standing Committee on Human Resource Development, February 25, 2015.

It is of paramount importance that juvenile delinquency be prevented and the nascent minds of children be safeguarded against degeneration. It is widely believed that early phase intervention represents the best approach in preventing juvenile delinquency. Early preventive work should be carried out in several areas. Following are the few humble suggestions that may help combat juvenile delinquency at early phases:

- In the economic sector, professional development programs should be undertaken to provide legal alternatives for income generation.
- In the developing countries like India, the State should undertake to see that the benefits of economic development are not confined to certain class/classes, so as to create” economic disparity rather there should be even distribution of benefits of the economic development.
- The educational system in India, which mainly aims at generation of white-collared jobs, should be remodeled to cater to the talents of all categories laying greater stress on imparting vocational education.
- Steps should be taken to establish a wide range of recreational facilities and services of particular interest to young persons and the same should be made easily accessible to them as recommended by the Riyadh Guidelines.
- There is growing awareness about the indispensable role of family as a primary institution of socialization and a crucial agency in the prevention of child and juvenile delinquency. Thus, greater attention should be paid on the well-being of families of troubled youth, including those young people with serious behavior problems.
- Special programs should be undertaken to tackle the problems of unaccompanied and homeless children, including rehabilitation schemes that take the children off the stress.

### **Suggestive Measures -**

- The emphasis should be on more youth programs involving the value enhancing, engaging in recreational activities, more employment for youth.
- The girls being an easy target must get compulsory education of self-defense.
- Poverty stricken and the areas lacking the basic facilities must be taken into direct control under such programs so as to make awareness of law and encouraging the basic education of each child.
- More of creative ways like animation movies, documentary for education of children who are unable to go to regular school.
- Compulsory military training for juvenile delinquents so as to divert the strong force into something more meaningful.
- Educating about the law and its role in society

Children should never be ignored and they ought to be considered as important as a dignified person of the society and we need to handle them with utmost care and concern as they will be the one among those who will make future of our nation as well as the world at large.

*“The only effective way to reduce and prevent juvenile crimes is to balance tough enforceable measures with targeted, effective and intervention initiatives.”*

-JANET RENO  
Attorney general of USA

## References:

### Books & Bare Acts Referred:

1. Durga Das Basu (2009). Shorter Constitution of India, Lexis Nexs Butter words Wadhwa Nagpur, Vol1, 14<sup>th</sup> Ed. Page 94.
2. Dr. L.M. Singhvi (2006). Constitution of India. Modern Law Publications, *Allahabad, IInd Ed. ISBN Vol 1:81-83629-36-3, page 68*
3. Gaur, K.D, 2009, Text Book on The Indian Penal Code, 4th Ed. Delhi, Universal Publication Co. PVT. Lt
4. Prof. N.V. Paranjape , Criminology , Penology with Victimology, page no 662 ,Central Law Publications, 17th edition,2017
5. Deepshikha Agarwal, Juvenile Delinquency In India- Latest Trends And Entailing Amendments In Juvenile Justice Act, People: International Journal of Social Sciences (2018)
6. P.K.Das, International Law Document, 2003 Ed. Universal Law Publication.
7. The Juvenile Justice (Care and Protection of Children) Act, 2015.
8. Mr. H. A. Kadrl, The Juvenile Justice (Care And Protection Of Children) Act-2000 : An Overveiw, Juvenile Justice (Care & Protection of Children) Act, 2000 - Overview Journal 221 (2004)

### Articles & Journals Referred:

1. Sitwe Benson Mkandwire, Literacy versus language’s exploring their similarities and differences, 2018, The University of Zambia ISSN 2517 9306
2. UNESCO “Education for all: A global monitoring Report”, P 150
3. Mr. H. A. Kadrl, The Juvenile Justice (Care And Protection Of Children) Act-2000 : An Overveiw, Juvenile Justice (Care & Protection of Children) Act, 2000 - Overview Journal 221 (2004)
4. Dr. Smita Agarwal, Juvenile Justice (Care and Protection of Children) Act 2015: A Review

### Websites:

1. <http://www.bhu.ac.in/.../vol 31/Dr-b-b-Das-final.Doc>, last visited 5th March 2015.
2. [www.indiakanoon.com](http://www.indiakanoon.com)
3. The Juvenile Justice Bill, 2015: All you need to know

<https://www.prsindia.org/theprsblog/juvenile-justice-bill-2015-all-you-need-know>

4. Anubhav Pandey, Challenges to Juvenile Justice Laws in India, iPleaders,

(Mar. 02, 2019, 11:00 AM), <https://blog.iplayers.in/juvenile-justice-2/>

5. Manupatra & SCC

#### Other References:

1. National Seminar on Juvenile Delinquency and Justice: Changing Contours held in AUMP, Gwalior on 30<sup>th</sup> March 2019.
2. National Crime Records Bureau (2014). Crime in India: 2016.
3. Data acquired from Department of legal affair through RTI filed Under Right to Information Act, 2005.
4. The Gazette of India (2016, January 1). Juvenile Justice (Care and Protection of Children) Act, 2015, [http://wcd.nic.in/sites/default/files/JJ%20Act,%202015%20\\_0.pdf](http://wcd.nic.in/sites/default/files/JJ%20Act,%202015%20_0.pdf) (last accessed March 05, 2019).

