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# Juvenile Delinquency in India: Analysing the Effectiveness of the Juvenile Justice Act 2015

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## ABSTRACT

*The research paper addresses juvenile delinquency all India between 2017-2021 and the challenges faced in implementing the Juvenile Justice Act 2015. This investigation delves into the legislative framework, guidelines, rehabilitation programs and the history of the act.*

*The act aims to explain the root causes of juvenile delinquency and how controlling them can lead them to more effective control over the juvenile delinquency situation in India as well as factor in how the JJA act of 2015 can work alongside these root causes to target juvenile delinquency.*

*The stagnation of criminal rates or the marginal improvements in the criminal rates prompt an understanding of the root causes of why children come in conflict with the law. To such an extent this paper covers factors like education, family, substance abuse, mental health, domestic violence, to verify and conclude the meshed context within which juvenile delinquency occurs.*

*In light of such analysis an investigation indicates the environment in key institutions like schools or family can either grow or restrict them in their formative years. Such restrictions arise as isolation, high family cohesion etc. Psychologically there exists a disparity between normal adolescents and those that engaged in criminal activities requiring active intervention to narrow this gap.*

*The paper concludes with recommendations for the JJA 2015. This ranges from collaboration with educational institutions to effectively combating stigmatisation of children in conflict with law. By addressing such nuanced issues the paper attempts to holistically solve the problem of juvenile delinquency.*

**Keywords:** *juvenile delinquency, Juvenile Justice Act 2015, Juvenile crime.*

## I. INTRODUCTION

Between 2018-2019 India saw a 2.13% increase in juvenile crimes, fast forward to 2020 and the crime rate increased by 3.92% in juvenile delinquency. Despite the rehabilitative nature of

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the Juvenile Justice Act 2015 why is there such marginal change in juvenile delinquency ?. Even after trying to establish sensitive care towards such children yet over the years it has never translated effectively into reintegrating children back into the Indian society. This raises major concerns for any country let alone one like India where almost 52% of the population is the youth. The future of the country depends on our youth and clearly an increasing percentage of them appearing before a Juvenile Justice Board raises drastic concerns about our treatment of the younger population that is resulting in them behaving like this. We begin by looking at how India historically has dealt with juvenile delinquency and why the need for the Juvenile Justice Act 2015.

The history of juvenile protection acts can be understood in the following. <sup>2</sup>

- 1) The first act was established in 1850. Children between 10-18 tried in courts were provided vocational training as their rehabilitation process.
- 2) 1897 Reformatory act. Children up to 15 who were tried were sent rehabilitation prisons
- 3) 1986 Juvenile Justice Act. Established a uniform mechanism for juvenile justice.
- 4) 2000 Juvenile Justice Act post the 1986 act
- 5) 2015 Juvenile Justice Act. Primary difference is allowing children between the ages of 16-18 to be tried as adults in courts depending upon the severity of the crime and their understanding of the gravity of what they have done.

<sup>3</sup>The JJA 2015 defines a child as “Any individual below the age of 18” our IPC on the other hand states that children below the age of 7 cannot be held accountable for their crimes. JJA 2015 further defines children in conflict with the law as “A child who has been alleged or found to have committed an offence and who has not completed 18 years of age on the date of commission of such an offence”.

This phenomenon can also be termed as Juvenile delinquency and is critical for the aims of this research paper.

Juvenile delinquency has seen negligible decrease throughout the years up to 2021 (as per data from the National Criminal Bureau of India). On the other hand there has been an increase in violent crimes committed by juveniles for eg murder,rape,hurt etc. Even with all the provisions in the JJA 2015 catered towards judiciously expediting the rehabilitation process for children,

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<sup>2</sup> Dr Ratnaprava Barik and Dr Jayanta Kumar Das, Juvenile Justice in India: A Historical Outline, 10, IJCR 73445, 73446-73448 (2018)

<sup>3</sup> JJ Act,2015, 2, No 12&13, Acts of Parliament, <2015> (India)

over the years since the implementation of the act either a marginal decrease or stagnation of juvenile activities has been observed

**(A) The Research Objectives Of The Paper Are As Follows:**

- 1) Establish and understand the overall recent scenario of juvenile delinquency in India (2017-2021).
- 2) Root causes of juvenile delinquency in India.
- 2) Possible improvements in how effectively the JJA 2015 targets the root causes and identification of existing issues in the JJA 2015.
- 3) The primary themes to be explored are socio legal in nature.

**(B) Methodology**

This paper primarily utilises secondary data for its analysis and investigation. The sources are diversified from official government records to international reputable journals, research articles etc. Mainly the author combed through juvenile criminal rates (as provided by the government) research articles and papers sourced from google scholar, that provided a comprehensive and inclusive outlook on the issue of juvenile delinquency.

## **II. FINDINGS**

Even though we briefly covered this in the introduction to critically understand the legislations involved in the governance and regulation of juveniles. Primarily until the advent of the JJA 2015, the Juvenile Justice act (care and protection of children) act 2000 (hereon referred to as the JJA 2000) was involved in juvenile delinquency.

The JJA 2000 mandates that any child in conflict with the law may spend a maximum of 3 years in a special education regardless of the nature or severity of their crimes, as long as they were in conflict with the law. In contrast the JJA 2015 considers all children the same below 18 years yet there exists an exception where if a child in conflict with the law between the years of 16-18 had committed a heinous crime, they could be tried as an adult after a juvenile justice board consisting of a metropolitan magistrate at least 2 social workers one of whom must be a woman.<sup>4</sup>

The social workers must have involvement with the health, welfare etc of children of over at least 7 years before being eligible to join the board.

This is to determine the mental, emotional, physical maturity of the juvenile who committed the

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<sup>4</sup> Dr Ratnaprava Barik and Dr Jayanta Kumar Das, Juvenile Justice in India: A Historical Outline, 10, IJCR 73445, 73446-73448 (2018)

crime.

An important background distinction to understand that the driving force behind producing the amendment to the act is the Nirbhaya case on 16th december 2012. In light of the significant protests and campaigns arranged by people to allow the convict to be tried as an adult in consideration of the harsh and brutal nature of his crimes.<sup>5</sup>

Regardless of the protests from child right activists across the country, the amendment was still passed through in the parliament since then the JJA 2015 has been responsible for governing children in conflict with the law.

### III. OVERALL CONDITION OF JUVENILE DELINQUENCY

#### (A) Offences To Human Body Committed By Juveniles In India (2017-2021)<sup>6</sup>

Following are the crimes rates from 2017-2022 on some of the offences to human body committed by juveniles

Years	Murder	Attempts to murder	Assault on women	Hurt	Rape
2017	727	844	1456	6092	1614
2018	767	830	1408	5640	1547
2019	827	994	1220	6055	1249
2020	842	981	1154	5867	937
2021	900	1291	1063	5900	1219

Year	Wrongful restraint/ Confinement	Causing death by negligence	Attempt to commit Culpable Homicide	Unnatural Offences	Kidnapping and Abduction
2017	90	360	67	148	919
2018	78	424	68	115	893
2019	78	453	71	86	963

<sup>5</sup> JJ Act, 2015, 2, No 12&13, Acts of Parliament, <2015> (India)

<sup>6</sup> National Criminal Records Bureau, "IPC Crimes committed by Juveniles", (2017-2022)

2020	62	261	92	59	725
2021	68	308	87	59	866

To be noted the crime rates listed here are all India i.e including both total crimes of the states and the union territory.

There are specific crimes like Murder or Attempts to murder that have seen a steady increase since 2017 all the way to 2021. On the other hand the other three crimes, Assault on women, hurt, rape etc have a seen a mix of marginal increase or decrease safe to say they've remained stagnant. The Covid-19 Pandemic certainly does play its part in both the increase or decrease in certain crimes due to the stringent measure that the government imposed on the people as a result of the circumstances that demanded it.

It's safe to say that the other crimes listed within the table also follow a similar pattern with a few exceptions like unnatural offences. But the overall general trend we have observed is unimpressive at best and poor at worst.

Even with all the 16 bedrock principles of the JJA 2015 aimed at catering towards juveniles towards the path of progression we don't actually see much improvement in the juvenile crime scene.

### **(B) Overall Statistics of Crimes Committed By Juveniles (2017-2021)**

For an easier understanding on the progress of the JJA 2015 governing juvenile delinquency we convert the prior table into percentages for each time period (that being 1 year). This allows us to broadly look at the efficacy of the JJA 2015<sup>7</sup>

<b>Year</b>	<b>Total State Crime</b>	<b>Total Union Territory Crime</b>	<b>All India Crime</b>
2017	30341	3265	33606
2018	28677	2914	31591
2019	29287	2948	32235
2020	26988	2780	29768
2021	28041	3129	31170

<sup>7</sup> National Criminal Records Bureau, "IPC Crimes committed by Juveniles", (2017-2022)

The analysis reveals the following-

- $(\text{New value} - \text{Old value} / \text{Old value}) \times 100$

Between 2017-2018- 5.48% decrease

2018-2019- 2.13% increase

2019-2020- 7.85% decrease

2020-2021- 3.92% increase

As per the data calculated from 2017-2021, 2019-2020 is the only time period when a noticeable decrease has been seen in the juvenile crime rate; there has been either a marginal decrease or increase in the other time periods. To be noted that the JJA 2015 has been in force for every time period that the author has documented and will be covering.

The following table compares 2 5 year time periods before the implementation of the JJA 2015 and after.<sup>8</sup>

<b>Year</b>	<b>All India Crime</b>	<b>Year</b>	<b>All India</b>
2010	22740	2017	33606
2011	25125	2018	31591
2012	27936	2019	32235
2013	31725	2020	29768
2014	33526	2021	31170

Between 2010-2014 when JJA 2015 wasn't active, rather it was the JJA 2000 and between 2017-2021 when the JJA 2015 was activated. Throughout the years the juvenile crime rate has steadily increased despite the rehabilitative measures taken by these acts. It begs the question if this act aims at rehabilitative measures, care and consideration towards juveniles why is the rate of juvenile crime increasing throughout the years ?. To understand this we understand their efficacy in targeting root causes that cause juvenile delinquency.

<sup>8</sup> National Criminal Records Bureau, "IPC Crimes committed by Juveniles", (2017-2022)  
National Criminal Records Bureau "IPC Crimes committed by Juveniles", (2010-2014)

To an extent this is indicative of the effectiveness of the JJA 2015 (hereon to be referred as JJA 2015) on juvenile delinquency.

To further note there are discrepancies in the efficacy of the JJA 2015 throughout India in some states and union territories there's remarkable improvement over the years whilst in other states like Maharashtra there's little effect on juvenile delinquency.

The following table showcases both states and union territories in relation to the juvenile delinquency present there.

<b>Year</b>	<b>State</b>	<b>Crime</b>	<b>Union Territory</b>	<b>Crime</b>
2017	Andhra Pradesh	1122	Delhi UT	2965
cont	Arunachal Pradesh	48	Puducherry	104
2018	Chattisgarh	1191	Chandigarh	137
cont	Mizoram	31	Puducherry	10
2019	Bihar	1560	A & N Islands	19
cont	Tripura	39	Daman and Diu	13
2020	Maharashtra	4079	Jammu and Kashmir	171
cont	Uttrakhand	77	Lakshadweep	2
2021	Gujrat	1804	Jammu and Kashmir	323
cont	Nagaland	7	D&N Haveli and Daman & Diu	18

The table provides examples of states and union territories with low juvenile crime and high juvenile crimes in descending order<sup>9</sup>. The author is not linking the reduction solely to JJA 15

<sup>9</sup> National Criminal Records Bureau, "IPC Crimes committed by Juveniles", (2017-2022)

act; it's understood that the population, political, economical, social circumstances and measures also play a role in determining the juvenile crime rate in these places. The point is to note the JJA 15s effect and how we can magnify it to better our circumstances.

Strictly identifying a narrowed gap that indicates the JJA 15s efficacy is cumbersome and to some extent it gives us a false impression of the act's capabilities. The JJA 15s best shines when meshed in context with the economic, social, personal (family) present in the specific state or union territory which hopefully can then be extrapolated to the whole country (of course whilst keeping in mind of the differences present in a multifaceted diverse nation like India.

Now we've established an overall scenario with regard to juvenile delinquency. In the proceeding part of the paper we look to understand the factors that give cause to such behaviour.

#### IV. ROOT CAUSES OF JUVENILE DELINQUENCY

##### (A) Education

First we look into the education background of juveniles in the states and union territories.

Year	Illiterate	Up to Primary	Above Primary to Matric	Above Matric to Higher Secondary	Above Higher Secondary
2017	4324	10790	17566	6260	1480
2018	3610	10666	17024	5914	1042
2019	3723	10337	17632	5947	1046
2020	2552	9252	17494	4966	1088
2021	3487	9380	17176	6326	1078

From this data it can be concluded that those students who've had above primary to matric education are in the highest. With the maximum number of juveniles who are committing crimes over the year having at least matric grade education (10th grade), followed by those with up to primary education. The lowest being those juveniles who are illiterate or have education beyond higher secondary.<sup>10</sup>

As per Sander, Janay B educational Institutions should be focused on creating a safe

<sup>10</sup> National Criminal Record Bureau, "Education and Family Background Of Juveniles Arrested". (2017-2021)

environment for academically vulnerable children. It's been understood that the general trend is that juveniles experience more failure i.e experiencing failure and it's subsequent consequences may turn more juveniles to commit crimes.

This is especially evident in Indian educational institutions with their high stress and excruciating demand on academic performance.

Incorporating value based education to build students into people with strong ethical and moral principles, imbue them with sense of responsibility and accountability. Which in and of itself acts as a detriment against such behaviour, is a possible way to improve our education and cater towards those who feel disconnected from the education system or can't build meaningful connections.

Educational institutions aside from the education that they impart must also look out for unpopular, isolated children who are more likely to exhibit traits of, poor anger control, egoistic, hyperactive, lonely, shy etc which are all important indicators for school life satisfaction, self respect for one's self etc. Such children have a small or no peer group at all because of the limited chances of friendship that they receive. They also lack positive affirmation from such friends as explained.

Peer groups are influential to the extent that members of the group are willing to go against the norms of society to protect the interests of the group, when such interests are against their long term detriment (engaging in criminal activity) the likelihood rises. Also to take into account as per the table most juveniles who commit crimes do so having an education ranging from primary up to matric grade, their peer group is bound to be formed by their schools.<sup>11</sup>

Now looking back at the table again we get an idea of why juveniles who have primary up to matric grade education maybe indulging more in criminal behaviours is the major component in one's "school life". To truly assess its impact we will have to understand it in context of other factors that also play a significant role.

This further fuels the feeling of failure in schools and combines with traits (as mentioned) that increase the probability to engage in juvenile delinquency. Attempts to control such behaviour by means of rehabilitating children into school social community during and after school hours along with integration into the school pre development of such traits with regular cognitive and social training.

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<sup>11</sup> Singh Bhal & Punia Vandana, Role Of Value Based Education In Reducing Juvenile Delinquency at School Level, 9, Int J Of Edu & Social Science, 229, 230-232, (2018)

**(B) Family Background**

Year	Living with Parent	Living with guardian	Homelessness
2017	8050	598	1016
2018	32433	3432	2391
2019	32359	3724	2602
2020	29285	3742	2325
2021	31757	3496	2191

Apart from the year 2017 (where data was collected just from cities as provided by the NCRB) the rest of the years indicate data from the entirety of India (including state and union territory) with regard to the family of juveniles.<sup>12</sup>

As per the United Nations the institution of family acts as a standard of role models which their children end up emulating. However in the absence of such role models children can look up to peer groups who engage in criminal activities as masculine role models. Especially if the family is economically disadvantaged it creates an inherent roadblock for these students (since they cannot afford supplies) in school. Now in an attempt to boost their self esteem or social status they can join into a juvenile delinquent group which is how they receive their exposure to such behaviour.<sup>13</sup>

The family environment is critical in displaying the cohesion within the family unit which can record the emotional bond of the family as per the circumplex model. One of the differences between a non delinquent household and a delinquent household, there is usually a very high level of cohesion combined with low self esteem. In non juvenile households the cohesion is more balanced with optimum self esteem.

The problem with extremely high levels of cohesion is the accompanying restriction of freedom and thereby autonomy onto these juveniles. When their sense of decision making is robbed it leads to low self esteem making them more vulnerable to be influenced into committing criminal acts as a juvenile.

<sup>12</sup> National Criminal Record Bureau, "Education and Family Background Of Juveniles Arrested". (2017-2021)

<sup>13</sup> United Nations Guidelines for the Prevention of Juvenile Delinquency, (Riyadh Guidelines), UN Doc, A/RES/45/112, (1990)

Now on the contrary having a more balanced degree of emotional bonding (cohesion) in families compared to the excessive degree you observe in delinquent households leads to more desirable self esteem for children.

This is key in understanding why more juveniles may be coming out of 2 parent households than 1 parent households as per NCRB data. Whilst this is not to deny the risks of single parenthood with regard to juveniles delinquency, the idea is that the family environment i.e the degree of cohesion and adaptability present in the family unit plays a stricter role in determining delinquency amongst juveniles.

If extreme control is exercised by the family along with discipline executed in a lax, inconsistent manner can lead to the development of boys with covert rebellion tendencies, low self esteem, disagreements or the family being out of touch between the family and the child can also provoke changes in the form of delinquent behaviour. Families that are overly controlling of their children hinder their growth and development thereby leading to delinquent behaviours.<sup>14</sup>

Another study after conducting a meta analysis produced 4 sets of behavioural patterns that reflect the effect of parental behaviour on adolescents with regard to juvenile delinquency.

### **1. Neglectful Behaviour**

When Parents do not positively spend time with their children, lack of concern or little to no involvement of themselves in the lives of their children. Need not necessarily be an unwillingness on the parents' part to engage as much as no desire from the child itself to reciprocate the engagement from the parents. This could lead to alienation from the parents itself leading to no appropriate role models for the child to emulate whilst home.

### **2. Conflict Behaviour**

Problems between the child and the parent arising as a result of the disobedience by the child. Reluctance to exercise discipline over the child and to do so in a non physical/aggressive manner. Parents' desire to not reinforce negative behaviour by further disciplining ends up backfiring when the disobedience simply worsens due to a lack of control.

This reluctance to transfer to being unable to identify problematic behaviours in a child which could otherwise have been caught now allows unfettered growth towards delinquent behaviour. Such development in the family leads to disputes between the parents and the child's overall detachment from them.

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<sup>14</sup> Dr Anita, Correlates of Juvenile Delinquency: The Role of Family and Self Esteem, 4, 773, 773-775, (2012)

### 3. Deviant Behaviours

Parents themselves could act as the role model for children to emulate delinquent behaviour. Taking inspiration from their parents law breaking behaviour children can imitate the same and similarly adopt delinquent traits in the process.

In this scenario the family environment is entirely too suited towards the growth of adolescents into juvenile delinquents.

### 4. Disruption Behaviour

If the family environment itself crumples, in the sense if the marriage fails the turbulence that comes along with the adolescents' house breaking down, divorce proceedings and the resulting stress or irritation developed by the parents can affect the parenting of their children undesirably. With such changes in the house parents struggle or are unable to establish healthy social skills in their children leaving them unequipped to navigate the most important and formative years of the child.<sup>15</sup>

### **(C) Mental Health**

Assessing mental health between juveniles and normal adolescents reveals the following, in a comparative study conducted 6 factors related to mental health were assessed.

- 1) Emotional Stability
- 2) Overall adjustment
- 3) Autonomy
- 4) Security-Insecurity
- 5) Self Concept
- 6) Intelligence

The study reveals that in almost all of these traits normal adolescents out perform juveniles by a large margin, if juveniles have a higher tendency to be more emotionally unstable it is proof that juveniles compared to normal adolescents struggle to maintain a balance between all areas of their lives. Normal adolescents have more control over their lives and freedom to pursue their own decisions when compared to juveniles.

The security-insecurity scores indicated that whilst normal adolescents were more concerned with fulfilling their present and future needs, juveniles are rather easygoing and not concerned

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<sup>15</sup> Shailja D., Gyatri Tiwari, SK Dubey, AK Verma, Socio-economics and Family Factors Attributing Enhanced Juvenile Delinquency: A Review, 17, J. Community Mobilisation Sustain. Dev, 1065, 1066-1067, (2022)

about the repercussions of their activities.

All conclusively provide the same result: undesirable state of these characteristics of their mental health influences their likelihood to engage in criminal behaviour i.e juvenile delinquency.

Scores on self concept have identified that normal adolescents are more capable in assessing themselves, their attitudes towards other people, positive or negative ? etc, whereas juveniles exhibit poor ability to produce the same assessment with regard to the aforementioned qualities.

This makes it easier to understand now, the family environment acts as a proponent for such development in a juvenile's mental health causing them more harm in the long run with the more immediate effect being delinquent developments being observed.

When outside the influence of the family, adolescents are most likely to spend the majority of their time in their schools. The environment there is also a determinant in the self esteem, insecurity, peer groups of a juvenile all conditions the changes in which investigate the tendency to indulge criminal behaviour. As will be evidenced by the other factors the roots of juvenile delinquency cannot be identified to just one singular factor but rather a mix of all of the factors to holistically judge the root cause of Juvenile Delinquency.

Another study in 2020 figured about 70% of juveniles already have an existing mental health issue. Substance abuse, anxiety or mood disorders, ADHD are some of the most common mental health problems in juveniles. Furthermore a concern is the increase in juveniles in conflict with law who come from LGBT communities although specific data in India is not present, mental health professionals employed by the JJA 2015 should take such factors into account when dealing with these kids. A lack of awareness of the severity of mental health issues that juveniles may face lead them to not seek out preemptive treatment, when it does spiral out of hand juveniles find themselves excluded from their community unable to reintegrate themselves. Such a result when paired with the other root causes that are mentioned in the paper form grounds for juvenile delinquency.<sup>16</sup>

In Kerala juvenile homes were examined in an effort to identify a connection between emotional intelligence and engaging in juvenile delinquency. Ultimately it was established that 38% of juveniles engaged in delinquent activities. Little difference was found between boys and girls in terms of emotional intelligence that they possess. The findings convey there's a negative association between emotional intelligence and delinquency.

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<sup>16</sup> Snehil G, Sagar R, Juvenile Justice System, Juvenile Mental Health, Role Of MHPs: Challenges and Opportunities, 42, Indian J Psycho Med, 304, 307-309, (2020)

Children who are maltreated are incapable of effectively regulating their emotions; such incapability translates into these children unable to understand how offending behaviour can affect others. Patterns like these may explain why juveniles continue to engage in offensive behaviour.<sup>17</sup>

Bullying in schools or the neighbourhood surrounding the child's home is detrimental to their mental health. It robs them of the notion that no authorities exist to protect or are willingly choosing not to do so. The sensation that follows post bullying i.e the rage, helplessness, frustration etc may all guide the adolescent towards engaging in delinquent behaviour. Not to mention that research from several states have proven that juvenile care homes are abusive towards the same juveniles they should be caring for. Such Juveniles have been subjected sexual assault, prostitution etc, raises the question- Why are Juvenile Care Homes i.e the safe space developed for children in conflict with law further perpetuating the issue by complete and utter disregard for the safety of these juveniles<sup>18</sup>

#### **(D) Substance & Domestic Abuse**

The utilisation of drugs by juveniles increases their rates of committing certain crimes. A study looked into consumption of crimes and the causal connection between that and engaging in more crimes. The study had 30 people of varied ages and gender whose activities and behaviour were observed. 7 drugs were considered namely:

- 1) Smack
- 2) Marijuana
- 3) Bhang
- 4) Weed
- 5) Poppy Seeds
- 6) Cannabis
- 7) Inhalants

The prominent discovery is that 26% of juveniles who consumed cannabis were also involved in committing murder, 26% of juveniles who consumed smack engaged in theft and snatching. The rest of the drugs like inhalants play a lesser role making up for 6% of those juveniles who

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<sup>17</sup> Ganga G Kaimal & K Vidhukumar & M S Razeema Padman, Delinquents Behaviour And Emotional Intelligence Among Inmates Of Juveniles Of Juveniles Home In Kerala, India, Kerala Journal Of Psychiatry, 7,8-10, (2021)

<sup>18</sup> Sameera Khan, A STUDY ON THE JUVENILE DELINQUENCY IN INDIA: SOCIOLOGICAL ASPECT AND JUDICIAL RESPONSE, 28, *Supremo Amicus*, (2022)

commit rape to also ingest this drug, similarly the drugs like poppy seeds, weed, bhang etc whilst play their roles do not compare to Cannabis or smack.

This is sufficient indication to establish the negative psychological and physiological effect substance abuse has on themselves.

The desire originates from a juvenile's socioeconomic condition. We have just noted the influential roles that family, education, mental health especially peer groups play in determining their future behaviour. If their

condition is unfavourable in an attempt to find the easiest route to improving their condition juveniles may not hesitate to sell or consume such drugs.

When the juveniles were interviewed in the study it was also inferred that most of them experienced mental or physical trauma to some extent another influence on their decision. To escape their difficult life at home or elsewhere.<sup>19</sup>

### **(E) Domestic Abuse**

Along with substance abuse if adolescents are subjected to domestic abuse in their household they suffer from psychological trauma, social deprivation, mental instability and physical torture. A study reveals that there's a clear increase in juvenile crime as there is an increase in family violence. There's a relation between children living with their parents who've gone on to commit crimes and these same families being disrupted or struggling to raise the kid.

Those adolescents with continued exposure towards domestic violence all exhibit high levels of aggression, frustration, acting out, anxiety issues etc.

This links in with a juvenile's family environment, the more abuse meted out to an adolescent the more likely they are to become juvenile delinquents. The symptoms that arise in adolescents are also more severe because of their hormonal, cognitive growth that makes them all the more vulnerable to experience stronger side effects from being subjected to domestic abuse.<sup>20</sup>

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<sup>19</sup> Abhi Tyagi, Tamanna Jaitly, Shruti Gupta, Psychological And Behavioural Impact of Substance Abuse on Juvenile Delinquents, 4, IJRESM, 116, 116-119, (2021)

<sup>20</sup> Shraddha Chauhan, Psychological Impact Of Domestic Violence On Children And It's Link With Further Victimization And Delinquency, 3, JLLS., 1, 2-7, (2022)

vulnerable to experience stronger side effects from being subjected to domestic abuse.<sup>21</sup>

Domestic abuse even if conducted towards other members of the family can still dissuade children from the belief that their family can protect them, The mental and physical needs of a child cannot be looked after when the domestic abuse causes the family unit to break down.

Adolescents after prolonged exposure can also end up being apathetic and unresponsive to pain which restricts their emotional development further struggling to manage their way through society.

This discontent with themselves and the world around them can erroneously influence their decision to engage in delinquent behaviour as well.

The overarching trend noticeable here is that no one factor is responsible for juvenile delinquency. The root cause of juvenile delinquency is best understood in the meshed context of all of the aforementioned factors analysing them and then targeting all of them to effectively try and resolve juvenile delinquency.

## **V. POSSIBLE SCOPE FOR IMPROVEMENT IN THE JJA 2015**

From the existing sections in the act, the JJA 2015 aims to rehabilitate juvenile delinquents and reincorporate them into the Indian society effectively. The criminal data on the contrary speaks about how well the rehabilitation process has been going on.

There are a couple of reasons why the JJA 2015 despite its rehabilitative nature failed to target the root causes of juvenile delinquency in the first place.

- 1) The inadequate infrastructure present in the Juvenile Justice Boards (JJB) making them ill equipped to dealing with juvenile delinquents
- 2) Lack of standards in such institutions like the JJB or the Child Welfare Committee (CWC) prevents a standard degree of operation.
- 3) Training for members of the JJB especially those directly handling children is much required but not provided, crippling the institution's ability to deal with juvenile delinquents.
- 4) Periodic training should have been provided to JJB,CWC members to efficiently and methodically conduct fieldwork with children.

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<sup>21</sup> Swapnamoyee Palit & Itishri Sarangi, A SCRUTINY BETWEEN FAMILY VIOLENCE AND CRIME RATE AMONG THE TEENAGERS, 25, J. Legal Ethics & Regul. Issues, 1,4-10, (2022)

- 5) Ideally political and cultural pressure should be avoided when deciding a case (Nelson 2017)

Some of the possible explanations as to why JJA 2015 didn't have the effectiveness that is desirable from an act like it. <sup>22</sup>

### **(A) Recommendations**

Following are possible amendments/additions to the JJA 2015 to better equip them with dealing with juvenile delinquency.

1. The JJA 2015 recognizes the importance of family by the "Principles of family responsibility". Such recognition however is economic in nature. The nature of parenting and family dynamics present in the child's environment similarly play a very necessary and important role. To target this the JJA 2015 could disseminate information online, build community programs that allow for desirable parenting behaviour to be replicated, offering behavioural guides by government run family therapy allowing it to be subsidised and catered towards people from all economic conditions. In the long run the goal is to minimise inappropriate parenting techniques so that there's no stimulus to engage in delinquent activities.
2. Chapter 3 (3.3.5) speaks about "Protection of Identity" expunging all records from their database, social media, newspapers, magazines etc to allow the adolescents to live a normal life. This however does not account for reputation damaged by word of mouth in the adolescents community which is primarily where they would continue their life post release. Considering the regressive mentality of the Indian society at large if such adolescents are isolated once again due to the stigma associated with such activities, recidivism is a high likelihood and rehabilitation would be unsuccessful. One possible way to deal with this is to further improve the legislative intent of reducing stigma by utilising specific words like apprehended, found but applicable to all forms of media consumed by people on a daily basis especially because juvenile convicts are often misconstrued in media or villainized . It's a step forward to reduce isolation of such adolescents and a move towards reducing overall stigmatisation of juvenile delinquents
3. As noted the JJB should cooperate with the educational institutes primarily schools. The primary intent is to help teachers, counsellors understand and identify basic behavioural patterns to notice students who are isolated from the classroom. Having professional

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<sup>22</sup> Ms. S. Selvi Nithya & Dr P.B Shankar Narayan, Gaps and Challenges In Implementing Juvenile Justice (Care and Protection Of Children) Act 2015- A Critical Analysis, *Shalanx int. J. arts sci. Humanities*, 5, 71, 72-78, (2018)

expertise is of course not expected, but basic understanding to notice such students, after which professional intervention is advised as per the existing provisions of the JJA 2015. This also links up with the 1st recommendation, if the family cannot identify problematic behaviour by the adolescents, schools serve as another opportunity to provide the much needed help to these kids. From a preventative perspective this would curb juvenile delinquency by trying to not allow criminal behaviour to arise in the first place. Counselling programs like peer training are viable approaches for juveniles already in the system, considering socio-cultural similarities between juveniles and their peers they may be more willing to learn from them.

4. Appropriate funding and building adequate infrastructure for institutions like the JJB. Important provisions like the individual aftercare plan responsible for vocational training and educational needs lose their effectiveness. This brings up the possibility of recidivism due to a lack of employment thereby leading to the person to commit a crime out of economic desperation. State funding should be sufficient to create aftercare plans for juveniles to avoid recidivism

## **VI. CONCLUSION**

This paper's relevance and importance is demonstrated in the concern raised for the younger generation that are increasingly unable to seek help that they require. The Institutions inability to properly care for children in conflict with law require a change in implementation of juvenile friendly policies ascribed by the JJA 2015.

However the information and analysis of such information in this research paper is not without its restrictions. Heavy reliance has been made on quantitative secondary data. There's a lack of primary qualitative data within the research paper. The focus of the research paper has been primarily preventative in nature and therefore lacks emphasis on measures post conflict with the law. Despite its limitations the author firmly believes that the analysis conducted in this paper is a step forward in highlighting the juvenile delinquency crisis in our nation as well suggesting possible remedies to deal with such a crisis.

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