

# The Law Communicants Journal (TLCJ)

*An International Journal for Multidisciplinary Research*

VOL.1 ISSUE 1



## About the Author

Name: **Eshti Kapoor**

Paper Title: **Juvenile Delinquency: Criminal Justice System and Youth Development Programme**

Publication ID: **TLCJW5N7EMXD**

Name of the Institution: **Vivekananda Institute of Professional Studies**



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## **Juvenile Delinquency: Criminal Justice System and Youth Development Programme**

### **Introduction**

In India, juvenile crime is a grim reality. A juvenile is a youngster who has not reached the age at which he can be held accountable for his criminal activities in the same way that an adult can. They are involved in a variety of criminal situations, ranging from theft to murder, smuggling, and sexual offences. Humans under the age of 18 are considered juveniles.

Responsible individuals with the ability to express and resolve problems while working together for civic betterment are critical to our world's future. The purpose of the Juvenile Justice Act is to protect, treat, and rehabilitate juveniles who have committed a crime as a result of external influences. They are transported to juvenile homes, where they get a variety of services such as health, education, and vocational training in order to help them live a healthy life once their punishment years are through.

### **Meaning and Definition**

Juvenile refers to youngsters who have not yet achieved adulthood in the sense that they are still immature or juvenile. Delinquency is a peculiar condition. The term "delinquency" refers to an individual's behaviour that deviates from the norms of social life. As a result, juvenile delinquency is defined as a person under the age of 18 who breaks the law.

## **Juvenile Justice and the Constitution of India**

The Indian Constitution is regarded as the country's fundamental law. Citizens' rights and responsibilities are outlined in the Constitution. It also includes provisions for the proper operation of government machinery.

Part III of the Constitution establishes Fundamental Rights for citizens, while Part IV establishes Directive Principles of State Policies (DPSP), which serve as general principles in the formulation of government policies. Some basic rights and provisions, particularly for the welfare of children, are enshrined in the Constitution are-

- All children aged 6 to 14 have the right to a free and compulsory primary education.<sup>1</sup>
- Right to be protected from hazardous employment under the age of fourteen.<sup>2</sup>
- The right to be safeguarded from adult abuse in whatever form.<sup>3</sup>
- The right to be free from human trafficking and the system of forced bonded labour.<sup>4</sup>
- The right to a healthy diet and a comfortable living environment.<sup>5</sup>
- It grants the state with unique powers to make special legislation for the benefit and upliftment of children and women.<sup>6</sup>

As a result, when crafting the Juvenile Act of 2015, lawmakers considered all of the Constitution's necessary provisions to ensure that children's rights are safeguarded in every way possible. For the same reason, Chapter IV of the Act establishes provisions for the welfare of juveniles, with a focus on the Reformation and Rehabilitation of Juveniles in all circumstances.

### **Criminal Justice System<sup>7</sup>**

In the Indian legal system, juvenile justice is defined as a legal framework that specifies justice for juveniles. Juvenile delinquency is given preferential attention and protection by the system. The accused's age is considered one of the most essential factors in determining his or her maturity level. The rising crime rate raises the question of whether or not a child may be tried as an adult? The statute itself answers the question, stating that no juvenile offender who falls

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<sup>1</sup> Article 21 A of the Indian Constitution Act 1872

<sup>2</sup> Article 24 of the Indian Constitution Act 1872

<sup>3</sup> Article 39(e) of the Indian Constitution Act 1872

<sup>4</sup> Article 39 of the Indian Constitution Act 1872

<sup>5</sup> Article 47 of the Indian Constitution Act 1872

<sup>6</sup> Article 15(3) of the Indian Constitution Act 1872

<sup>7</sup> An Analytical Study of the Juvenile Justice System in India, Anmol Singh Khanuja, Purti Vyas (<https://blog.ipleaders.in/juvenile-justice-system-india/>)

under the criteria of "child in conflict with the law" as specified by the act will be prosecuted defined under<sup>8</sup> shall not be tried as an adult and shall be sent to a Child Care Center or any other Rehabilitation Center (till the offender attains the age of 21 years and then he or she may be shifted to jail or prison).

As a result, the current Juvenile Law in India prioritizes age determination in determining whether an offender fits under the jurisdiction of the Juvenile Justice Act.

According to the Act, the maximum sentence for juvenile offenders is three years, and this sentence is applicable to both serious and minor offences. In the instance of an adult perpetrator, the highest penalty that can be imposed is 7 years in jail, life in prison, or the death sentence. However, the Act, in the case of juvenile offenders, places a strong emphasis on juvenile reform.

The Act allows for the following types of reformation punishment-

- Sending juveniles to Rehabilitation Centers,
- Juvenile Schools, or
- Requiring them to participate in various government or non-governmental programmes.

### **Difference between Juvenile and Children<sup>9</sup>**

A minor is a person who is under the age of full legal obligation and responsibility, or who is under the legal age of eighteen years. A child accused of a crime is not tried as an adult and is instead transferred to the Child Care Centre, whereas a juvenile is someone aged sixteen to eighteen. A juvenile offender is a minor who has been charged with a crime and is tried as an adult in court.

Both terms have the same meaning in general, but the distinction is in the context of legal ramifications. A minor denotes a child or a teen, whereas a juvenile denotes an immature individual or a young criminal.

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<sup>8</sup> Section 2 sub-section 13 of the Juvenile Justice (Care and Protection of Children) Act, 2015

<sup>9</sup> Juvenile Delinquency in India, Kunjana Mittal, Maharishi Markendeshwer Deemed to be University Mullana ([https://www.researchgate.net/publication/342734513\\_JUVENILE\\_DELINQUENCY\\_IN\\_INDIA](https://www.researchgate.net/publication/342734513_JUVENILE_DELINQUENCY_IN_INDIA) )

## **Causes of Juvenile Delinquency<sup>10</sup>**

No one is born with the potential to be a criminal. Circumstances have shaped him into who he is. The socio-cultural environment, both within and outside of one's household, has a big influence on one's life and general personality. According to Healy and Bronner, the following factors contribute to adolescent delinquency:

- Bad Company
- Adolescent Instability and Impulses
- Early sex experience
- Mental conflicts
- Extreme social suggestibility
- Street Life
- Physical conditions of all sorts

However, in India, it is poverty and the impact of the media, particularly social media that encourages youths to engage in illegal activity. Poverty is one of the leading causes of a child's involvement in criminal activity. Also, the current function of social media, has left more harmful than positive imprints on the psyches of young people.

There are two key elements that contribute to juvenile delinquency:

- Social Influences
- Personality Traits

### **Social Influences-**

- Broken Homes
- Poverty
- Companion and Gangs
- Beggary

### **Personality Traits-**

- Mental Deficiency in Delinquency
- Emotional Problems of the Individual

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<sup>10</sup> Juvenile Delinquency in India, Kunjana Mittal, Maharishi Markendeshwer Deemed to be University Mullana ( [https://www.researchgate.net/publication/342734513\\_JUVENILE\\_DELINQUENCY\\_IN\\_INDIA](https://www.researchgate.net/publication/342734513_JUVENILE_DELINQUENCY_IN_INDIA) )

## **Youth Development Programme<sup>11</sup>**

During the 10th Plan, the National Programme for Youth and Adolescent Development (NPYAD) was formed by combining four 100 percent central sector grants-in-aid initiatives of the Ministry of Youth Affairs and Sports, namely-

- Promotion of Youth Activities and Training
- Promotion of National Integration
- Promotion of Adventure and Development and
- Empowerment of Adolescents

### **Short Term Objectives-**

- Allow for the overall growth of youngsters, including teenagers, in order for them to reach their full potential.
- Develop young people's leadership abilities and personality development, and redirect their energy into the nation's socioeconomic development and advancement.
- Recognize adolescents as a separate sub-group of youth, address their unique requirements, and provide positive stimulation and a welcoming atmosphere for their overall development.

### **Long Term Objectives-**

- Engage and channel the energy of youth for nation-building in a positive way.
- Encourage young people to take pride in national principles such as democracy, socialism, and secularism.
- Motivating adolescents to serve as a focal point for information distribution in rural areas and involving them in the nation-building process.
- To create an environment that recognises the unique needs and potential of the country's teenagers and provides adolescent-friendly services.

### **Case Laws**

- In the case of **Sanjay Suri vs. Delhi Administration**<sup>12</sup>, the Supreme Court has ordered the release of juvenile detainees who are awaiting trial. The court further stated that the

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<sup>11</sup> National Programme Youth and Adolescent Development (NPYAD) ( <https://journalsofindia.com/national-programme-for-youth-and-adolescent-development-ncpyad/> )

<sup>12</sup> AIR 1968 SC 414

age of the juvenile would not be accepted by the jail officials unless the age is expressly stated in the documentation supporting the custody.

- In the case of **Jayendra vs. State of UP**<sup>13</sup>, the Supreme Court heard a case in which a High Court order sentencing a youngster to prison for committing an offence was challenged. The Supreme Court requested a report from the jail's medical director to determine the age of the child, and it was determined that the child was 16 years and 4 months old at the time of the offence, and the sentence of imprisonment was overturned.
- In the case of **Munna vs. State of UP**<sup>14</sup>, the Supreme Court issued certain guidelines for children in jail. Even if a youngster is found guilty of an offence, the Supreme Court ruled that he should not be mistreated. When they go to jail, they should not be deprived of their fundamental rights.
- In the case of **Raj Singh vs. State of Haryana**<sup>15</sup>, the juvenile, who was under the age of 16 at the time of the offence, was convicted under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and received a sentence of imprisonment. The Supreme Court, however, decided that a juvenile who has been found guilty of an offence is a juvenile under section 2(e) of the Juvenile Justice (Care & Protection) Act, 1986, and hence the entire trial was nullified.

## Conclusion

The rising rates of youth crime in India are a serious worry that must be addressed. Although the government has enacted different laws and regulations to reduce juvenile crime, the current laws on juveniles do not have a deterrent effect on juveniles, and hence the results are ineffective and the legislative objective is not being fulfilled.

All cultures, throughout the world, have dealt with juvenile delinquency and the problems that come with it. However, the challenges are exacerbated in the developing world. The development process has ushered in a socio-cultural upheaval that has impacted age-old traditional ways of life in a peaceful rural setting. Changes in the environment have a negative impact on children. Simultaneously, the conventional social control structure, which functioned as a deterrent to any deviant behaviour, is increasingly giving way. As a result, the

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<sup>13</sup> AIR 1982 SC 685

<sup>14</sup> AIR 1982 SC 806

<sup>15</sup> 2000 (6) SCC 759

issue of juvenile deviance and antisocial proclivities is resurfacing - a scenario that must be addressed.

One of the many evils in our society is the exploitation of children. Abuse like this has a long-term and significant impact on a child's life. Child abuse is a major problem because it pushes the child to react or behave in ways that are harmful to both society and the child. The adolescent's delinquent behaviour is caused by the emotional trauma he experienced in the early stages of his life.

To keep the problem of juvenile delinquency under control, it is critical to abolish this practice from society. It is in the deviant child's best interests to rehabilitate him as soon as possible and reintegrate him into society. The state has a responsibility to preserve these children's rights and to devise reformative ways of instilling ideals in them that will help them grow up to be productive members of society.