

# “Analysis on Juvenile Delinquency and Justice”

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**Abstract:** Long gone are those days when children were thrown into the same prisons as hardened criminals. Juvenile Justice has evolved over the past hundreds of years. History itself gives us enough reasons for the need of such an evolution. This paper will mainly focus on the juvenile justice in India with data analysing and assessing the present-day condition.

## Defining Key Terms:

Juvenile: A child below the age of 18 who has committed an offence.

Juvenile Delinquency: Unlawful behaviour by a minor.

Justice: The quality of being fair and reasonable while administrating law and authority.

Observation homes: A youth detention centre where juveniles are sentenced for a period of time for the offence committed.

Custody: Protective care and guardianship.

Child: An individual who has not reached the age of 18, in reference to Section 2(12) of the Juvenile Act, 2015.

## 1. Introduction:

### A. Meaning of Juvenile Justice

The juvenile justice system is a set of laws, rules, and processes aimed at regulating how young offenders (anyone below the age of 18) are handled when they break the law, as well as providing legal protections for their well-being in situations of conflict or neglect. When minors commit acts that would be considered crimes for adults, like murder or theft, these are termed delinquent acts. On the other hand, acts like using alcohol or skipping school, which don't apply to adults, are known as status offenses. Specialized laws and procedures are also in place to safeguard the interests of children when their parents or guardians are absent, neglectful, or involved in custody disputes.

B. India: A relevant Latin maxim for the Juvenile Justice system in India is 'Nil Novi Spectrum,' which means that nothing is entirely new in this world. Throughout history, there has been a widespread belief that leniency should be shown to juveniles because young individuals tend to react to frustration with aggression.

In recent years, there has been a notable increase in crimes committed by children aged 15-16. The causes behind these criminal acts often stem from early-life experiences, dominant masculine influences, upbringing, economic hardships, lack of education, and more. It's regrettable that even children as young as 6-10 are being used for unlawful activities because their innocent and impressionable minds can be easily manipulated at a low cost.

## 2. Brief History of Juvenile Justice in India

Like many other laws and features of the Indian Legislation the juvenile justice system is also inspired by the Western countries. The first legislation for juvenile justice dates back to the 1850s when “The Apprentices Act”

was announced. This was followed by Indian Penal Code (IPC), Reformatory School Act of 1897, Code of Criminal procedure in 1920.

After India gained independence in 1947, the constitution makers ensured to provide some provisions under fundamental rights and directive principles of state policy to protect and develop children. One of the biggest milestones was the passing of the Children Act in 1960s. It is to be noted that this act is only applicable in Union Territories. To be more specific this act prohibited the imprisonment of children and provided them with welfare, care, protection, rehabilitation and education. A three tiered system of institutions was introduced: Observation homes, Children's home for neglected children, a special school for delinquent children. In accordance to the 1959 United Nations declaration of the child, the juvenile justice system was set up in India by the Juvenile Justice Act 1986. The juvenile justice act was continuously revised. Clear information regarding juveniles was provided. "Conflict with law" and "need care and protection" have been quoted in the act. Child Welfare Committee specifically looks over the cases dealing with the conflict between the juvenile and the laws regarding juvenile justice.

In 2015 Juvenile Justice Act, the most important act was introduced. There is a lot of controversy and protests attached to this. A plethora of changes were done to the already existing system of India. For example juveniles between the ages of 16-18 who have committed horrendous crimes have to treated as adults. Terms such as orphaned, abandoned, surrendered etc were more clearly defined.

Following the Juvenile Act of 2015, several important measures and organizations have been established to safeguard the well-being of children. These include the Protection of Children from Sexual Offences Act (POCSO), the Child Labour (Protection and Regulation) Act, the POCSO Amendment Act of 2019, the United Nations Convention on the Rights of the Child (UNCRC), the National Child Labour Scheme, and the National Commission for Protection of Child Rights.

Recently, in 2021, the Parliament passed an amendment to the Juvenile Justice (Care and Protection) Act to enhance child protection and adoption procedures. Many adoption cases were stuck in the courts, causing delays. To expedite these cases, the authority to issue adoption orders has been shifted from civil courts to district magistrates. This means that district magistrates now have the power to make decisions about adoptions, whereas before, it was the civil courts that made these decisions

To summarise, Juvenile Courts and Acts have been established to provide juveniles with special treatment and avoid them trialling in regular courts.

### 3. Data of Juvenile crimes from India and USA:

	<b>India</b>	<b>USA</b>
Year	No. of Juvenile crimes	No. of Juvenile crimes
2012	27936	206000
2013	35861	214000
2014	38455	135000
2015	33433	187000
2016	35849	850000
2017	33606	211000
2018	31591	187000
2019	28830	130000
2020	29768	100000
2021	31170	140000

#### 4. Most common juvenile crimes in India:

These crimes are mainly categorised in three categories: offence against property, offence affecting human body, and miscellaneous. The offence against property usually includes theft, burglaries, stolen property and, preparation for committing dacoity. The offence affecting human body usually includes murder, hurt case, women assault, child assault, sexual assault, and kidnapping. Other crime categories also include the crimes under special and local laws. These usually include crimes under the Prevention of Children from Sexual Offences (POCSO) Act.

#### 5. States and UTs with most Juvenile crimes:

India is home to 1.42 billion people and they reside in 29 states and 8 union territories. Being such a large country with very diverse culture, poverty and literacy are one of the major challenges. There are some states and UTs where majority percentage of juvenile crimes are happening. Here is a list for those states:

States	Juvenile Crimes	Total Crimes	Percentage	Literacy Rate
Maharashtra	5880	45706	12.9	76.9
Madhya Pradesh	5232	27106	19.3	63.7
Delhi UT	2727	12445	21.9	86.3
Tamil Nadu	2304	11654	19.8	73.5
Rajasthan	2068	18047	11.5	60.4
Gujarat	2040	11358	18.0	69.1
Chhattisgarh	1911	8669	22.0	64.7
Haryana	1178	14018	8.4	67.9
Odisha	1078	15955	6.8	63.1
<b>Total</b>	<b>24418</b>	<b>164958</b>		

#### 6. Stark difference between juvenile justice system and criminal justice system:

While the juvenile justice system and criminal justice system have the common desire to uphold justice and propagate peace they have different methods and significantly different target population.

The procedures within the criminal justice system are designed to ensure a fair trial for the accused and the administration of justice. It primarily deals with adults who have committed serious crimes, offering a range of potential penalties from fines and community service to imprisonment or even the death penalty.

Conversely, the juvenile justice system is oriented towards the rehabilitation of young individuals involved in delinquent activities. Unlike the criminal justice system, its proceedings are intended to be less strict and more relaxed. The penalties for minor offenders often include counselling, community service, or incarceration.

#### 7. Penalties faced by the offenders:

If the offender has committed a heinous crime such as rape, murder, dacoity etc then they are treated the same as adults. The reason for this is as it is believed that to have committed such crimes the offender might have had the maturity and complete knowledge. It is also believed that due to extensive mass and social media exposure the maturity level of children is way higher than usually anticipated. This was also an important aspect of Juvenile Act, 2015 as mentioned above.

It is also to be noted that children can be categorised into two categories:

1. A child who is in confrontation with the law.
2. A child in need of protection and care.

These have been specified in Section 14 of the Juvenile Act, 2015.

While declaring the punishments the courts have to take many factors into consideration:

1. The seriousness of the crime and the whether the role played by the offender was major or minor.
2. Maturity level of the juvenile by looking at their lifestyle. Mental fitness must also be kept into consideration.
3. The juvenile's previous record and history.
4. The safety of the public in mind along with rehabilitation of the juvenile.

At present anyone under 18 can be sentenced to a maximum sentence of three years with the exception mentioned above.

Capital punishment:

A death penalty cannot be given for every heinous offence. It can only be considered and not be given even if the person is 17 or close to 18 considering all the other factors. Age cannot in any case be the only determinant. No child offender can be sentenced to a corporal punishment.

## **8. Observation homes:**

A very integral part of rehabilitation of the juveniles are observation homes. Observation homes function as temporary residences where the offenders reside till the resolution of their case. Their primary aim is to assess their requirements and conduct. They provide them with a safe and supportive setting to facilitate their rehabilitation and reintegration.

Observation homes narrow the gap between the legal proceedings and the rehabilitation of juveniles. They provide essential services such as education, healthcare, counselling, and tailored skill development programs aimed at addressing the unique requirements of young individuals. The primary objective of these observation homes is to foster the physical, mental, and emotional growth of juveniles and facilitate their effective reintegration into society through a structured and nurturing environment.

## **9. Personal Opinion:**

I firmly believe that the government should direct its attention towards juvenile justice. Initiating and passing acts is not enough. Quick action and immediate is required. Firstly, I believe that to lower the crime rate we need to adopt a more accessible and widespread education policy. According to the times of India, only 3% of the juveniles had studied beyond 12<sup>th</sup> grade. If we educate our youth and enhance their skills they would not have to commit crimes for their survival. It is also important to explain to them the importance of law and the consequences of their actions. Secondly, if someone has committed a crime and is under the government in either observation homes or juvenile jails it is important to ensure they development. It's essential to recognize that, despite their varying sentence periods, almost all these young individuals will eventually reintegrate into society. Yet, when we discuss the future generation, we often overlook them. They too are part of our future. While it's crucial to make them understand the consequences of their actions, we also need to inspire them to aspire to a better future. We must prepare them for the second innings of their lives by offering proper guidance and formulating policies for their rehabilitation.

### 10. Why I chose this topic?

In the summer of 2022 I initiated Project Unnati, a social initiative. I also volunteered with a local NGO Aasehaas. As a part of the initiative, I visited the juvenile observation of my city, Ludhiana. It was a life changing experience. I had stepped outside the protective bubble and seen a glimpse of the real world. Since then, I have visited the observation home several times. I have interacted with the inmates and inspectors present there. While I do acknowledge the efforts made by the government for juvenile justice, I firmly believe that more attention needs to be invested towards juvenile delinquency. Hence, I decided to write my research paper on Juvenile Justice. I wanted to analyse juvenile justice in India and gain further and deeper knowledge about it. As an aspiring political science and economics major, I hope to pursue public policy making at an international level.

### 11. Calculations and Graphs:

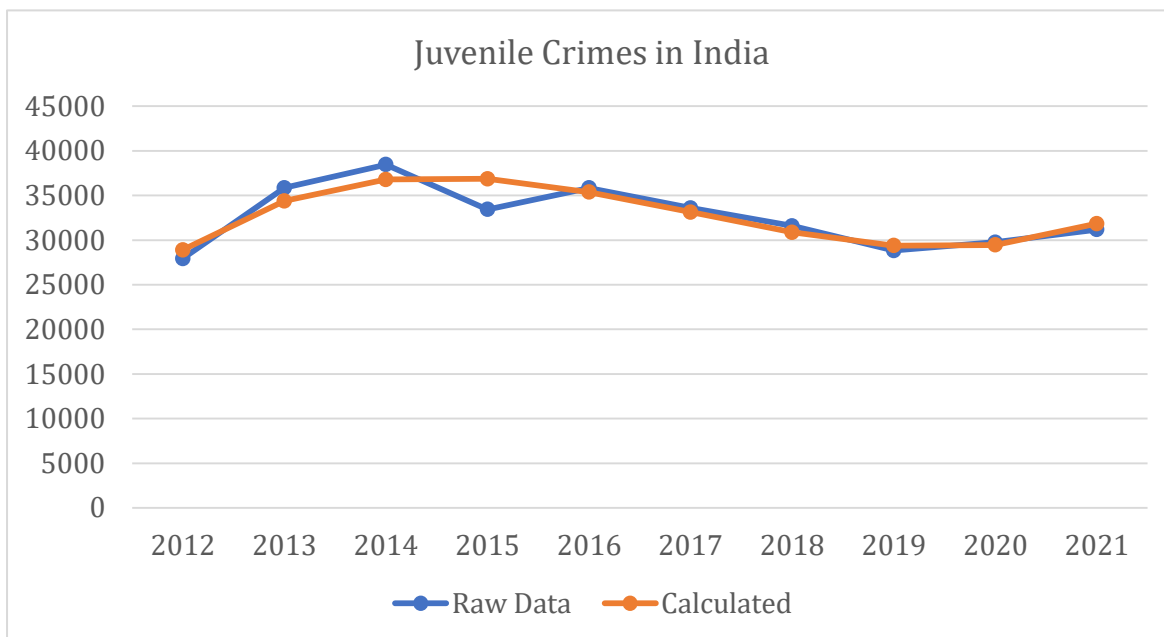
#### a. Number of Juvenile Crimes in India from 2012 to 2021.

Considering x=2012 as 1, 2013 as 2 .....2021 as 11.

Taking y as number of juvenile crimes,

We plotted a graph and try to draw different graphs by hand fitting, converting maximum numbers of points.

We get cubic equation.



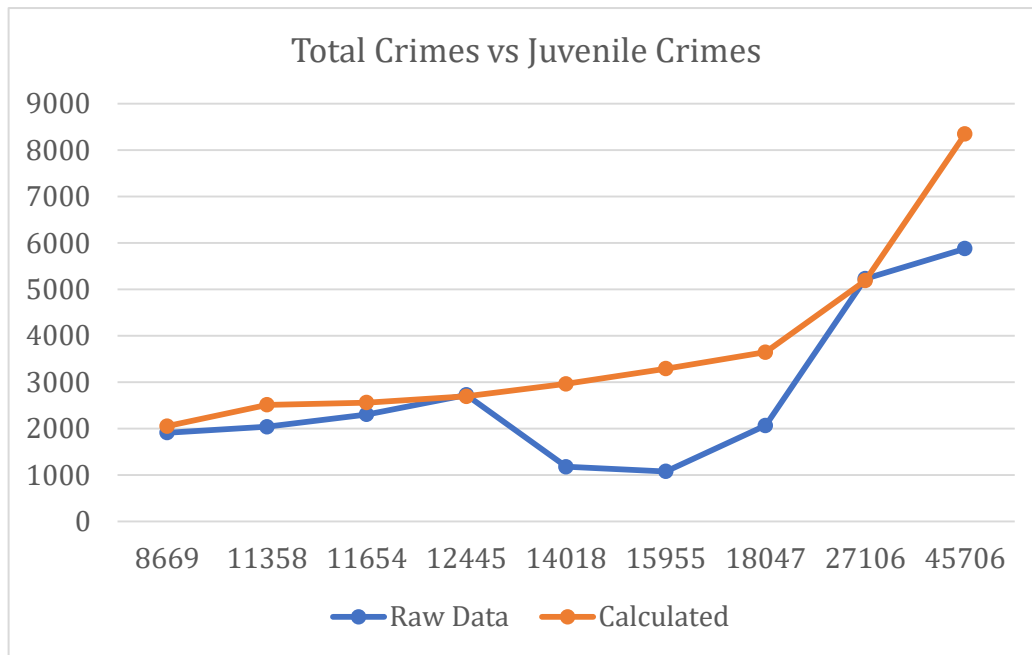
**Formula:  $y = 129x^3 - 2323x^2 + 11561x + 19524$**

Where “y” represents number of juvenile crimes, and “x” represents 1, 2,3.....(1 represents 2012, 2 represents 2013 and so on).

#### b. Total Crimes vs Juvenile Crimes and in different states of India:

As mentioned in section 5 of research paper, there is data between total crimes and juvenile crimes in states with most crimes of India.

Here is a graph between total crimes vs juvenile crimes in these states.



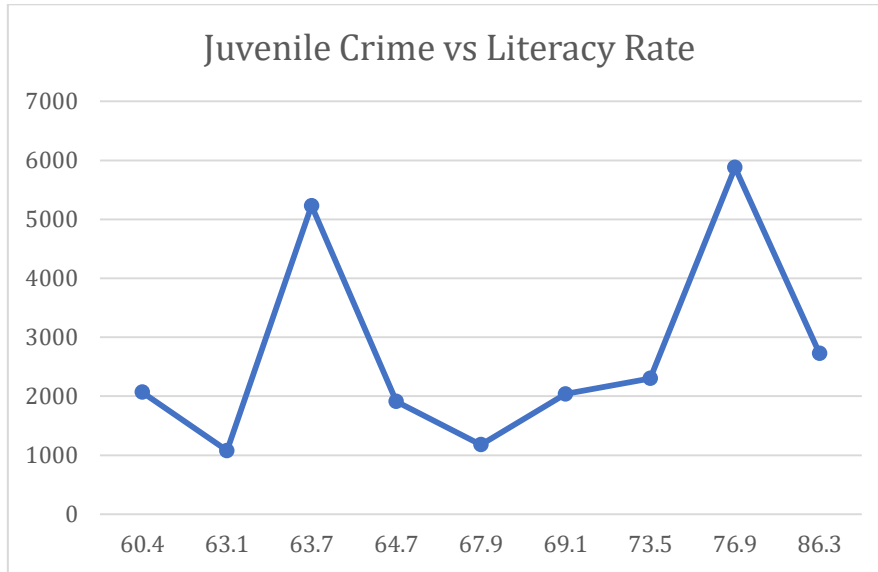
X-Axis represents total crimes and Y-Axis represents juvenile crimes in different states. Each point represent a state or UTs. We took data of top 9 states or UTs with maximum juvenile crimes.

<b>Formula=<math>y = 0.17 * x + 580</math></b>
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c. Correlation between literacy rate and juvenile crimes in different states of India.

States	Juvenile Crimes	Literacy Rate
Rajasthan	2068	60.4
Odisha	1078	63.1
Madhya Pradesh	5232	63.7
Chhattisgarh	1911	64.7
Haryana	1178	67.9
Gujarat	2040	69.1
Tamil Nadu	2304	73.5
Maharastra	5880	76.9
Delhi UT	2727	86.3

Graph is made between literacy rate and number of juvenile laws of different states of India.



X-Axis is literacy rate and Y-Axis is number of Juvenile Cases.

Correlation factor comes out to be 0.86.

### 12. Conclusion:

Juvenile Crime in India and USA started decline from 2016. Education, social awareness and various government welfare schemes are maybe the reasons for decline in juvenile crime.

Though top 9 states and UTs having highest crime rate also have the highest juvenile crime rate. Kerala having highest literacy rate have lower juvenile crime rate. So awareness among juvenile and educating them will reduce juvenile crime in future.

Concluding paper with a quote:

“Crime is a social problem and education is the only real deterrent.”

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