
JUVENILE JUSTICE: DETERMINING JUVENILITY AND CAUSES BEHIND JUVENILE DELINQUENCY

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ABSTRACT

The Latin proverb "Nil Novi Spectrum," which means "Nothing New on Earth," is the one that best describes India's juvenile justice system. Due to a school of thinking that holds that young people typically have a history of responding in a significant and lengthy dissatisfaction that is followed by violent methods, there has long been a notion that juveniles must be treated leniently around the world. Additionally, it has been noted that there has been a considerable rise in the number of crimes committed by children between the ages of 15 and 16. Early life circumstances, dominant patriarchy, environment, economic chaos, and illiteracy are the overall propensity or mentality behind the commission of the crime or the reasons for it. The exploitation of children between the ages of 6 and 10 as tools for committing illegal or illicit acts in modern society is a source of shame. Kids can be enticed cheaply because their thoughts have an innocent and naive quality that makes them easy to manipulate. This research paper aims at spreading awareness about the concept of Juvenile Justice and reflecting on the causes of such matters.

Keywords: Juvenile delinquency; Juvenile; Children; Justice.

Introduction

Children represent the future and those who represent the future, are essential to any civilization's development. However, juvenile offenders have existed since the dawn of civilization, and throughout history, it has been determined to address the root of the problem rather than just the outward manifestation. This is why juvenile welfare laws have been implemented in India. Additionally, India is the country where 19% of the world's children live and has nearly 440 billion children under the age of 18. Addressing the issue of juvenile justice is very critical since it has been increasing in the present generation.

General definitions of delinquency include failure to perform one's obligations, being remiss, and engaging in careless behaviour. Generally speaking, it is seen as any infraction of the law, minor infraction of the law, misconduct, or misbehaviour, particularly when it is perpetrated by young people. These youngsters are none other than those little youngsters who, as a result of a variety of circumstances, become engaged in committing crimes at an early age. Juvenile delinquents are those who have engaged in the delinquent activity and have been subjected to punishments that, in some situations, were equivalent to those imposed on grownups¹.

Meaning of juvenility and juvenile delinquency

The Latin term "Juvenis," which signifies "Young," is where the word "juvenile" first appeared. An individual who has not reached the legal minimum age is referred to as a juvenile or child². Youth are a valuable national asset. They stand in for the whole country and its future. However, the fact that adolescent offences now account for a larger portion of all reported crimes in India over the past few years' facts that adolescent offences now account for a larger portion of all reported crimes in India over the past few years raises significant concerns. Juvenile crime often referred to as juvenile delinquency, refers to a minor's involvement in criminal activity. The most important juvenile justice system in civilization arose to deal with this engagement or assistance of youngsters in criminal activity.

In addition to including children who are in dispute with the law, juvenile justice is a judicial system that seeks to safeguard all youngsters. In emerging economies, many variables contribute to delinquency. Things that exist today were not present thirty to forty years ago, as

¹Mishra, S., Singh, M., (2021). Determination Of Juvenile's Age: In Reference to Legality Of Documents And Its Relevancy. *International Journal of Creative Research Thoughts (IJCRT)*, 9(8), pp. 1-10.

² Singh, V., (2022). Role of Juvenile Justice System in India. *Journal of legal subjects (JLS)*, 2(5), pp. 2-4.

is well known because society is evolving extremely quickly. The manner society adapts to new cultures, beliefs, and ideologies is solely a result of technical improvements³.

Delinquency is an undesirable behaviour exhibited by a young person that is socially unacceptable. A problem known as "a kid behaving like an adult" is known as juvenile delinquency. Although the child's behaviour may appear to be very ridiculous, it is truly a major worry. Delinquency is supposedly only taken into account when a child's behaviour is damaging. In his book "Law of Juvenile Delinquency," Frederick B. Sussmann provided a list of behaviours that constituted delinquency, including "violation of any statute or regulation, regular disappearance, collaboration with criminals, violent or unethical characters, and conduct beyond the control of parent or guardian.

Provisions under Indian statutes regarding Juvenile Justice laws in India

Constitutional Provisions⁴

Since the state gives them a specific duty of care and protection, the Indian Constitution includes various rights about their liberty, growth, maintenance, non-discrimination, educational rights, etc. A thorough legal framework also supports it. According to Article 15(3), the state may enact unique legislation for women and children. The Indian Constitution's newly added Article 39(f) mandates that children be safeguarded from abuse and desertion on both a moral and material level, as well as provided with the resources and chances necessary for healthy development in an environment of dignity and autonomy. The State is required by Article 47 to elevate the living standard and nourishment to enhance public health.

Indian Penal Code and Code of Criminal Procedure (CrPc) Provisions

Various measures for child protection are included in the Indian Penal Code. Nothing committed by a child below the age of seven is considered an offence, according to Section 82 of the Indian Penal Code. No child under the age of seven can be charged with a crime since, according to the assumption of law, a child under seven cannot be given any discretion. Section 83 defines a child's act as having an immature comprehension if they are over seven but under twelve. When a youngster between the ages of 7 and 12 is the defendant, the ability to commit

³ Raj, S. (2021, March 17). JUVENILE DELINQUENCY – A RISING CONCERN. *KNOW LAW*. <https://knowlaw.in/index.php/2021/03/17/juvenile-delinquency-a-rising-concern/>.

⁴ Khanuja, A. (2018, April 24). An Analytical Study of the Juvenile Justice System in India. *Ipleaders*. <https://blog.ipleaders.in/juvenile-justice-system-india/>

an offence doesn't exist until the child has developed the cognitive maturity to comprehend the nature and repercussions of his actions.

According to Section 27 of the Criminal Procedure Code, anyone who is younger than the age of 16 on the day they show up for court is not subject to the death penalty or life imprisonment. If the court hearings outcome in a guilty verdict, the court cases will be submitted to the High Court with the details of the case and the High Court will transfer the order as it sees fit, by Section 318 of the CrPc, in which the accused does not comprehend the proceedings (though not of unsoundness of mind). If the court hearings take place in a court in addition to the High Court.

Causes behind juvenile delinquency

Individual factors

Various things in a person could contribute to his criminal activity. A kid is more likely to engage in delinquent behaviour if they are less intelligent and have not obtained the required schooling. Impulsive behaviour, unrestrained hostility, and an unwillingness to delay gratification are possible additional reasons. Individual considerations also include elements related to mental health. An individual's behaviour in society is greatly influenced by his or her mental health. Therefore, these elements may encourage a young person to engage in dangerous, destructive, or unlawful actions⁵.

Family Factors

Family factors may include unresolved disputes within the family, exploitation and neglect, or a lack of adequate parental guidance. Children may absorb a lack of adherence to the law and national social norms from their parents. Furthermore, it appears that young individuals who participate in inappropriate behaviour are also those kids who show the poorest family relationships.

Substance abuse factors

Most incidents of juvenile delinquency involve substance misuse. Today's youth use more potent substances than teenagers did ten years ago. These children also start using drugs at a

⁵ Khan, A. (2018, September 12). Challenges to Juvenile Justice Laws in India. *Ipleaders*. <https://blog.ipleaders.in/juvenile-justice-2/>

younger age. These teenagers engage in criminal activity as a result of using these substances, whether they are legal or unlawful. Child is also more likely to participate in disruptive, hazardous, and criminal actions while they are high on alcohol or other substances.

Adolescence Instability

Among the key elements in the conduct of an adolescent is their biological, mental, and sociological makeup. Teenagers in this period are more aware of their happiness, food, sports, and other activities as well as their features and fashions. They also crave independence and freedom at this stage, but occasionally, their families, teachers, and seniors provide them with opportunities that encourage anti-social behaviour in them. So, deviant behaviour, hormonal changes, and psychological reasons are a few of the factors that contribute to adolescent delinquency⁶.

The breakdown of the family structure

The biggest contributors to rising juvenile delinquency rates are the breakdown of the family dynamic and insufficient parental supervision. The main causes of adolescent delinquency are typically parental relationship breakdown, inadequate parental supervision, and lack of care and respect.

Financial situation and Poverty

Deprivation and the poor state of the economy are also thought to be significant contributing factors to the rise in juvenile crimes. In these situations, parents or guardians fail to meet their kid's basic needs while also expecting them to use any means necessary to fulfil their desires. Once these expectations are satisfied, children then turn to steal from homes or other parents to fund their activities.

Migration- Migration of deserted and destitute juvenile boys to slum areas brings them in contact with some anti-social elements of society that carries some illegal activities like prostitution, smuggling of drugs or narcotics etc. These sorts of activities attract the juvenile a lot and they may involve themselves in such activities.

⁶ Mallick, S., Pattanayak, S., Jena, R., Gupta S., (2022). A CRIMINOLOGICAL LEGAL STUDY ON JUVENILE DELINQUENCY. *The Law Brigade Journal*, 7, pp. 10-22.

Sexual Indulgence: Youngsters that have been subjected to undesired physical violence, including sexual misconduct, in infancy may exhibit repulsiveness in both their conduct and thought processes. They may start living on the streets more frequently or desire to try out sex at this age. The males may become involved in crimes such as abduction, rape, etc. if there is too much sexual variation⁷.

Changing Lifestyle: Children and teenagers find it extremely challenging to adapt to new methods of lifestyle due to the societies and the contemporary way of living that are changing so quickly. The inability to distinguish between good and bad is an issue they face as a result of cultural conflicts.

Conclusion

Teenage criminality is a very worrying topic that requires attention due to the rising rates in the country. Even though the government has put in place numerous laws and regulations to reduce the number of juvenile crimes, the current juvenile legislation does not have a deterrent effect on juvenile offenders, which makes the results ineffective and the legislative aim ineffective. Due to its youth and ease of reformation while under close supervision, the youngster who has committed an offence must be handled carefully. Being protected from notions of wrongdoing or crime is necessary since imagination is particularly vulnerable to manipulation and is therefore required to prevent crimes. Juvenile offenders should be given a second chance to repent of their sinful behaviour and return to the road of becoming law-abiding citizens under the corrective philosophy of punishment, which is to be used in these situations. Public education initiatives should be conducted by several NGOs with the help of parents, legal guardians, educators, and other organisations that work with kids. The generation that is saved and the number of criminal offences that are prevented thanks to a transformed child.

Recommendations

For these kids, prevention is essential. It is vitally important to first identify these youngsters and then give them the necessary care. If their criminal behaviour is not promptly curtailed, these youths develop into habitual offenders. Additionally, it is undeniably true that helping children and their parents from the start is the best way to avoid juvenile criminality. Early intervention programmes run by the state enable multiple groups to approach this issue in

⁷ Singh, V., Goyat, R., (2020). Juvenile Delinquency: Nature, Causes and Prevention. *International journal of Professional Development*, 9(2), pp. 1-6.

various ways. Numerous lawyers and criminologists have suggested different laws to stop adolescent misbehaviour. The rules that are particularly beneficial to the well-being, growth and development of young people have been listed here.

- **Individual Programs:** These programmes include counselling, psychoanalysis, and appropriate instruction to avoid delinquency.
- **Environmental Programs:** These entail the use of strategies to alter the living standards that are prone to encourage delinquency.

Delinquency means to stop young people from engaging in illegal or other negative behaviour, prevention is the general phrase for such attempts. Several administrations are beginning to realise how crucial it is to devote funds to delinquency avoidance. Addiction teaching, therapy, supportive psychotherapy, youth mentorship, parental training, academic services, and adolescent shelters are a few examples of the services offered in the area of prevention.