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Juvenile Delinquency

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ABSTRACT

Juvenile delinquency refers to the behaviour of minors who engage in criminal activities. This phenomenon is a significant concern in India, as the number of juvenile offenders has been steadily increasing over the years. The causes of juvenile delinquency in India are multifaceted and complex. Factors such as poverty, social inequality, lack of education, and family dysfunction are often cited as contributing to delinquent behaviour in young people. Additionally, exposure to violence and substance abuse, peer pressure, and mental health issues can also play a role in shaping delinquent behaviour. The Indian government has taken steps to address juvenile delinquency through the Juvenile Justice Act, which seeks to protect the rights of children in conflict with the law. The act focuses on rehabilitation and reintegration into society rather than punishment, recognizing the potential for positive change in young offenders.

Keywords: Juvenile, Delinquency.

I. INTRODUCTION

Juvenile justice refers to the system of laws and procedures in place to deal with children who are accused or convicted of committing crimes. In India, the juvenile justice system is governed by the Juvenile Justice (Care and Protection of Children) Act, 2015, which replaced the earlier Juvenile Justice Act, 2000. The Act is based on the principle of providing care, protection, and rehabilitation to children who are in conflict with the law, rather than punishment. It recognizes that children who commit crimes are often victims themselves, and aims to address the underlying causes of their behaviour, such as poverty, neglect, abuse, and lack of education. The Act establishes Juvenile Justice Boards (JJBs) in each district to handle cases involving children in conflict with the law. The JJBs are composed of a magistrate and two social workers, at least one of whom must be a woman. The Act also provides for the establishment of Child Welfare Committees (CWCs) to deal with cases of children in need of care and protection. The Act specifies different procedures for dealing with children who are below the age of 18 and those who are 18 or above but have committed an offense when they were below 18. The Act also recognizes the rights of children in conflict with the law, such as the right to legal representation, the right to a fair trial, and the right to be treated with dignity and respect.

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Juvenile delinquency refers to the behaviour of minors (usually individuals under the age of 18) that is considered to be illegal, criminal, or antisocial. Juvenile delinquency can encompass a wide range of behaviours, including truancy, vandalism, theft, drug abuse, violent crimes, and more. It is important to note that not all children who engage in these behaviours are considered delinquent. In fact, many children go through a rebellious phase or experiment with risky behaviour during adolescence but do not become involved in the juvenile justice system. The causes of juvenile delinquency are complex and multifaceted, and can be influenced by factors such as family dysfunction, poverty, peer pressure, mental health issues, and exposure to violence and trauma. The juvenile justice system is designed to address these underlying factors and provide support and rehabilitation to young people who have become involved in criminal behaviour.

II. HISTORICAL BACKGROUND OF JUVENILE DELINQUENCY

Juvenile delinquency is not a new phenomenon, and there is evidence of young people engaging in criminal activities throughout history. However, the concept of juvenile delinquency as a distinct social problem is a relatively recent development. During the 19th century, there was a growing concern about the increasing number of children and young people who were being arrested and sent to adult prisons. This led to the establishment of the first juvenile reformatory in the United States in 1825, which was followed by the creation of similar institutions in other countries. In the early 20th century, the scientific study of juvenile delinquency began to emerge, with researchers seeking to understand the causes of delinquent behaviour in young people. This period saw the development of theories of delinquency, such as the social disorganization theory, which focused on the role of social and environmental factors in shaping delinquent behaviour. The mid-20th century saw a shift towards a more rehabilitative approach to juvenile justice, with a focus on addressing the underlying causes of delinquent behaviour and reintegrating young offenders into society. This led to the development of juvenile justice systems that were separate from adult justice systems, with a focus on rehabilitation rather than punishment. There has been a growing recognition of the importance of addressing the root causes of juvenile delinquency, such as poverty, inequality, and social exclusion. This has led to a greater emphasis on prevention and early intervention, as well as community-based approaches that engage young people and their families in addressing the underlying factors that contribute to delinquent behaviour. The historical background of juvenile delinquency reflects changing attitudes towards young people and their role in society, as well as evolving approaches to addressing delinquent behaviour and promoting the well-being of young people.

(A) Historical Background of Juvenile Justice in India

The history of juvenile justice in India can be traced back to the British colonial period, when the Indian Penal Code of 1860 introduced provisions for dealing with children in conflict with the law. However, these provisions were focused primarily on punishment rather than rehabilitation or reformation. After independence in 1947, the Indian government began to focus on the welfare of children and their protection under the law. The Children Act of 1960 was enacted to provide care and protection for children in need of care and protection, but it did not provide a comprehensive framework for dealing with juvenile delinquency. The Juvenile Justice Act was first introduced in India in 1986, with the aim of providing a separate justice system for juveniles in conflict with the law. The act focused on rehabilitation and reformation of juvenile offenders rather than punishment, and provided for the establishment of juvenile courts and juvenile homes for the care and protection of juveniles. In 2000, the Juvenile Justice (Care and Protection of Children) Act was enacted, which expanded the scope of the previous act and provided for a more comprehensive framework for dealing with juvenile delinquency. The act emphasized the rights of children and their protection under the law, and provided for specialized institutions for the care and rehabilitation of juvenile delinquency.

The act was amended in 2006 to provide for greater protection of child victims and witnesses, and again in 2015 to strengthen the provisions for the care and protection of children in conflict with the law. The 2015 act emphasized the need for rehabilitation and reintegration of juvenile offenders into society, and provided for the establishment of specialized juvenile justice boards to oversee the administration of juvenile justice. The historical background of juvenile justice in India reflects a growing recognition of the importance of protecting the rights of children and promoting their well-being, as well as a shift towards a more rehabilitative approach to juvenile justice.

III. INTERNATIONAL CONCERN FOR JUVENILE JUSTICE

Juvenile justice is an issue of international concern, as many countries face similar challenges in addressing the needs of young people in conflict with the law. The United Nations has recognized the importance of juvenile justice and has set out guidelines and standards for its implementation through various international instruments, including the Convention on the Rights of the Child and the Beijing Rules. One of the key concerns in international juvenile justice is ensuring that young people are treated differently from adults in the criminal justice system. The United Nations has stressed the importance of a separate and specialized juvenile justice system that takes into account the particular needs and circumstances of young people, with a focus on rehabilitation and reintegration into society. Another concern is ensuring that the rights of young people in conflict with the law are protected. This includes the right to legal representation, the right to be heard, and the right to be treated fairly and with respect. The United Nations has emphasized the importance of upholding the principles of due process and procedural fairness in juvenile justice, to ensure that young people are not subject to arbitrary or discriminatory treatment.

There is growing recognition of the importance of addressing the root causes of offending behaviour among young people, such as poverty, social exclusion, and lack of access to education and opportunities. The United Nations has stressed the importance of a holistic and multidisciplinary approach to juvenile justice, which takes into account the social, economic, and cultural factors that contribute to offending behaviour, and which involves a range of stakeholders, including government agencies, civil society organizations, and communities.

(A) Juvenile Justice in UK

The juvenile justice system in the United Kingdom (UK) is a separate system for dealing with young people who are in conflict with the law. The system is based on the principle that young people who have committed offenses should be treated differently from adults, with a focus on rehabilitation and reintegration into society. The legal framework for juvenile justice in the UK is set out in the Children and Young Persons Act 1933, which has been amended over the years to reflect changing attitudes and approaches to juvenile justice. The act provides for a separate court system for young people, known as youth courts, which have jurisdiction over young people up to the age of 18. The youth court system is designed to be less formal and intimidating than adult courts, with a focus on restorative justice and rehabilitation. The aim is to provide young people with the support and guidance they need to turn their lives around and avoid further involvement in the criminal justice system.

There are also a range of community-based alternatives to custody available for young people who have committed offenses, such as community sentences, restorative justice programs, and intensive supervision and surveillance programs. These programs are designed to address the underlying causes of offending behaviour and provide young people with the skills and support they need to make positive changes in their lives. The legal framework, there are a range of organizations and services in the UK that are dedicated to supporting young people in conflict with the law. These include youth offending teams, which work with young people and their families to address the root causes of offending behaviour, and charities and community organizations that provide mentoring, education, and employment opportunities for young

people.

(B) Juvenile Justice in USA

The juvenile justice system in the United States of America (USA) is a separate system for dealing with young people who are in conflict with the law. The system is based on the principle of rehabilitation and is intended to provide young offenders with the support they need to turn their lives around and avoid further involvement in the criminal justice system. The legal framework for juvenile justice in the USA varies from state to state, but generally includes a separate court system for young people, known as juvenile courts. Juvenile courts have jurisdiction over young people up to the age of 18 and are designed to be less formal and intimidating than adult courts. The aim of the juvenile justice system in the USA is to provide young people with the support and guidance they need to overcome the challenges they face, such as poverty, family dysfunction, and mental health issues. To achieve this, the system focuses on a range of interventions and programs, such as counselling, education, and community service, that are intended to address the root causes of offending behaviour and help young people make positive changes in their lives.

IV. CAUSES

Juvenile delinquency refers to criminal or antisocial behaviour by minors. The causes of juvenile delinquency are complex and multifaceted. Here are ten possible causes:

- Family problems: Problems such as parental neglect, domestic violence, and family conflict can lead to delinquency.
- Peer pressure: Adolescents may be influenced by their peers to engage in criminal activities or behaviours that are considered delinquent.
- Substance abuse: Substance abuse, such as drug and alcohol use, can lead to delinquency.
- Mental health issues: Mental health issues such as depression, anxiety, and conduct disorder can contribute to delinquent behavior.
- Poverty: Living in poverty can create stress and lead to criminal behavior as a means of survival.
- Lack of education: Lack of access to education and low academic achievement can lead to delinquency.
- Gang involvement: Gang involvement can lead to delinquent behaviour and criminal

activity.

- Poor parenting: Poor parenting, including lack of supervision and discipline, can contribute to delinquent behaviour.
- Trauma: Experiencing trauma such as abuse, neglect, or violence can contribute to delinquent behaviour.
- Community environment: Living in a community with high crime rates, lack of resources and limited opportunities can lead to delinquency.
- Age: Juvenile delinquency refers to criminal behaviour by minors who are typically under the age of 18.
- Risk-taking behaviour: Juveniles who engage in delinquent behaviour are often characterized by a tendency towards risk-taking and impulsivity.
- Lack of maturity: Juveniles who engage in delinquent behaviour may lack the emotional and cognitive maturity necessary to make sound decisions.
- Peer pressure: Juveniles may be influenced by their peers to engage in criminal activity or other delinquent behaviours.
- Lack of parental supervision: Juveniles who lack adequate parental supervision may be more likely to engage in delinquent behaviour.
- Family problems: Juvenile delinquency is often associated with family problems such as abuse, neglect, or domestic violence.
- Substance abuse: Juveniles who engage in substance abuse are more likely to engage in delinquent behaviour.
- Mental health issues: Juveniles who struggle with mental health issues such as depression, anxiety, or conduct disorder may be more likely to engage in delinquent behaviour.
- Low academic achievement: Juveniles who struggle in school may be more likely to engage in delinquent behaviour.
- Gang involvement: Juvenile delinquency is often associated with gang involvement, which can lead to criminal activity and other delinquent behaviours.

V. TYPES OF JUVENILE DELINQUENCY

Juvenile delinquency refers to criminal or antisocial behaviour by minors. There are several

types of juvenile delinquency, including:

- Property offenses: These include theft, burglary, and vandalism.
- Violent offenses: These include assault, battery, and homicide.
- Drug offenses: These include possession, distribution, and use of illegal drugs.
- Sexual offenses: These include sexual assault, statutory rape, and possession of child pornography.
- Status offenses: These are offenses that are only illegal when committed by minors, such as truancy, curfew violations, and underage drinking.
- Gang-related offenses: These include involvement in a criminal street gang or gang-related violence.
- Runaway and homeless offenses: These include running away from home or being homeless.
- School-related offenses: These include truancy, disruptive behaviour in the classroom, and possession of weapons on school grounds.

VI. METHODS OF TREATING DELINQUENTS

There are several methods of treating juvenile delinquents, and the most effective approach often depends on the individual needs of the juvenile. Here are some common methods of treating delinquent youth:

- Counselling: Counselling can help delinquent youth address underlying emotional or psychological issues that may be contributing to their behaviour.
- Family therapy: Family therapy can help address family problems and improve communication between family members, which can reduce the likelihood of delinquent behaviour.
- Cognitive-behavioural therapy (CBT): CBT can help juveniles learn how to recognize and change negative thoughts and behaviours that lead to delinquency.
- Substance abuse treatment: Substance abuse treatment can help juveniles overcome drug and alcohol addiction and reduce the likelihood of future criminal behaviour.
- Restorative justice: Restorative justice programs focus on repairing the harm caused by delinquent behaviour and involve the offender, victim, and community in the process.
- Educational programs: Educational programs can help delinquent youth improve their

academic skills, which can reduce the likelihood of future criminal behaviour.

- Vocational training: Vocational training can provide delinquent youth with the skills and knowledge necessary to obtain employment, which can reduce the likelihood of future criminal behaviour.
- Wilderness therapy: Wilderness therapy involves outdoor activities and group therapy sessions, which can help delinquent youth develop self-esteem, responsibility, and social skills.
- Mentoring: Mentoring programs pair delinquent youth with a responsible adult who can provide guidance, support, and positive role modelling.
- Juvenile justice system interventions: This can include probation, community service, and juvenile detention, which can provide structure and consequences for delinquent behaviour. However, it is important to note that the effectiveness of these interventions can vary, and they should be used in conjunction with other treatment methods.

(A) Legislations

Following the recommendations of the Indian Jail Committee, some Provincial Government hastened to draft and pass laws relating to the juvenile offenders. Following of children acts are:

- The Madras Children Act, 1928
- The Central Provinces and Berar Children Act, 1928.
- The Bikaner Children Act, 1931.
- The Cochin Children Act, 1936.
- The Mysore Children Act, 1945.
- The Travancore Children Act, 1945.
- The Jammu and Kashmir Children Act, 1946.
- The Bombay Children Act, 1948
- The Punjab Children Act, 1949.
- The Hyderabad Children Act, 1951.
- The Saurashtra Children Act, 1954.
- The West Bengal Children Act, 1959.

VII. THE JUVENILE JUSTICE ACT, 2000

The Juvenile Justice Act, 2000 was a landmark legislation in India that provided for a separate justice system for children in conflict with the law. The Act was enacted with the aim of ensuring that children who come into conflict with the law are not treated as criminals, but are instead provided with the care and protection they need to grow into responsible and productive citizens. Some of the key provisions of the Juvenile Justice Act, 2000 included:

- Age of Juvenile: The Act defined a juvenile as a person who is below the age of 18 years.
- Juvenile Justice Board: The Act provided for the establishment of Juvenile Justice Boards at the district, city, and state levels, which were responsible for determining the nature of the offense committed by a juvenile, and for deciding on the appropriate course of action, such as rehabilitation or release.
- Rehabilitation and Reintegration: The Act emphasized the importance of rehabilitation and reintegration of juvenile offenders, and provided for a range of measures to be taken, such as counselling, education, and vocational training, to help them reintegrate into society.
- Juvenile Homes: The Act provided for the establishment of observation homes and special homes for the care and protection of juvenile offenders.
- Confidentiality: The Act required that the identity of juvenile offenders be kept confidential, and that their records be kept separate from those of adult offenders.

The Juvenile Justice Act, 2000 had several objectives, which included:

- To provide a separate justice system for children in conflict with the law, which takes into account their particular needs and circumstances, and which is aimed at rehabilitating and reintegrating them into society.
- To ensure that children who come into conflict with the law are not treated as criminals, but are instead provided with the care and protection they need to grow into responsible and productive citizens.
- To promote the welfare and best interests of the child, and to ensure that the rights and needs of the child are given due consideration in all proceedings under the Act.
- To provide for a range of measures to address the needs of vulnerable children, such as those in need of care and protection, and to ensure that they are provided with

appropriate care, support, and protection.

- To establish a separate and specialized justice system that is focused on rehabilitation and reintegration, rather than punishment, and which is aimed at preventing repeat offending.
- To ensure that the identity of juvenile offenders is kept confidential, and that their records are kept separate from those of adult offenders, in order to protect their privacy and prevent stigmatization.

(A) Juvenile Justice (Care and Protection of Children) Amendment Act, 2006

The Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 was enacted with the aim of strengthening the Juvenile Justice Act, 2000 and ensuring better protection and care for children in need of care and protection, as well as those in conflict with the law. Some of the key provisions of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 included:

- Definition of a Child: The Amendment Act expanded the definition of a child to include those up to the age of 18 years, in line with the United Nations Convention on the Rights of the Child.
- Establishment of Child Welfare Committees: The Amendment Act provided for the establishment of Child Welfare Committees at the district and city levels, which were responsible for determining the best interests of children in need of care and protection, and for making recommendations for their care and protection.
- Adoption: The Amendment Act provided for a more streamlined and child-friendly adoption process, aimed at ensuring that children who cannot be cared for by their biological parents are placed in safe and loving homes.
- Protection of Child Victims and Witnesses: The Amendment Act provided for the protection of child victims and witnesses, and for measures to be taken to ensure that they are not re-traumatized by the legal process.
- Strengthening of Juvenile Justice Boards: The Amendment Act provided for the strengthening of Juvenile Justice Boards, including the appointment of additional members with expertise in child psychology, social work, and other related fields.

(B) The Juvenile Justice (Care and protection of children) Act, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 is an updated version of the

Juvenile Justice Act, 2000. It was enacted with the aim of further strengthening the juvenile justice system in India and ensuring better care, protection, and rehabilitation of children in need of care and protection, as well as those in conflict with the law. Some of the key provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 include:

- Definition of a Child: The Act retains the definition of a child as a person who has not completed 18 years of age, in line with the United Nations Convention on the Rights of the Child.
- Child-friendly Procedures: The Act provides for child-friendly procedures, aimed at ensuring that the best interests of the child are given due consideration in all proceedings under the Act.
- Establishment of Juvenile Justice Boards: The Act provides for the establishment of Juvenile Justice Boards at the district level, which are responsible for the adjudication of cases involving children in conflict with the law.
- Child Welfare Committees: The Act provides for the establishment of Child Welfare Committees at the district and city levels, which are responsible for the care, protection, and rehabilitation of children in need of care and protection.
- Rehabilitation and Social Reintegration: The Act provides for a range of measures aimed at rehabilitating and socially reintegrating children in conflict with the law, including counselling, vocational training, and education.
- Adoption: The Act provides for a streamlined and child-friendly adoption process, aimed at ensuring that children who cannot be cared for by their biological parents are placed in safe and loving homes.

(C) Juvenile Justice (Care And Protection of Children) Amendment Bill, 2021

The Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021 is a proposed amendment to the Juvenile Justice (Care and Protection of Children) Act, 2015. The Bill was introduced in the Indian Parliament in March 2021 and seeks to further strengthen the juvenile justice system in the country. Some of the key provisions of the Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021 include:

• Definition of Serious Offences: The Bill proposes to expand the definition of serious offences, which are crimes that can result in a child being tried as an adult. The new definition includes crimes such as human trafficking, grievous hurt, and offenses against the state.

- Adoption: The Bill proposes to make the adoption process more streamlined and childfriendly, and to encourage the adoption of children with disabilities and older children.
- Rehabilitation and Social Reintegration: The Bill proposes to strengthen the rehabilitation and social reintegration measures for children in conflict with the law, including providing them with counselling, education, and vocational training.
- Child Welfare Committees: The Bill proposes to increase the number of members on the Child Welfare Committees, and to ensure that at least one member is a woman.
- National Database: The Bill proposes to establish a national database of children in need of care and protection, which will help in tracking their progress and ensuring that they receive the necessary care and support.

(D) Juvenile Justice Act, 2015 – Positives

The Juvenile Justice (Care and Protection of Children) Act, 2015 is an important legislation in India that seeks to protect the rights of children in conflict with the law. Some of the positive aspects of this act are:

- Emphasis on rehabilitation: The act recognizes that children who have committed an offense are still in the process of developing and that they need to be rehabilitated and reintegrated into society. The focus is on reforming the child and providing them with an opportunity to lead a productive life rather than punishing them.
- Special treatment for children: The act recognizes that children need special care and protection, and provides for specialized juvenile justice institutions, such as observation homes and special homes, where children can receive care and rehabilitation services.
- Protection of child rights: The act ensures that the rights of children in conflict with the law are protected, including their right to legal representation, right to be heard, and right to privacy.
- Decriminalization of certain offenses: The act decriminalizes certain offenses committed by children, recognizing that children should not be treated as adults when it comes to the justice system.
- Promotion of child-friendly justice system: The act encourages the use of child-friendly
 procedures and processes in the justice system, such as conducting proceedings in a
 child-friendly environment and ensuring that children are not subjected to harsh
 treatment or punishment.

(E) Juvenile Justice Act, 2015- Negatives

The Juvenile Justice (Care and Protection of Children) Act, 2015 has received criticism for several reasons. Here are some of the negative aspects of the act:

- Reduction of age of criminal responsibility: The act has lowered the age of criminal responsibility from 18 to 16 years, which has been criticized for going against international standards and research on adolescent brain development.
- Harsh punishment for children: The act allows for the imposition of harsh punishments, such as life imprisonment, for children who commit serious offenses. This has been criticized for being inhumane and going against the principles of restorative justice.
- Lack of focus on rehabilitation: The act has been criticized for its lack of emphasis on rehabilitation and reintegration of juvenile offenders into society. The act focuses more on punishment rather than addressing the root causes of delinquent behavior and providing support to youth to prevent reoffending.
- Poor implementation: The act has been criticized for its poor implementation, with concerns about the lack of infrastructure, resources, and trained personnel to effectively implement the provisions of the act.
- Discrimination against certain groups: The act has been criticized for discrimination against certain groups of children, such as street children and children in conflict with the law due to their involvement in armed conflict or terrorism. These children may face harsher punishment and may not receive adequate protection and support.
- Lack of participation of children: The act has been criticized for its lack of participation of children in decision-making processes, which goes against the principles of child participation and the right of children to be heard in matters that affect them.

VIII. PREVENTIVE PROGRAMMES

Prevention programs can be effective in reducing the likelihood of juvenile delinquency. Here are some common preventive programs for juvenile delinquency:

- Early childhood intervention: Programs that focus on early childhood development can help prevent delinquent behaviour before it starts by providing support to children and families in the areas of health, education, and social development.
- Parenting programs: Parenting programs can help parents develop effective parenting skills, which can reduce the likelihood of delinquent behaviour in their children.

- School-based programs: School-based programs can help prevent delinquent behaviour by providing academic support, counselling, and extracurricular activities that engage students and promote positive behaviour.
- Mentoring programs: Mentoring programs can provide positive role models and support to at-risk youth, which can reduce the likelihood of delinquent behaviour.
- Community-based programs: Community-based programs can provide after-school activities, sports programs, and other positive outlets for youth, which can reduce the likelihood of delinquent behaviour.
- Neighbourhood watch programs: Neighbourhood watch programs can help prevent delinquent behaviour by promoting community involvement and awareness of criminal activity.
- Youth employment programs: Youth employment programs can provide job training and employment opportunities to at-risk youth, which can reduce the likelihood of delinquent behaviour.
- Substance abuse prevention programs: Substance abuse prevention programs can educate youth about the dangers of drug and alcohol use, which can reduce the likelihood of delinquent behaviour.
- Restorative justice programs: Restorative justice programs can provide a positive alternative to traditional punishment by focusing on repairing the harm caused by delinquent behaviour.
- Law enforcement programs: Law enforcement programs can work with youth to prevent delinquent behaviour by building positive relationships between police officers and the community.

IX. CONCLUSION

Juvenile delinquency is a complex issue that has been present throughout history and across different countries. It refers to the involvement of children and adolescents in criminal activities, which can have serious consequences for both the young people involved and society as a whole. The approach to dealing with juvenile delinquency has evolved over time, with a focus on rehabilitation and reintegration of young offenders into society. The Juvenile Justice Act, 2000 and the subsequent Juvenile Justice (Care and Protection of Children) Act, 2015 in India, as well as similar legislation in other countries, aim to provide a framework for the care, protection, and rehabilitation of children in need of care and protection, as well as those in

conflict with the law. However, there are still challenges in implementing these laws effectively and addressing the underlying causes of juvenile delinquency, such as poverty, lack of education, and family breakdown. Therefore, it is important to continue to work towards creating a more just and equitable society, where young people have access to opportunities and support to reach their full potential and avoid the pathways of delinquent behaviour.

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