



# EVALUATION OF JUVENILE DELINQUENCY IN INDIA

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**Abstract:** Juvenile delinquency is a knotty social problem that has enormous impact on individual, families, societies and communities. Evaluating Juvenile delinquency entails understanding the elements of danger that lead to the delinquent behavior in addition to critically analyzing and effectively preventing and reducing juvenile delinquency. One of the best techniques or apparatus for assessing juvenile delinquency is to study risk factors associated with the child. Risk factors include failure in school, family issues, poverty, simmering sex urges, early sex experiences, provocation from the bad influence such as gang member and motion pictures which implies a huge role in their delinquent behavior, substance abuse, gun possession, child abuse, anti-social parents, home discord, etc. Gauging also talks about the legal system and policies to address the juvenile delinquency. The Juvenile Justice (Care and protection of Children) Act, 2015, explains the complete legal framework dealing with juvenile who is in conflict with the law. Nevertheless, we still face complications in performing these laws efficaciously. Behavior delinquency is the roots of juvenile offending, behavior delinquency refers to a form of behavior that contravenes social norms, rules, law, including abundant activities such as aggression, substantial intake, theft and vandalism. Utmost reasons could be lack of awareness among law enforcement authorities and destitution of facilities for the rehabilitation and reintegration of juvenile offenders, due to this lack of responsibility, it can lead in escalating crime rate, loss of productivity and burden on the justice system. Eventually the study concludes that the generic approach involving civil societies, communities, organizations, government should be adopted in tackling the burning issue of juvenile delinquency. Furthermore, this critically analyses and emphasizes the need for a more nuanced and holistic approach of understanding and addressing the phenomenon of juvenile delinquency. Ultimately, in an alarming manner it critically evaluates elemental assumptions and biases in the dominant course on juvenile offending and contemporary challenges faced in prevalent narratives around youth crime and justice. As we confront the core challenge, juvenile delinquency can be reduced and promoted by keeping the well-being of juveniles. The following research paper elucidate the following topic in ample scope.

**Index Terms -** Juvenile, Delinquent behavior, Juvenile delinquency, Child abuse, Unseasoned youth, Parens Patriae, Correction home, anti-social, justice.

## 1. INTRODUCTION

“Children” as we all have heard from our ancestors, are known to be the incarnation of God. From the pre-independence era of India, we have seen abundant juvenile cases across the world. According to the records, the first juvenile case in which the culprit was hung up was in 1642, where a boy named Thomas Granger<sup>1</sup> had a bestiality with turkey and some of his goats. To punish him, the people decided to hang him up in the middle of their town. In 1786 the first juvenile girl recorded was a Native American named Hannah O Cuish.<sup>2</sup> She murdered a six years old white girl and consequently was hung up.

Kailash Satyarthi, who is well-known as a human activist and politician, revealed the statistics of *Nirbhaya funds* in an interview where our country has released 2264 crore but throughout the nation, only 252 crore was utilized for the funds. As on November 2019 the gross sanctioned funds to states and union territories from the corpus of 3600

<sup>1</sup> ZACK HAFFMAN, *THE TIME A PILGRIM WAS EXECUTED FOR HAVING SEX WITH A TURKEY*, VICE, (NOV. 24. 2015, 9:45 PM). <https://www.vice.com/en/article/7bdd74/the-time-a-pilgrim-got-the-death-penalty-for-having-sex-with-a-turkey>.

<sup>2</sup> Henry Channing, *God admonishing his people of their duty, as parents and masters. A sermon, preached at New-London, Dec 20, 1786. Occasioned by the execution of Hannah Ocuish, a mulatto girl*, EVENS EARLY AMERICAN IMPRINT COLLECTION, (Apr 29, 2023, 07:43 PM). <https://quod.lib.umich.edu/e/evans/N15389.0001.001?view=toc>.

crore was 2264 crore (that is, 63% of the corpus)<sup>3</sup>. Children are the victims of the environment and their surroundings. There is a famous quote of India's then Prime Minister – Jawaharlal Nehru, 'Children are like buds in a garden and should be carefully and lovingly nurtured, as they are the future of the nation and the citizens of tomorrow. Only through right education can an order of society be built up.....'.<sup>4</sup>

For the administration of juvenile justice, Rule 4 of the *United Nations of Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (UNSMRAJJ)*<sup>5</sup> reads as under: -

First para says, "we have to see the concept of the age of criminal responsibility for juvenile/child". Para 2 states "too minor age will not be considered as guilt in the case/court" and the third and last stanza says, "Also depends upon the mental, emotional, physical development of the juvenile". As we all know, after independence, we have chosen the United Kingdom Acts for the most, but have made changes according to our Democracy and in the same way, we have constituted Juvenile Justice from the United Kingdom which is the Children Act, 1908.

Present research paper is fragmented into eight sections. The immediate need of the hour is that the society must be vigilant about the protection of its children and the government including the state's Juvenile Justice Boards, Central Adoption Legal Authority (CARA)<sup>6</sup>, Children's Court, together have executed numerous Acts in the form of stringent laws in the society to combat heinous offences committed by and against children. The Government exclusively has streamlined the courts that deal with the speedy disposal of these cases henceforth spreading awareness and development of Juvenile Justice system.

## 2. HISTORY OF JUVENILE JUSTICE SYSTEM

The juvenile justice system concept started from the western nations. The first juvenile court in the history was established in the Chicago in 1899. Before this the juveniles and unseasoned youth were considered as the 'miniature adult' and were punished like adults. After establishing the juvenile court in Chicago, this revolution started in every country immediately to give a chance to the child and for reconstructing his behavior rather than executing or punishing the child for the offence he or she committed. Lately in 1944 the Supreme Court of United Nations of America introduced the concept of *parens patriae*, (it is a Latin term which means "parent of the nation" in reference of law) in the case of *Prince vs Massachusetts (1944)*<sup>7</sup>. *Parens patriae*, is a public policy which provides protection to an individual from abusive parent or guardian who doesn't care for the child, then the state will intervene with them and take care of the child. The first piece legislation for dealing with children in conflict with the law is Apprentices Act, 1850<sup>8</sup> passed by the LEGISLATIVE COUNCIL OF INDIA, which says that children who are in peer group in the age group of 10-18 years are convicted by the court will be provided by the vocational training and providing them a rehabilitation center and reformatory center. In 1860 the Indian penal code (IPC)<sup>9</sup>, Reformatory school in 1897 and in the following year 1898 the Criminal Procedure Code (Cr.P.C)<sup>10</sup> got constituted. The first statute of juveniles after the independence was the Children Act, 1960<sup>11</sup> and repealed in the year of 2004. For the first time in the country the Juvenile Justice Act got into legislation in the year 1989; however, the only drawback in the Act is that *Gender Equality was not given*. In proper words, *male who did not complete sixteen years came under Juvenile and female who did not complete eighteen years came under the Juvenile category*. Later, in 2000, the Act was amended, by including Gender Equality, which says both male and female who did not complete eighteen years were qualified to seek Juvenile Justice and the Act was named "Juvenile Justice (Care and Protection of Children) 2000"<sup>12</sup>. Later, in

<sup>3</sup> Kailash Satyarthi children's foundation, An analysis of utilisation of Nirbhaya funds by the state and UTS, SATYARTHI, 6/12/2019, page number 1, nirbhaya-fund.pdf (satyarthi.org.in).

<sup>4</sup> Zarafshan Shiraz, *Children's Day: Famous quotes by Jawaharlal Nehru to share as wishes, SMS, WhatsApp, messages, Facebook status*, HINDUSTAN TIMES, (Nov. 12, /2022, 03:06 PM), Point number 8, <https://www.hindustantimes.com/lifestyle/festivals/childrens-day-famous-quotes-by-jawaharlal-nehru-to-share-as-wishes-sms-whatsapp-messages-facebook-status-on-bal-diwas-101668243914636.html>.

<sup>5</sup> General Assembly Resolution No. A/RES/40/33 of Nov. 29, 1985, *United Nations Standard Minimum Rules For The Administration Of Juvenile Justice (The Beijing Rules)*, UNITED NATIONS, (Apr. 30, 2023, 12:07 PM), <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-administration-juvenile>.

<sup>6</sup> Central Adoption Legal Authority, [https://cara.nic.in/about/about\\_cara.html#:~:text=Central%20Adoption%20Resource%20Authority%20\(CARA,country%20and%20inter%20Dcountry%20adoptions.,\(May.19.2023,7:46PM\)](https://cara.nic.in/about/about_cara.html#:~:text=Central%20Adoption%20Resource%20Authority%20(CARA,country%20and%20inter%20Dcountry%20adoptions.,(May.19.2023,7:46PM)).

<sup>7</sup> 321U.S.158(1944).

<sup>8</sup> Apprentices Act, 1850. Act no. 1 of 1850.

<sup>9</sup> Indian Penal Code (IPC), 1860, Act no. 45 of 1860.

<sup>10</sup> The Code of Criminal Procedure, 1973, Act no. 2 of 1974.

<sup>11</sup> The Children Act, 1960. Act no. 60 of 1960.

<sup>12</sup> Juvenile Justice (Care and Protection of Children) 2000, Act no. 56 of 2000. With the Juvenile Justice (Care and Protection), 2007, National Charter for Children, 2003.



2015, the Act was again amended as “Juvenile Justice Care and Protection Act 2015<sup>13</sup>”. According to Section 15, the main motive of this Act is that the male whose age is in between 16-18 years and who has committed any heinous crime including rape, murder, dacoity *shall be considered as ‘adult’*.<sup>14</sup>

### 3. JUVENILE

Juvenile is a person who has not attained the age of 18 years<sup>15</sup>. The age criterion varies from region to region. The maximum age where the child gets trapped in the juvenile offending net starts from the age of 15-19 years. The term child protection is heard in many states and Non-Government Organizations (NGOs). The term child protection is totally about safeguarding children from or against or threat or threat to their life. It is about diminishing their peril in the society and ensuring that no child falls out of the social safety net. *While protection is the right of every child*, some children are still vulnerable and need special consideration even after having relevant legislations. The government comprehends these children as ‘*children in difficult circumstances*’ as they are ascertained to specific social, economic, geo-political conditions. It is our responsibility to ensure that all other children remain protected. Because in the end these children are the bright future of our nation.

### 4. DELINQUENT

The term ‘delinquent’ means, *when a person who deviates from his/her normal social life behavior*. In the next sections, juvenile delinquent, juvenile delinquency and categories of juvenile delinquency are analyzed. Thereafter a thorough research is made based on the data collected for statistically examining juvenile delinquents. The data collected from research says that 52%-57%<sup>16</sup> of juvenile offenders continue to commit the crime in their 20’s and 16%-19%<sup>17</sup> of juvenile delinquents continue to commit crime till their middle of 30’s.

#### 4.1 JUVENILE DELINQUENT

Juvenile delinquent is a minor who violated the legal criminal statute and comes under the juvenile delinquency. The proceeding against juvenile is very different from normal court proceedings, unlike the normal proceedings where a criminal statute offender is known as *criminal* in the court, the offender in juvenile justice system is known as the juvenile offender. The juvenile court is very different from the normal courts and the proceedings are done in an eco-friendly manner so that the minor does not get frightened.

If a minor has committed heinous crime, the justice system can charge minors as an adult. Juvenile delinquency is also known as juvenile offending. It’s an acute problem as juvenile offending cannot be puzzled out by legislation and government itself. India is still figuring out many States’ Children Acts that have not been effectively imposed. Resultantly it is found that in every 1,00,000 juvenile offenders, about 182 violent juveniles get arrested particularly in one lakh juvenile delinquents.<sup>18</sup> Some of the state acts still have flaws in them. Government, legislators as well as the private bureaus must tie-up together and work hand in hand with all the truthfulness to find the potent answer of juvenile delinquency. There are different approaches where the child goes into the path of juvenile delinquency, - namely- socio-environmental, psychological, physiological or personal, bad company, adolescent instability and impulses, early sex experiences, mental conflicts, motion pictures, school dissatisfaction, poor recreation, sudden impulses, physical condition, etc.

It is noteworthy that if the child starts committing crime from the age 12 then it is more likely to commit in adulthood also. Another point of concern is the average age where a child gets involved with the drugs starts from the age of 16-17 years of their age<sup>19</sup>. As specified by the National Bureau of Crime Records (NBCR) the crimes committed by juvenile delinquents in the year 2011 is 2.1%, 2.3% in 2012, 2.6% in 2013, 2.7% in 2014 and 2.5% in 2015. Here the statistics itself says that the crimes committed by the juveniles are gradually increasing. 2582 juveniles were taken

<sup>13</sup>Juvenile Justice Care and Protection Act 2015, Act no. 2 of 2016, as amended by The Juvenile Justice (Care and Protection of Children) Amendment of 2021 (23 of 2021) with The Juvenile Justice (Care and Protection of Children) 2000 (56 of 2000) repealed by the Juvenile Justice Care and Protection Act 2015 (2 of 2016), The Juvenile Justice (Care and Protection of Children), Model Rules 2016, National Charter of Children 2003.

<sup>14</sup> Malik’s, Law of juvenile justice in India covering The Adoption Regulations, 2017, The Juvenile Justice (Care and Protection of Children) Act, 2015 with the juvenile Justice (care and protection of Children) Model Rules, 2016, point 5 at p. no 80.

<sup>15</sup> *Supra note* 12 section 2(35).

<sup>16</sup> *Supra note* 13 at p.no 12 at point no. 9(3).

<sup>17</sup> *Supra note* 13 at p.no 12, point 9(4).

<sup>18</sup> *Supra note* 13 at p.no 12, point no 9(7).

<sup>19</sup> *Supra note* 13 at p.no 13, para 1.

into custody in the year of 2015 only for the serious crimes (such as commission of rape, murder, homicide, culpable homicide)<sup>20</sup>. The act of delinquency also includes running away from house, perpetual behavior beyond the control of parents, visiting gambling centers, committing sexual offences, shop-lifting, stealing and etc. There are mainly two types of juvenile delinquents:

1. **LIFE-COURSE PERSISTENT OFFENDERS**- These offenders are also known as *repeated offenders*. They start being offending or being *anti-social* during their adolescence. Repeated offenders continue to commit crime or having the aggressive behavior in their adulthood.

2. **AGE-SPECIFIC OFFENDERS**- This genre of offenders start committing offences during their puberty. These kinds of offenders leave their delinquent behavior behind when they enter into their adulthood, they have an adventurous behavior to do something exciting and in this process they commit offences and end up in juvenile custody. The state police authorities keep juveniles in their custody in the observation home till their hearing date in the court.

## 4.2 CATEGORIES OF JUVENILE DELINQUENCY

There are three categories of juvenile delinquency:

- a. *Delinquency, crime violated by minors, which is eventually dealt by the Juvenile Courts and juvenile systems,*
- b. *Criminal behavior, crimes dealt with the criminal justice system and*
- c. *Statute offences are the offences that are classified as such only because one is a minor. Like skipping their school without any reason.*

## 4.3 CONCERNS TO BE LOOK INTO BEFORE DEALING WITH THE JUVENILE OFFENDERS

Legal system in India lays down certain approaches to deal with the juvenile offenders, such as juvenile detention centers, observation homes, Courts, etc. The method followed in the juvenile justice system is just different from statute followed for adult offenders, there is a huge disparity. Juvenile delinquents come into juvenile custody in numerous ways, some of them are caught after committing crime, and some of them are referred to police by their parents or school authorities. The following points are taken into consideration when the case goes to juvenile court:

- a. Misdemeanor committed.
- b. Juvenile age.
- c. Juvenile's previous record.
- d. Offender's social history/education.
- e. The capability of parents to control over offender's behavior.

After hearing of the court, the judges give the verdict whether to restrain or release the juvenile.

## 5. LEGAL RETALIATION ON CHILD SEXUAL ABUSE

Before 2012, crimes taken as offence were sexual offences, the only cases which were registered were rape section 376 (sexual intercourse without consent), section 354 (whoever assaults or makes the use of criminal force on any women with intention to outrage her modesty or knowing it to be likely outraging her modesty) and soul less inhumane acts are specified in section 377 of Indian Penal Code, 1860 (IPC).<sup>21</sup> Other than these the other forms of non-penetrative acts were not clearly expressed as crime and due to this insensible remark, most of the crimes went unrecorded. In 2012, in the case of *State vs Pankaj Chaudhary*<sup>22</sup>, the prosecutrix girl was about 5-6 years, the respondent an adult and the offence was committed on October 21, 2009 at about 6 PM. Prosecutor's family filed a case against Pankaj on the basis of sections 376/377 and 506 of IPC. The prosecution was unsuccessful in proving the sections but they succeeded in proving that there was an attempt to incarnal intercourse on the child by striking his private part against the private parts of the girl. The court held the accused guilty for sections 376/377 read along with 511 of IPC. This case disturbed the society to such an extent that it gathered all the attention of media and public and the following year 2012, the Government enacted a special legislation '*The Protection of Children from Sexual Offences (POCSO) 2012*' (POCSO)<sup>23</sup>.

<sup>20</sup> *Supra* note 13 at p.no 13, para 2.

<sup>21</sup> *Supra* note at 8.

<sup>22</sup> CRL.A.813 of 2011, 993 of 2009.

<sup>23</sup> The Protection of Children from Sexual Offences Act, 2012. Act no. 32 of 2012 *as amended* by The Criminal Law (Amendment) Act, 2013 (13 of 2013) with retrospective effect from 3-2-2013) *alongwith* The Protection of Children from Sexual Offences Rules, 2012 with *Notes on Clauses*.

POCSO was specifically legislated for the sexual offences (which includes every sexual assault, sexual harassment, pornography involving children) against the children under the age of 18. POCSO barely uses the term ‘rape’ and does not use penetrative sex for penile penetration, instead the legislators chose a broader terms, ‘Penetrative Sexual Assault’- defined it under section 3<sup>24</sup>, ‘Aggravated penetrative sexual assault’ and ‘Aggravated sexual assault’ (under sections 5 and 9 respectively)<sup>25</sup>, also the clauses of the both the sections 5 and 9 are way broader and wide with the covering of the maximum plots of crime which could happen in the society and the Act also constitutes death penalty against the crime of child sex abuse<sup>26</sup>.

## 6. FACTORS AFFECTING JUVENILE DELINQUENCY

### FAMILY FACTORS

It is mostly seen that the child has committed offence for family or because of family factors. But most of the factors are single-parent families, frequent parent conflicts, poor parenting skills, home discord, child maltreatment, lack of trust and confidence in parents, psychological problems in parents and one of the major problems or major reason can be sibling strife due to unequal treatment between children which the child cannot take and gets an image according to the situations.

### INDIVIDUAL FACTORS

Poor educational quality, grudge, socio-economic factors, bad environment etc. The most common three factors for a child to become a delinquent are, a) lack of education b) fault in child fostering c) provocation. Psychological problems like rejection and low self-esteem also matter a lot. A parent must explain the rejection as it’s not the end and we have a long life and can get better options in life.

#### Lack of education:

Bad habits or bad influence is one of the prime reasons which lead to lack of responsibility in juveniles as they do not get proper education and some school students get involved in the illegal drugs like marijuana/ganja, charas and etc.<sup>27</sup>

**“DRUG SUPPLY IN SCHOOLS, LETS OPEN OUR EYES TO PROTECT OUR CHILDREN”**- This is just because of the lack of education from schools and parents. Drug peddlers or the drug mafia use children to smuggle and sell the drugs in schools and colleges. Most importantly, the drug mafia targets the school and college children to get increments.

#### Fault in child fostering:

Parents who are involved in smuggling and use drugs, involve their child/children in smuggling and harass them, thereby impacting child’s mind. Child’s mind is like a blank paper and as we picturize things, their mind develops according to the picturization+ they get. It is totally not acceptable to foster children in such an environment because our children are the ones who are going to reckon the nation in upcoming years. Parents need to care about and give attention to their children. There are numerous points that researcher wants to discuss about fault in the upbringing of the child.

### ABUSE FACTORS

Child abuse is one of the most exert influencing factor, where an individual can engage in many crimes which have a very big hand in ruining child’s mental health and future. According to the National Crime Records Bureau (NCRB) data, in 2018, crime against children were 1,41,764.<sup>28</sup> Every day about one-hundred and nine children get sexually abused in our country. The registered cases in 2019 were 1,48,090 and 1,28,531 in 2020, this shows the rate of child abuse dropped over 13.2%.<sup>29</sup> In the terms of percentage, *the most committing crimes on children are kidnapping and*

<sup>24</sup> R.P. KATARIA COMMENTARY ON The Protection of Children from Sexual Offences Act, 2012. *Cruelty against Children*, Along with Rules, Model Forms, Allied Laws & International Conventions, Declarations, Resolutions and Guidelines, etc.

<sup>25</sup> *Id.*

<sup>26</sup> Bureau, *POSO act amended: death penalty for child sex abuse*, THE HINDU BUSINESS LINE, (May. 01, 2023, 04:09 PM), <https://www.thehindubusinessline.com/news/pocso-act-amended-death-penalty-for-child-sex-abuse/article28363265.ece>

<sup>27</sup> Ambika pandit, *study: Over 10% of class 8-12 students have used drugs*, THE TIMES OF INDIA, (May, 01, 2023, 04:16 PM), [https://timesofindia.indiatimes.com/india/study-over-10-of-class-8-12-students-have-used-drugs/articleshow/83885335.cms#:~:text=While%20overall%20substance%20use%20was,%25%20and%20inhalants%20\(1.9%25\).](https://timesofindia.indiatimes.com/india/study-over-10-of-class-8-12-students-have-used-drugs/articleshow/83885335.cms#:~:text=While%20overall%20substance%20use%20was,%25%20and%20inhalants%20(1.9%25).)

<sup>28</sup> Press trust of India, “109 children sexually abused in India in 2018”, Hindustan Times, (May, 01, 2023, 04:17 PM), <https://www.hindustantimes.com/india-news/109-children-sexually-abused-every-day-in-india-in-2018/story-EpMiQ2dtBq3DWuT9WYjFAP.html>.

<sup>29</sup> *Id.*



abductions which is 42.6% and rape committed on children is 38.8%.<sup>30</sup> As per 2020 census, two of every three children were physically abused. On an average, almost 69% of children are abused in which 54.6% of abused victims are boys. Almost half of the population of children in our country are being abused physically in different forms; 50.23% of children work for *seven days* for living.<sup>31</sup> In the beginning of the childhood itself such children take responsibility of the family and think it to be life. They never think that their childhood is the future of the nation as there is no one to teach them, but the Indian government has started to bring the awareness in the parents and deputed some organisations for schools to educate the children. More importantly, it is mostly the child maltreatment for getting an individual into many crimes.

Now the researcher talks about the sexual abuse. When it comes to sexual abuse, not only girls but also boys are abused sexually. In 204 cases out of about 21,605 rapes committed on minors, boys were victimised<sup>32</sup>. Child rapes were frequently reported in the states of Tamil Nadu, Maharashtra and Uttar Pradesh, as per the records of 2018.<sup>33</sup> According to National Commission for Protection of Child Rights (NCPCR 2020) *3 children are raped every hour, 5 children are sexually assaulted, 13,244 cases of child rapes, gang rape and pornography have been reported in just seven months during the COVID-19 pandemic*<sup>34</sup>. As per NCRB, there are 47,221 cases registered under the POCSO in 2020, but by the end of 2021, *the pending cases were 1,70,271, and the pendency rate was 88.8%. It is reported that however, if no new case(s) is/are added after 2019, it will take approximately 8.2 years to dispose of the current POCSO cases in the court.*<sup>35</sup> According to 2007 census, 53.22% of children reported that they faced one or more forms of sexual abuse<sup>36</sup>. States like Andhra Pradesh, Bihar, Delhi and Assam have a greater number of cases and in majority of the cases the most common fact is that ‘abuse’ is done by persons known to children or under faith and trust of child<sup>37</sup>.

### Psychological factor

Some children are born with mental-illness, while others develop it later. An example of mental-illness case of child is of a world’s youngest serial-killer named Amarjeet Sada<sup>38</sup> from Bihar. At the age of 8, he killed children between the age group of 3 months-7 years. Surprisingly, the first two murders were of his own family members; first was his cousin who was seven years old and second was his own sister who was 8 months old. He also killed a six months’ old baby girl in neighbor’s house. Amarjeet Sada’s parents tried to cover-up the story, so, the police took them also into the custody and were later taken to a psychiatrist. Doctor’s report said that he was mentally-ill and gets pleasure seeing others in pain and was then figured as the world’s youngest serial-killer. Provocation factor is crucial in determining the mental state. To maintain the psychological health of a child in juvenile home is important and this reason was constitutionalized in the renowned case of, *Sheela Barse & Ors v/s U.O.I & Ors*<sup>39</sup>. The district and session court judges were directed to pay regular visits to the observation homes and state legal aid authorities should produce at least two lawyers a week to provide legal assistance to children.

## 7. CONCLUSION

The researcher asserts in this study that it is crucial to assess juvenile delinquency in India in order to comprehend the complexity of the issue and devise efficient strategies to prevent and address it. This calls for the implementation of a comprehensive approach involving diverse techniques and methodologies that delve into the root causes of juvenile delinquency, strengthen the legal framework, advocate for the establishment of rehabilitation centers and the successful reintegration of juvenile offenders. Considering the present situation, the researchers convey that the crimes

<sup>30</sup> Ambika pandit, *At 1.5L cases, 16.2% rise in crimes against kids: Report*, TIMES OF INDIA, (May. 17. 2023, 12:42 pm), <https://timesofindia.indiatimes.com/india/at-1-5l-cases-16-2-rise-in-crimes-against-kids-report/articleshow/93864978.cms>.

<sup>31</sup> *Id.*

<sup>32</sup> *Supra* note 28.

<sup>33</sup> *Supra* note 26.

<sup>34</sup> Editorial, *child sexual abuse: facts and figures*, JUSTICE FOR EVERY CHILD, (May, 01, 2023, 04:24 PM), <https://special.ndtv.com/justice-for-every-child-87/key-statistics>

<sup>35</sup> Esha Roy, *NCRB data| crime against kids: a third still under POCSO*, THE INDIAN EXPRESS, (May. 01, 2023, 04:24 PM), <https://indianexpress.com/article/india/crime-against-kids-a-third-still-under-pocso-8119689/>

<sup>36</sup> Time news network, ‘*Child abuse*’, TIMES OF INDIA, (May. 05. 2023, 09:08 AM), <https://timesofindia.indiatimes.com/india/over-53-children-face-sexual-abuse-survey/articleshow/1881344.cms>.

<sup>37</sup> *Id.*

<sup>38</sup> Imogen Braddick, Kieran Davies, *Taste for blood ‘world’s youngest serial killer’ Amarjeet Sada?*, THE SUN, (May. 01, 2023, 04:18 PM), <https://www.thesun.co.uk/news/13036106/amarjeet-sada-worlds-youngest-serial-killer/>.

<sup>39</sup> 1986 SCC (3) 596.

committed by juveniles are rising swiftly every year<sup>40</sup>. It is also seen in many cases wherein juvenile commits a serious offence which is not considered as heinous under the statute, the offender is sent to the observation or rehabilitation center. Factors to be considered before dealing with the juvenile, makes the legal authority to send juveniles to observation home rather than giving punishment. After the codification of POCSO Act, 2012, the crimes committed are now recorded and immediate action is taken. Illicit drugs have permeated school environments<sup>41</sup>, are posing a readily accessible temptation to adolescents, are akin to the accessibility of a common chocolate treat. During the pandemic period, there has been a disturbing surge in cases of child rapes which has reached unprecedented levels, accompanied by a significant increase in the consumption of pornography<sup>42</sup>.

The government and the judicial system have taken considerable progress to protect children through stringent laws, specialized courts, and awareness campaigns. The Supreme Court has played a prominent role in elucidating and shaping laws concerning juvenile justice, child rights and speedy trials in order to achieve rectitude. Instead of punitive measures, most of the focus should be on reforming juvenile delinquents to reduce crime rates. The government has implemented programs, research-backed educational practices, and awareness schemes to address delinquency issues, aiming to make a positive impact on society in the long run.

## 8. SUGGESTIONS

The researcher after studying and understanding the challenges encountered with juvenile delinquency suggests that the students should be taught from the beginning of schooling and also a subject namely 'manners and behavior', should be included in their schooling. This will be beneficial for the child in gaining the knowledge since the inception about right, wrong and just, unjust, similar to the Japanese education, where behavior and moral duty is taught to the child. Schemes and programs should also be introduced such as- prevention of bullying programmes, mentoring schemes, school organisations, comprehensive community interventions and introduce innovative agendas with understanding of the child psychology for aiding and attracting the juveniles in performing their roles in the program. The school authorities should check their premises so that the students get used to healthy lifestyle. The society should be very particular and consummate in treating a juvenile delinquent. Some of the crucial methods<sup>43</sup> are:

- (1) Psychotherapy: It includes treatment of emotions and personality problems via, psychological means.
- (2) Reality therapy: This would help the juvenile delinquent in acting responsibly by understanding and analysing the views of people.
- (3) Behavior therapy: It means learning new behavior by the delinquent through the development of old behavior.
- (4) Activity therapy: Calling a group of six to eight children to a place and explaining them through the medium of an activity or a game.
- (5) Milieu therapy: It attempts in producing an environment that will facilitate meaningful change and satisfactory adjustments of a juvenile delinquent. These procedures are followed by correction homes. They are to be strictly followed and not to be disregarded by any juvenile in the correction home.

Conscience awareness should be imbibed in juveniles that is segregation between moral and immoral through cognitive activities. It is essential to comprehend the frame work of a juvenile delinquent by substantially reasoning out criminology. Mentoring a delinquent for correct and conventional channelizing of aggression towards productive and positive means and action by identifying his or her sore points and increasing self-awareness is another way. Categorically examining a delinquent's frame of mind towards judgements, perceptions, problems solving abilities uses both critical and creative thinking.

<sup>40</sup> 2020, TABLE 5A.4, NCRB, p.no 1, 2020,

[https://ncrb.gov.in/sites/default/files/crime\\_in\\_india\\_table\\_additional\\_table\\_chapter\\_reports/TABLE%205A.4A.pdf](https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/TABLE%205A.4A.pdf).

<sup>41</sup> *Supra* note at 26.

<sup>42</sup> Shariq Majeed, *Post Covid, pandemic of porn stars among teens*. THE TIMES OF INDIA, (May. 19. 2023, 03:55 PM),

<https://timesofindia.indiatimes.com/city/ludhiana/post-covid-pandemic-of-porn-stars-among-teens/articleshow/92068924.cms>

<sup>43</sup> Rohit Bura, *What the methods of treating of delinquents ?*, PRESERVE ARTICLES, (May, 01, 2023, 04:18 PM)

[https://www.preservearticles.com/education/what-are-the-methods-of-treating-](https://www.preservearticles.com/education/what-are-the-methods-of-treating-delinquents/28861#:~:text=Many%20approaches%20and%20methods%20can,and%20(5)%20milieu%20therapy.)

[delinquents/28861#:~:text=Many%20approaches%20and%20methods%20can,and%20\(5\)%20milieu%20therapy.](https://www.preservearticles.com/education/what-are-the-methods-of-treating-delinquents/28861#:~:text=Many%20approaches%20and%20methods%20can,and%20(5)%20milieu%20therapy.)