



# The Indian Journal for Research in Law and Management

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Editor-in-Chief – Prof. (Dr.) Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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## JUVENILE DELINQUENCY IN INDIA WITH SPECIAL REFERENCE TO THE JUVENILE JUSTICE SYSTEM

### Introduction

*“Children are the world’s most valuable resource and its best hope for the future.”*

– John F. Kennedy

Children are born selfless and innocent. It’s the society, their background that make them criminals. No person is born criminal. We need to protect the children by giving them scope for proper development, equal opportunity and healthy atmosphere for them to grow and become successful in life. For development of a child, not only physical and mental growth is required, but also, they deserve a life with good moral values.<sup>1</sup> In order to curb the crimes committed by children, proper guidance, supervision, quality education is necessary. Family plays a pivotal role in the development of a child. As per the National Crime Records Bureau (NCRB) Report 2023, there is approximately 16% rise in the crimes committed by juveniles. This data clearly shows that juveniles are in dire need of care and attention.<sup>2</sup> Therefore, it is now important to understand the concept of ‘juvenile delinquency’ and the factors which give rise to the high rate of crimes committed by the juveniles. The first step of doing justice for the juveniles is the setting up of juvenile courts, which are designed specially to deal with delinquent children.<sup>3</sup> Legislations are also enacted to deal with the juveniles, the most prominent one is the Juvenile Justice Act, 2000 (which was amended later in the year 2015 and 2021). Our Criminal Justice system mainly focus on the principle of “*doli incapax*” (which

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<sup>1</sup> Charu Singh, *A Study on Juvenile Delinquency and its Supporting Factors*, MANUPATRA (Jan. 31, 2023, 06.48 p.m.) <https://docs.manupatra.in/newslines/articles/Upload/CA169761-9A34-44A5-9D43-EE6A2E991D9F.pdf>

<sup>2</sup> Ahana Prakash, *16% Spikes in crimes committed by Juveniles*, BANGALORE MIRROR, (Jan. 31, 2023, 07.40 p.m.) <https://bangaloremirror.indiatimes.com/bangalore/crime/16-spike-in-crimes-committed-by-juveniles/articleshow/105763750.cms>

<sup>3</sup> Charles E. Springer, *Justice for Juveniles*, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (last visited Jan. 31, 2023) <https://www.ojp.gov/pdffiles1/Digitization/103137NCJRS.pdf>

states that no crime can be committed by a child below 7 years). But, this point of view needs to change, because now, children are more mature than we actually think they are. Before giving them the benefit of juvenility, entire circumstances, consequences, motive of juvenile behind crime committed must be considered along with the loopholes of the Act. Detailed study regarding 'juvenile delinquency' is elaborated further.

### **Meaning: Juvenile Delinquency**

'Juvenile Delinquency' is the involvement of a minor in any illegal activity or any act which is forbidden by law. Etymologically, the word "juvenile" is derived from a Latin word 'juvenis' which means young. In this context, 'juvenile' refers to an individual who is legally able to commit a criminal offence being above the minimum age of criminal responsibility, but who is under the age of criminal majority, when a person is legally considered as an adult.<sup>4</sup> According to Section 2(h) of the juvenile Justice Act, 1986 "juvenile" means a boy who has not completed 16 years and girl, who has not completed 18 years. Additionally, it can be said that the word "minor" and "juvenile" cannot be used interchangeably because 'minor' defines the legal capacity of the person and 'juvenile' is a child who has committed any act which is forbidden by law. "Delinquent" is derived from the Latin word 'delinquer' which means to omit. A delinquent is an individual who has committed a criminal offence.<sup>5</sup> According to Section 2(e) of the Juvenile Justice Act, 1986 "delinquent juvenile" means a juvenile, who has committed an offence. Delinquency is considered to be an unwelcomed action, omission or moral behaviour of a juvenile which is not socially permitted in any society.<sup>6</sup> The term 'delinquency' is often used interchangeably with "child in conflict with law" (which is defined under Section 2(13) of the Juvenile Justice Act, 2015 as a child who has committed any offence and has not completed 18 years at the date of commission of the offence).

### **Causes of Juvenile Delinquency in India**

There are various factors or causes which are responsible for juvenile delinquency in India. They are as follows:

- a) Family

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<sup>4</sup> Susan Young, *Juvenile Delinquency, Welfare, Justice and Therapeutic Interventions a Global Perspective*, 41 *BJPsych* 21, 21-22 (2018).

<sup>5</sup> *Ibid.*

<sup>6</sup> Mohan Shakti, *Juvenile Justice System in India: A Statutory and Procedural Study*, *SHODHGANGA* (Jan. 31, 2023, 07.58 p.m.) [https://shodhganga.inflibnet.ac.in/bitstream/10603/145628/6/06\\_chapter2.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/145628/6/06_chapter2.pdf)

Family plays an important role in the child's becoming a delinquent. From the findings, it can be stated that family background and parental skills is held responsible for the child's delinquent behaviour. Sometimes broken homes can also be considered as a factor for the delinquent behaviour, because in broken homes they do not get the love they desire. They long for the love and care outside in the society and often gets trapped in the evil eyes of the society. In one of the studies conducted by Uday Shankar in India 13.3% of the 140 delinquents came from broken homes.<sup>7</sup> Interaction with the child in his home is an essential means of socializing for the child.

b) Poverty

A large proportion of the juveniles come from poverty-stricken family, where both the parents and the children go out to earn their daily bread. The children grow big and responsible at such a tender age and they grow within themselves a desire to earn more money. They tend to do anti-social activities to earn money and erase their poverty because they realize that only through deviant practices, they can satisfy their desire for money. The study conducted by Uday Shankar revealed that 83% of the juvenile comes from poor families.<sup>8</sup>

c) Peer pressure

Peer groups induces a strong urge in the child to commit crimes. Uday Shankar's study in India reveals that 23% of the crime committed by juveniles are the outcome of mixing with anti-social groups.<sup>9</sup> Peers play a vital role in deciding the fact when does the juvenile becomes delinquent.

d) Education

Lack of education is one of the emerging factors for the juvenile to become delinquent. Especially the children who come from poor families, do not have any basic education, so they have difficulty to differentiate between what is right and what is wrong. The juveniles normally get involved into anti-social activities.

e) Social Media

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<sup>7</sup> Rajni Kohli, *Juvenile Delinquency in India*, RESEARCH GATE (Feb. 01, 2023, 09.30 a.m.) [https://www.researchgate.net/publication/342734513\\_JUVENILE\\_DELINQUENCY\\_IN\\_INDIA](https://www.researchgate.net/publication/342734513_JUVENILE_DELINQUENCY_IN_INDIA)

<sup>8</sup> *Ibid.*

<sup>9</sup> Dr. Nalini, *Deviance and Society*, AMPGC (Feb. 01, 2023, 18.51 p.m.) <https://ampgc.ac.in/Admin/upload/documents/e69a8177-80b8-4ee4-a99b-46ec9c5ff4b4.pdf>

Social Media is considered to be one of the major causes contributing to juvenile delinquency. Media on one side educate, aware people about the anti-social activities in the society and the other hand, it is the only source of contamination for juvenile delinquency.<sup>10</sup> Sensational reports of the crimes in newspapers, explaining the ‘modus operandi’ can affect a reader in different ways. Firstly, it induces a person (especially a young person, who has no idea about what is right or wrong) to commit a similar crime. Secondly, it can also create an indifference to law through the constant repetition of the crime.<sup>11</sup>

f) Health and Disease

Feeble minded persons are more vulnerable to commit crimes because of their inability to think critically and to make right decision. Due to health problems, a person may become irritating, unreasonable at times. Sex murders, arson, compulsive thieving (kleptomania) are the examples of crime which involves a neurotic element.<sup>12</sup>

### Theories of Juvenile Delinquency

A number of criminological theories have emerged from the sociological inquiry. These following theories have emphasized on the fact that a criminal behaviour of a person is the normal response of a person in particular circumstances.<sup>13</sup> The theories are as follows:

i. Anomie Theory

This theory was developed by Robert Morton in 1940s. According to this theory, delinquency occurs when people are unable to fulfill their dreams through legal means. Often the people feel that their goal is unattainable, so they resort to illegal and unlawful means to attain their goal. Morton states two features of social and cultural structure, culturally defined goals (example – monetary success) and acceptable means to their achievement (example – education).<sup>14</sup>

ii. Social control Theory

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<sup>10</sup> E-GYANKOSH, <https://egyankosh.ac.in/bitstream/123456789/19021/1/Unit-14.pdf> (last visited Feb. 01, 2023)

<sup>11</sup> E-GYANKOSH, <https://egyankosh.ac.in/bitstream/123456789/19021/1/Unit-14.pdf> (last visited Feb. 01, 2023)

<sup>12</sup> *Ibid.*

<sup>13</sup> Sachin Rastogi, *Sociological Theories of Juvenile Delinquency: A Criminological perspective*, IJHS 7441, 7445-7449 (2022)

<sup>14</sup> ENCYCLOPAEDIA, <https://www.encyclopedia.com/social-sciences/encyclopedias-almanacs-transcripts-and-maps/juvenile-delinquency-theories> (last visited Feb. 02, 2023.)

This theory is considered to be the most important sociological theory in context of juvenile delinquency.<sup>15</sup> It is used to understand the facets of social bonding opportunities and juvenile delinquency behaviour.<sup>16</sup> According to this theory, delinquency is the expected behaviour of the juveniles. The main objective of this theory to prevent crime in juveniles at the very first instance.

iii. Sub-culture Theory

This theory was developed by Albert Cohen in the year 1955. According to this theory, juveniles who do not 'fit' within the most conventional social norms get validation from their respective sub-culture (group of juveniles who do not meet conventional social norms).<sup>17</sup> In view of Cohen, society is in fault for juvenile delinquency. For example – stealing is an unlawful activity but it fits to the subculture of the juveniles, so they do it.

iv. Differential Opportunity Theory

This theory was developed by Richard Cloward and Lloyd Ohlin in the year 1960. Opportunity plays a vital role in juvenile delinquency. Lack of opportunity can provoke the juveniles. If they are given more opportunities to succeed in life, they would not have resorted to unlawful means to achieve their goals.

v. Social Disorganization Theory

This theory was developed by Clifford Shaw and Henry D. McKay. According to this theory, a person's criminal behaviour can be detected by their residential location. A person's physical and social environment are responsible for the behavioral changes. Geographical location is the heart of social disorganization theory.<sup>18</sup>

### **Juvenile Justice System in India:**

The term "juvenile justice" is not just limited to the legislative framework regulating the juveniles but also extend to their scope of rehabilitation by differentiating it with traditional

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<sup>15</sup> Charu Singh, *A Study on Juvenile Delinquency and its Supporting Factors*, MANUPATRA (Jan. 31, 2023, 06.48 p.m.) <https://docs.manupatra.in/newslines/articles/Upload/CA169761-9A34-44A5-9D43-EE6A2E991D9F..pdf>

<sup>16</sup> Carolyn Gentle, *Understanding Juvenile Delinquent Behaviour through social bonding*, IATDPJ 11, 11-12 (2019).

<sup>17</sup> DR. SANDRA TRAPPEN, <https://sandratrappen.com/2018/12/30/theories-of-delinquency/> (last visited Feb. 02, 2023).

<sup>18</sup> Sachin Rastogi, *Sociological Theories of Juvenile Delinquency: A Criminological perspective*, IJHS 7441, 7445-7449 (2022)

criminal justice system.<sup>19</sup> The juvenile justice system has its origin and foundation from Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy) of Constitution of India, United Nations Convention on Rights of Child (UNCRC) [ratified by India in 1992], United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (Beijing Rules), United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990, Indian Penal Code, 1860 and Code of Criminal Procedure, 1973.<sup>20</sup>

### **A. Historical Background of Juvenile Law in India**

The history of the Juvenile Justice System can be traced back from the Constitution of India. After the independence, the Constitution through the fundamental rights and the directive principles of the state policy highlighted the need for protection of children. The concept of juvenile justice system in India is taken from western countries. The legislations which were enacted before independence dealing with juveniles are – the Apprentices Act, 1850, the Indian Penal code, 1860, Reformatory Schools Act, 1877, Code of Criminal Procedure, 1898 and the Recommendations of the Jail Committee, 1920. After these series of legislations, the Government of India enacted the Children Act, 1960.<sup>21</sup>

The Children Act, 1960 was enacted to provide care, protection, maintenance, welfare, training, education and rehabilitation of neglected and delinquent children. But this Act was only applicable to union territories. This Act introduced three types of institutions for the neglected and delinquent children, such as, observation homes, children’s home, special school.

Then the Juvenile Justice Act, 1986 was enacted to create a uniformity with the Children Act, 1960 and the UN Declaration of the Child, 1959. This Act of 1986 was repealed and the Juvenile Justice (Care and Protection of Children) Act, 2000 was enacted. The Act of 2000 emphasized on both “justice” and “rights” approach towards children.<sup>22</sup> It also provided a uniform definition of ‘juvenile’ as a person who has not completed the age of 18 years and also

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<sup>19</sup> Dr. Gurmeet Kaur, *Juvenile Justice System in India: A Critical Analysis*, 9 PRJ 1257, 1259-1262 (2019).

<sup>20</sup> Arafat Khan, *The Law Related to Juvenile Justice System in India: A Critical Analysis*, LEGAL SERVICES INDIA, (Jan. 31, 2023, 06:58 p.m.) <https://www.legalserviceindia.com/legal/article-9482-the-law-related-to-juvenile-justice-system-in-india-a-critical-analysis.html>

<sup>21</sup> LAWYERED, <https://www.lawyered.in/legal-disrupt/articles/history-juvenile-justice-system-india/> (last visited Feb. 01, 2023)

<sup>22</sup> Sana, History of Juvenile Justice in India, SCRIBD (Feb. 01, 08:83 p.m.) <https://www.scribd.com/document/336874228/History-of-Juvenile-Justice-in-India>

used a better terminology by the words “juvenile in conflict with law” and “children in need of care and protection”.<sup>23</sup>

In the year 2006, the Juvenile Justice Act was amended to clarify the age of juvenile. It was stated that the age of the juvenile is to be considered from the date of commission of the crime. Juvenile cannot be in police custody at any time. In *Krishna Bhagwan v. State of Bihar*, AIR 1989 it was held that the age of the juvenile should be the date on which the offence was committed. But Hon’ble Supreme Court overruled this judgment in the case of *Arnit Das v. State of Bihar*, AIR 2000 SC 748, and held that the claim of juvenility should be the date on which the offender is brought before competent authority.<sup>24</sup>

In the year 2012, India witnessed a brutal gang rape and murder of a woman in Delhi (commonly known as the Nirbhaya Case). The case has juvenile offenders committing such a heinous offence. Now the question arise is that whether after committing such a brutal rape and murder, can the juveniles hide under the garb of the Juvenile Justice Act, 2000. If they can commit such an offence like an adult, even after understanding its consequences, they should be treated as adults not juveniles. In the light of all the protests, Juvenile Justice (Care and Protection of Children) Act, 2015 was enacted replacing the Act of 2000. This Act provides that juveniles between the age of 16-18 years, committing heinous offence are to be treated as adults.<sup>25</sup>

The Act of 2015 was further amended in the year 2021. This Amendment introduced foster care and adoption of those, who are in absolute need of care and protection and holistic rehabilitation and social reintegration of juvenile wrongdoers.<sup>26</sup>

## **B. Brief overview of Juvenile Justice (Care and Protection of Children) Act, 2015**

This Act replaced the Act of 2000 and focused more on child-benevolent approach by ensuring best interest of the child. The main objective of this Act is to give proper care, protection,

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<sup>23</sup> *Ibid.*

<sup>24</sup> Anmol Singh Khanuja, *An Analytical Study of Juvenile Justice System in India*, IPLEADERS, (Feb 01, 08:39 p.m.) [https://blog.ipleaders.in/juvenile-justice-system-india/#\\_ftnref20](https://blog.ipleaders.in/juvenile-justice-system-india/#_ftnref20)

<sup>25</sup> LAWYERED, <https://www.lawyered.in/legal-disrupt/articles/history-juvenile-justice-system-india/> (last visited Feb. 01, 2023)

<sup>26</sup> Samridhi M., *Juvenile Justice System in India: Evolution and Defects*, LAWCTOPUS (Feb. 01, 2023) <https://lawctopus.com/clatalogue/clat-pg/juvenile-justice-system-in-india-evolution-and-defects/>

development, treatment and social reintegration to ‘child in conflict with law’ and ‘children in need of care and protection’.

- Fundamental principles to be followed while administering this Act.
  - a. Principle of presumption of innocence
  - b. Principle of dignity and worth
  - c. Principle of participation
  - d. Principle of best interest
  - e. Principle of family responsibility
  - f. Principle of safety
  - g. Positive measures
  - h. Principle of non-stigmatizing semantics
  - i. Principle of non-waiver of rights
  - j. Principle of equality and non-discrimination
  - k. Principle of right to privacy and confidentiality
  - l. Principle of institutionalization as a measure of last resort
  - m. Principle of repatriation and restoration
  - n. Principle of fresh start
  - o. Principle of diversion
  - p. Principle of natural justice.
- Salient features of the Act.
  - a. The concept of ‘child in conflict with law’ [Section 2(13)] and ‘child in need of care and protection’ [Section 2(14)]
  - b. Constitution of Juvenile Justice Board (main aim is to deal with the child in conflict with law not through punishments but by counselling of the child)
  - c. Child Welfare Committee
  - d. Rehabilitation and social reintegration by open shelter, foster care, sponsorship, observation homes, special homes etc.
  - e. Adoption.

### **C. Juvenile Justice and Constitution**

The Constitution of India has many provisions which are related to protection and safeguard of the juveniles. They are as follows:



- 1) Article 15 provides discrimination should not be made on the ground of race, caste, sex, religion, place of birth. This Article allows the State to make special privileges for women and children.
- 2) Article 21A was added to the Constitution by 86<sup>th</sup> Constitutional Amendment Act, 2002. This article gives fundamental right to education to children aged between 6-14 years.
- 3) Article 23 prohibits human trafficking and forced child labor.
- 4) Article 24 prohibits employment of children of below 14 years to work in factories, other hazardous places.
- 5) Article 39(e) gives directions that a child should have the right to be guarded from any kind of assault by an adult.
- 6) Article 39(f) gives directions that children must be protected from exploitation and moral, material abandonment.
- 7) Article 45 gives direction that a child below 6 years would be given care and education.
- 8) Article 47 provides guidance regarding the fact that every person must have the right to adequate nutrition and decent quality of life.

#### **D. Juvenile Justice and other penal laws**

The Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973 also have some relevance in the context of juvenile justice in India.

Section 82 of the Indian Penal Code, 1860 provides that act done by a child below 7 years would not be a crime. It is commonly referred to as “doli incapax”. Section 83 of the Indian Penal code, 1860 provides that any act done by a child aged between 7 – 12 years would not be a crime, unless he has sufficient understanding of the consequences of the offence committed by him.

Section 27 of the Code of Criminal Procedure, 1973 provides jurisdiction in the case of juveniles. If any offence committed by a juvenile, is punishable with death or imprisonment for life, will be dealt by either the Court of Chief Judicial Magistrate or Children’s court, specially empowered on this behalf.

Section 438 of the Code of Criminal Procedure, 1973 provides bail can be granted to a person apprehending arrest (commonly referred to as “Anticipatory Bail”). A juvenile also can claim anticipatory bail. In *Mohammad Zaid v. State of U.P.*, 2023 SCC OnLine All 230, the Hon’ble

Allahabad High Court held that there is no bar for grant of anticipatory bail to a child in conflict with law or juvenile. A child in conflict with law will also have all other equal right to seek remedy under section 438 of the Code like other persons, provided the requirements are satisfied.<sup>27</sup>

### **E. Landmark Judgments**

In the case of *Juvenile in Conflict with law v. State of Haryana* (2022) it was held that a juvenile cannot be sentenced to death or imprisonment for life for the most heinous crimes they have ever committed. It was also observed that the main purpose of the juvenile law is not just to punish the offender but give them the opportunity of reformation and social reintegration.<sup>28</sup>

In *Gopalan Nair v. State of Kerala* (1974), it was held that the provisions of the Probation of Offenders Act, 1958 cannot be applied to the juveniles because they have a separate legislation guiding the juveniles.

In *Sheela Barse v. Union of India* (1986 AIR 1773), it was held that children in need of care and protection are entitled to be protected under Article 21 of the Constitution, i.e., right to protection of life and personal liberty. In this case, the Hon'ble Supreme Court addressed the release of children below 16 years from jail, in view of juvenile courts, homes, reformatory schools. The Court directed the State Legal Aid Authority to give legal assistance to children below 16 years in prisons, State Governments should report the number of children in these institutions, strict enforcement of the Children's Act and the District and Sessions Judge should look into the matter of welfare of the child.<sup>29</sup>

In the case of *Salil Bali v. Union of India* (2013), it was held that right to legal aid is essential and mandatory for children in conflict with law. They should be given legal assistance and guidance at every judicial process.

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<sup>27</sup> SCC ONLINE BLOG, <https://www.sconline.com/blog/post/2023/06/07/child-in-conflict-with-law-file-application-anticipatory-bail-s-438-crpc-allahabad-hc/> (last visited Feb.03, 2023)

<sup>28</sup> LEGALSERVICESINDIA, <https://www.legalserviceindia.com/legal/article-10554-indian-jurisprudence-on-juvenile-delinquency.html> (Last visited Feb 03., 2023)

<sup>29</sup> ADVOCATE TANWAR, <https://advocatetanwar.com/landmark-judgments-in-juvenile-justice-and-child-protection/> (Last visited Feb.03, 2023)

In *Abuzar Hossain @ Gulam Hossain v. State of West Bengal* (2006), it was held that the claim of juvenility can be raised even after the final disposal of the case. It highlighted a hyper-technical approach should not be taken in rejecting such claims.<sup>30</sup>

In *Dr. Subramanian Swami and others v. Raju Through Member, Juvenile Justice Board and another* (2014), it was held that the claim of juvenility is not the age of the offender but the mental maturity of the offender.<sup>31</sup>

In *Barun Chandra Thakur v. Master Bholu* (2022), it was held that preliminary assessment must be conducted by the Juvenile Justice Board before trying the juvenile as adult. Assessment depends on four aspects: mental capacity to commit the offence, physical capacity to commit the offence, ability to understand consequence of the offence committed and circumstances under which the offence is committed. The task of preliminary assessment under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is a sensitive task, it plays an important role in the trial of cases and it is necessary that adequate and specific guidelines should be established in this regard.

#### **F. Drawbacks of the Juvenile Justice System**

The Juvenile Justice System works efficiently for reformation and rehabilitation of the juveniles. But there are certain areas which form major drawbacks in the system. If these drawbacks are looked down into, then the system would reach out or be beneficial to a lot more people.

- i. The Juvenile Justice (Care and Protection of Children) Act, 2015 allows a juvenile to be treated as adult in case he commits a heinous offence. If they are treated as adult and sent to adult prisons, where they would mix with the hardened criminals, which in turn would make them more serious and hardened criminal.<sup>32</sup>
- ii. The age of juvenility was reduced from 18 years to 16 years, but that is not correct because a child below 16 years can also commit grave and heinous offence.<sup>33</sup>

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<sup>30</sup> *Ibid.*

<sup>31</sup> Dr. Rajesh Hooda, *Understanding Juvenile Justice: Causes and Concern*, 3 HPJ 58, 61-63 (2020).

<sup>32</sup> Mr. Atul S. Jaybhaye, *Critical Analysis of Juvenile Justice System in India*, BLR 103, 109-111 (2017).

<sup>33</sup> *Ibid.*

- iii. It was stated under Section 15 of the Act of 2015, that the Juvenile Justice Board should conduct a preliminary inquiry, but there are no provisions explaining the qualification of the person conducting inquiry.
- iv. Children are getting matured day by day, so we it would be difficult for us to determine the exact age of juvenility. If it can be proved beyond reasonable doubt, that a child had committed a brutal and heinous crime, then he should be punished with more severe punishment.<sup>34</sup> They should not be excused under the garb of juvenility.
- v. The Juvenile detention Centers must be maintained properly. Proper guidelines must be there for providing them education, vocational guidance, enrich the resources, encouraging them to work upon their hobbies. Their mental health should be given maximum importance.
- vi. The Act of 2015 does not provide any provision or guidelines for regulating juvenile sex offenders (management, treatment and reformation of such offenders), female juveniles, recidivists, child and other victims of juvenile crime.<sup>35</sup>

## Conclusion

The response to juvenile crime has to be fair, age-appropriate and reflective of an understanding of developmental psychology. Any amendment made to existing legislation must require in-depth understanding, knowledge of the jurisprudence, philosophy and impact of the present legislation.<sup>36</sup> Our present juvenile justice system needs some reformation and cover the drawbacks as mentioned above. A child is the future of a nation, so we must give the child proper and healthy environment. In certain middle-class families, the parents have a lot of expectation from their children, which from their point of view is not wrong, but when the children cannot fulfill the expectations, they resort to unlawful means to attain those. On the contrary, the children of rich families, always gets the thing they wish or desire, before asking from their parents. On any occasion if they do not get, they resort to unlawful means to acquire the same. So, in either case a child should be

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<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

<sup>36</sup> Arlene Manoharan, *The Juvenile System in India and children who commit serious offences – Reflections on the way forward*, OIRJ (Feb 03, 09:52 p.m.) [https://www.ojj.org/sites/default/files/documentos/the\\_juvenile\\_justice\\_system\\_in\\_india\\_and\\_children\\_who\\_commit\\_serious\\_offences.pdf](https://www.ojj.org/sites/default/files/documentos/the_juvenile_justice_system_in_india_and_children_who_commit_serious_offences.pdf)

guided to understand what is right and wrong. We witness a fact that crimes such as rape, murder by juvenile still goes unpunished and leniency shown, this require an urgent amendment because if lenient punishment is given, it would not have deterrent effect on child and would leave a possibility of him to commit such a crime again. Juvenile delinquency cannot be prevented only by amendment of the Act, but also by spreading awareness regarding a child's mental health, behaviour of juveniles in the society. Attitude and perception towards rights of a child needs change.<sup>37</sup> The aim of the juvenile justice system must be to prevent the child from becoming delinquent by giving them proper attention, care, education regarding unlawful activities. India must adopt a measure that would equally guide and reform the juvenile and at the same time do justice to the victim. Thus, to conclude, it can be said that "every child one encounters is a divine appointment" and we must do our best to uphold the sanctity of this divine entity, if the society is to flourish and thrive.<sup>38</sup>

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<sup>37</sup> Arlene Manoharan, *The Juvenile System in India and children who commit serious offences – Reflections on the way forward*, OIRJ (Feb 03, 09:52 p.m.) [https://www.ojj.org/sites/default/files/documentos/the\\_juvenile\\_justice\\_system\\_in\\_india\\_and\\_children\\_who\\_commit\\_serious\\_offences.pdf](https://www.ojj.org/sites/default/files/documentos/the_juvenile_justice_system_in_india_and_children_who_commit_serious_offences.pdf)

<sup>38</sup> Dr. Rajesh Hooda, *Understanding Juvenile Justice: Causes and Concern*, 3 HPJ 58, 61-63 (2020).