



Juvenile Delinquency in India

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Abstract

Juvenile delinquency in India represents a complex socio-legal and psychological phenomenon shaped by historical evolution, socio-economic disparities, family structures, peer dynamics, community environments, and mental health factors. This article provides a comprehensive overview of juvenile delinquency by tracing its development from the colonial period to the post-independence era and recent reforms. During the colonial era, legislations such as the Indian Penal Code introduced distinctions between adult and juvenile offenders but largely emphasized punitive justice over rehabilitation. Post-independence reforms, particularly through the Juvenile Justice Act and later the Juvenile Justice (Care and Protection of Children) Act, marked a paradigm shift toward a child-centric, reformatory, and restorative justice framework aligned with international standards. The article examines the prevalence and patterns of juvenile delinquency in India, highlighting statistical trends reported by the National Crime Records Bureau and acknowledging the challenges of underreporting and regional disparities. It categorizes types of offenses, including property crimes, substance abuse, violence, cybercrimes, and sexual offenses, and analyzes manifestations such as repeat offending, gang involvement, and school disengagement.

Further, the study explores multi-level contributing factors—individual (mental health disorders, personality traits, trauma), family (parental neglect, criminality, substance abuse), peer (peer pressure, gang associations), and community (poverty, social disorganization, lack of resources). By integrating sociological and psychological perspectives, the article underscores the importance of preventive interventions, early mental health support, family strengthening measures, and community-based rehabilitation programs. Ultimately, it emphasizes that an effective juvenile justice system must balance accountability with compassion, prioritizing rehabilitation and reintegration while safeguarding societal interests.

Keywords: Juvenile Delinquency, Juvenile Justice System, Mental Health, Rehabilitation and Reintegration, Socio-economic Factors

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1. INTRODUCTION

Juvenile delinquency refers to criminal behavior committed by individuals who are below the age of 18 years. The study of juvenile delinquency in India involves exploring various factors such as socio-economic conditions, family dynamics, educational opportunities, and cultural influences that contribute to delinquent behavior among young people. Juvenile delinquency refers to criminal behavior committed by individuals who are below the age of 18, as per the Juvenile Justice Act in India. The factors contributing to juvenile delinquency are multifaceted and often intertwined with socio-economic conditions, family dynamics, educational opportunities, and community influences. While it is crucial to avoid generalizations, some common underlying factors associated with juvenile delinquency in India include poverty, lack of education, substance abuse, peer pressure, and exposure to violence. While not all young offenders have mental health issues, research suggests a higher prevalence of mental health disorders among juveniles involved in delinquent behavior compared to the general population¹.

(a) Colonial Era

During the colonial era in India, which lasted for nearly two centuries, the country witnessed significant social and economic changes. The British rule introduced a new legal system that differentiated between adult and juvenile offenders.

The Indian Penal Code of 1860 incorporated provisions related to juvenile offenders, recognizing that young people needed separate treatment and rehabilitation. However, it is important to note that the colonial legal system primarily focused on retributive justice rather than a rehabilitative approach. Punitive measures, such as imprisonment and corporal punishment, were often used as means of addressing juvenile delinquency². The lack of emphasis on rehabilitation during this period laid the foundation for future challenges in dealing with juvenile offenders. The British colonial rule, which lasted for nearly 200 years until India's independence in 1947, had significant social, economic, and psychological implications for the Indian population.

- **Juvenile Delinquency in Colonial India:**

- i. **Impact of Colonial Rule**

The introduction of British institutions and legal systems significantly influenced the nature and perception of juvenile delinquency in India. British laws were imposed, and the Indian Penal Code of 1860 was enacted, introducing new legal categories for criminal behavior, including offenses committed by children.

- ii. **Socioeconomic Disparities**

The colonial rule created stark socioeconomic disparities, with a significant portion of the Indian population living in poverty and facing economic hardships. These conditions increased the likelihood of juvenile

¹ Chandana Sarkar, *Juvenile Delinquency in India 1* (Daya Publishing House, Delhi, 1987)
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² Asha Bajpai, *Child Rights in India: Law, Policy and Practice* 279 (Oxford University Press, Second Edition, 2006)

delinquency, as children from impoverished backgrounds were more susceptible to engage in criminal activities.

iii. Educational and Social Disruption

The colonial policies disrupted traditional education systems and cultural norms, which led to a breakdown in social support structures. Many children faced limited access to education, social dislocation, and unemployment, making them vulnerable to delinquent behavior.

iv. Lack of Reformatory Institutions

The colonial administration failed to establish sufficient reformatory institutions for juveniles. As a result, young offenders were often treated as adult criminals, leading to their further marginalization and limited opportunities for rehabilitation. It is important to note that the impact of colonial rule on mental health and juvenile delinquency in India was multifaceted and influenced by various social, economic, and cultural factors. The legacy of this era continues to shape mental health and juvenile justice issues in modern-day India, albeit in different contexts and with evolving challenges³.

(b) Post-Independence Era

After gaining independence from British rule in 1947, India embarked on a journey of nation-building and socio-economic development. The Constitution of India, adopted in 1950, laid down fundamental rights and principles, including the protection of children's rights. The Juvenile Justice Act (JJA) of 1986 was a significant milestone in addressing the needs of juvenile offenders. It aimed to provide care, protection, and rehabilitation to young offenders rather than focusing solely on punishment.

(c) Recent Developments

In recent years, there have been significant developments in the field of juvenile justice in India. The Juvenile Justice (Care and Protection of Children) Act of 2015 replaced the earlier legislation, providing a more comprehensive framework for dealing with juvenile offenders. The new act emphasizes the principle of restorative justice, focusing on the rehabilitation and reintegration of juvenile offenders into society.

2. Juvenile Delinquency

Juvenile delinquency refers to the participation of minors in illegal activities or behaviors that are considered antisocial or criminal⁴. The definition of juvenile delinquency varies from nation to nation. While in nations like the USA, a wide variety of

³ Battin-Pearson, Sara R., Terence P. Thornberry, J. David Hawkins, and Marvin D. Krohn. 1998, "Gang Membership, Delinquent Peers, and Delinquent Behavior", *Juvenile Justice Bulletin* (1998) available at https://www.researchgate.net/publication/239279049_Gang_Membership_Delinquent_Peers_and_Delinquent_Behavior (last visited June 9, 2023)

⁴ UN Congress on the Prevention of Crime and the Treatment of Offenders, *Working Paper by Secretariat in its Sixth Session, Held in Caracas, Venezuela from 25 August to 5 September, 1980 - Juvenile Justice : Before and After the Onset of Delinquency*, A/CONF. 87/5 (4 June 1980)

acts including smoking in public, consuming alcohol, using drugs, etc. fall under juvenile delinquency, in European countries, a minor is only tried for delinquency if breaking the criminal law is an infraction for the entire community.

In India, if a kid violates the law before the age of seven, it is not regarded as delinquency since the youngster is deemed too young to comprehend the repercussions of his conduct. Juvenile delinquency is defined as engaging in criminal activity between the ages of 7 and 18, whereas adult criminal activity occurs beyond the age of 18. Legally speaking, delinquency is defined as a pattern of behaviour that a court of law deems to be unacceptable, including actions that are uncontrollable, unmanageable, desertion from home, and affiliation with anti-social forces. Delinquency, from a social perspective, is any activity that is not considered acceptable. Once again, the difference in legal and moral norms between nations creates a problem with the exact or precise interpretation. In other societies when certain behaviours patterns are institutionalised indulged in, what could be termed delinquent activity in the USA may not be. The behaviours that are prohibited by juvenile codes can be divided into two broad categories: (1) those that would be considered criminal offences if committed by adults, and (2) those that are only prohibited for minors and are referred to as status offenses (school truancy, eluding authorities, running away from home, etc.).

A minor under the age of 18 is considered a child under the act, and a child who has broken a

municipal or township code or a common law country's law is considered a delinquent child.

Juvenile Delinquency can be influenced by various factors, including socio-economic conditions, family environment, peer pressure, substance abuse, and mental health issues. Juvenile delinquency is a concern in India, and addressing the underlying causes, including mental health, is crucial. Juvenile delinquency refers to the participation of minors, typically individuals under the age of 18, in illegal activities. It involves a range of offenses committed by young people, such as theft, vandalism, drug abuse, assault, and other criminal acts. Juvenile delinquency is a complex issue influenced by various factors, including social, economic, family, and individual factors. There are several theories that attempt to explain the causes of juvenile delinquency. Some theories focus on individual traits, such as personality disorders or psychological issues, while others emphasize social factors, such as poverty, family dysfunction, peer influence, and lack of education or employment opportunities. It's important to note that these theories are not mutually exclusive, and multiple factors often contribute to delinquent behavior⁵. The response to juvenile delinquency varies across different jurisdictions and legal systems. In many countries, the primary goal is to rehabilitate rather than punish juvenile offenders. The justice system often focuses on interventions aimed at addressing the underlying causes of delinquency, such as counseling, education, vocational training, and

⁵ Bela Dutta Gupta, *Contemporary Social Problem in India* 32 (Vidyodaya Library, 1964)

community-based programs. However, in some cases, depending on the severity of the offense, juveniles may face more punitive measures, including probation, community service, or placement in correctional facilities. Efforts to prevent juvenile delinquency typically involve a combination of strategies, including early intervention programs, family support services, mentoring, after-school activities, and community engagement. These initiatives aim to provide at-risk youth with positive alternatives and support systems to reduce the likelihood of engaging in delinquent behavior. In India, the legal system has provisions to address juvenile delinquency, which refers to the involvement of individuals below the age of 18 in criminal activities. The legal framework for dealing with juvenile delinquents is primarily governed by the Juvenile Justice (Care and Protection of Children) Act, 2015.⁶

(a) Prevalence of Juvenile Delinquency in India

To comprehend the prevalence of juvenile delinquency in India, various sources of data can be utilized, including official crime records, surveys, and research studies. It is important to note that due to the clandestine nature of some offenses and underreporting, the available data may not capture the complete picture. Nevertheless, these sources provide valuable insights into the prevalence of juvenile delinquency in India. According to official crime records and statistics from the National Crime

Records Bureau (NCRB)⁷, there has been an increase in the number of reported juvenile offenses in recent years. However, it is crucial to interpret this data with caution, as it could be influenced by changes in reporting practices and awareness among the authorities. Moreover, the number of reported offenses may not reflect the actual prevalence of juvenile delinquency due to the presence of undetected or unreported cases.

It's important to note that the NCRB data primarily captures reported cases, and the actual prevalence of juvenile delinquency could be higher considering many cases may go unreported or undetected. Moreover, there might be regional variations determining the exact prevalence of juvenile delinquency can be challenging due to various factors, including underreporting, differences in data collection methods, and variations in definitions across different regions. However, according to the National Crime Records Bureau (NCRB) in India, which compiles crime statistics, the rate of crimes committed by juveniles has shown a fluctuating trend over the years.

In 2021, a total of 31,170 cases of crimes committed by juveniles were reported in India which is 4.7 % more than last year.⁸ These crimes include offenses such as theft, burglary, rioting, assault, murder, rape, and others. It is important to note that not all crimes committed by juveniles are violent or serious offenses. A significant portion of the reported cases involves non-serious offenses.

⁷ National Crime Records Bureau, “Crime in India 2021” (Ministry of Home Affairs, 2021)

⁸ *Supra* note 17

⁶ The Juvenile Justice Act, 2015 (Act no. 02 of 2016)

Factors such as poverty, lack of education, family issues, peer influence, substance abuse, and societal factors can contribute to the involvement of juveniles in criminal activities. To understand the extent of the problem, it is essential to examine the prevalence of juvenile delinquency in India. Several studies and official reports have shed light on this issue. According to the National Crime Records Bureau (NCRB), there has been a significant rise in the number of registered juvenile delinquents in recent years. However, it is important to note that the reported cases may not represent the true prevalence, as many cases go unreported or are dealt with informally within families or communities. It is unmistakably stated in the “264th report of the Rajya Sabha's Standing Committee on Human Resource Development” that there is a gap between the widely accepted popular public perception of juvenile crime and the actual position.⁹

(b) Types of Juvenile Delinquency:

Juvenile delinquency can take various forms, ranging from minor offenses to serious crimes. The following are some of the common types observed in India:

- i. Property Offenses**
- ii. Substance Abuse**
- iii. Violence and Aggression**
- iv. Cybercrimes**
- v. Sexual Offenses**

(C) Manifestations of Juvenile Delinquency

Juvenile delinquency can manifest in various ways, and understanding these manifestations is essential for effective intervention. Some common manifestations include:

i. Repeat Offending

Some juveniles engage in a pattern of delinquent behavior, repeatedly committing offenses. This can indicate a need for targeted intervention programs to address underlying issues and prevent further criminal behavior. Recently there was a case of a juvenile offender who spent hours watching TV. He was 17 and has been charged in two murder instances that occurred within a five-month period. For a ransom of Rs 60,000, he allegedly abducted and killed a 13-year-old child on one occasion. For her valuables in the other, he strangled a 65-year-old woman. He says he committed both killings to support his dance aspirations. He sought entry into a well-known dancing competition on television.¹⁰

ii. Gang Involvement

Juveniles may join gangs as a means of belonging or for protection. Gang involvement often leads to an escalation in delinquent behavior and an increased risk of violence. The group-supported delinquency is committed in companionship with others and the cause is located not in the personality of the individual or in the

¹⁰Ananya Bharadwaj, “Boy murders two to fulfil dream of becoming a dancer”, *Hindustan Times*, 21 March 2016, available at <https://www.hindustantimes.com/delhi/boy-murders-two-to-fulfil-dream-of-becoming-a-dancer/story-jUI1l6iQhgnljqKGtd7AKN.html> (last visited on 23 may 2023)

⁹ Parliament of India Rajya Sabha, “264th report of the Rajya Sabha's Standing Committee on Human Resource Development” (2015)
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delinquent's family but in the culture of the individual's home and neighborhood. The researches of Thrasher and Shaw and McKay⁸⁷ are based on this type of delinquency¹¹.

iii. School Disengagement

Delinquent behavior can result in academic difficulties and disengagement from the educational system. Truancy, low academic performance, and dropout rates are indicators of the impact of delinquency on education.

3. Factors leading to Juvenile Delinquency in India

The prevalence of juvenile delinquency in India can be a complex issue to measure accurately due to various factors such as regional variations, underreporting, and lack of comprehensive data.

(i) Contributing Factors

This chapter aims to examine the prevalence and patterns of juvenile delinquency in India. It explores the various contributing factors that influence the occurrence of delinquent behavior among the youth population. By understanding the prevalence and patterns of juvenile delinquency and its contributing factors, policymakers, practitioners, and researchers can develop effective strategies to prevent and address this issue¹². 'Study of Children in Conflict with Law' in Delhi, a paper by Richa Arora for TISS, highlights housing as a significant predictor of juvenile criminality. When a youngster

sees crimes in his area and surroundings, they develop accustomed to them and learn from them. What the child is exposed to and what could be his or her behaviours depend significantly on the location where the child lives, the surroundings, and the socioeconomic status of the people nearby.

This section investigates the contributing factors that lead to juvenile delinquency in India. It examines individual, family, peer, and community-level factors that influence the occurrence of delinquent behavior among young people¹³.

It also focuses on individual-level factors that contribute to juvenile delinquency. It explores psychological factors, such as personality traits, cognitive development, and mental health issues, which may predispose individuals to engage in delinquent behavior. Additionally, it discusses the role of personal experiences, educational attainment, and self-control in shaping the behavior of juvenile offenders. There are several individual factors that can contribute to juvenile delinquency. These factors are related to the characteristics and experiences of the individual themselves. Here are some of the key individual factors that can play a role:

- a. The family environment and upbringing can significantly influence a young person's behavior. Factors such as parental neglect, abuse, inconsistent discipline, or the presence of

¹¹ Clifford Shaw and Henry McKay, *Perspective of Disorganized Neighbourhood* 16 (Social Sage Publications, 1942)

¹² *Supra* note 15

¹³ Carr, Lowell, J., *Delinquency Control* 166 (New York: Harper & Brothers, Revised Edition, 1950) available at <https://books.google.co.in/books?isbn=1919895159> (visited on April 28, 2023)

criminal behavior in the family can increase the likelihood of juvenile delinquency.

- b. Adolescents often seek acceptance and validation from their peers, and peer influence can be a powerful force. If a young person associates with delinquent peers or joins gangs, they may be more likely to engage in criminal activities.
- c. Poor social skills, such as the inability to communicate effectively or resolve conflicts peacefully, can contribute to delinquent behavior. These individuals may resort to aggression or other negative behaviors to deal with interpersonal conflicts.
- d. Struggling academically, having low educational attainment, or experiencing school failure can contribute to delinquency. Frustration, disengagement, and a lack of future prospects can lead some youth to turn to delinquent activities.
- e. Substance abuse, including alcohol and drug use, is strongly associated with juvenile delinquency. According to Robert Seligman's article on "Alcohol and Crime," statistics showing an increase in such alcoholic-criminal incidents in the modern period frequently corroborate the link between alcoholism and various violent and criminal acts. Drug addiction causes youngsters to begin committing minor infractions. Alcoholism leads to attacks on other family

members, especially women and children, which destroys the peace of the home.¹⁴

- f. Certain mental health disorders, such as "conduct disorder, oppositional defiant disorder, attention-deficit/hyperactivity disorder (ADHD), or impulse control problems", can increase the risk of delinquency. These disorders can affect a young person's ability to control their impulses and make sound decisions.
- g. Negative attitudes and beliefs, such as a lack of empathy, a disregard for societal rules, or a belief in delinquent values, can contribute to juvenile delinquency. These attitudes may develop due to various factors, including exposure to violence or a distorted view of acceptable behavior.
- h. Experiencing abuse, neglect, violence, or other traumatic events during early childhood can significantly increase the risk of delinquency. Trauma can affect emotional and behavioral regulation, leading to maladaptive coping mechanisms and a higher likelihood of engaging in criminal behavior. According to Rashmi Aggarwal¹⁵, peer pressure, peer group influence, child mistreatment at home, and brutality in the home, and sometimes just for the purpose of excitement and looking for n According to

¹⁴ The Children's Aids Society, "Annual Report of Children's Aid Society, Bombay" 33-34 (1960-61)

¹⁵ Rashmi Aggarwal, *Street Children: A Social-Psychological Study* 49-52 (Shipra Publications, 1999)

Edwin H. Sutherland¹⁶ Some traits are common in the homes where troubled kids are most frequently found. These include:

- family members engaging in criminal activity, immoral behaviour, or intoxication;
- any desertion within the family and
- an overcrowded living situation
- Ineffective discipline brought on by the parents' or replacement parents' ignorance, blindness, etc.

Children leave their homes and join the population of street children due to a variety of factors, including parental carelessness, an indifferent home environment, rage or excitement at home, and harsh punishment from their parents.

It's important to note that these individual factors do not act in isolation but often interact with each other and with environmental factors to influence juvenile delinquency. Addressing these individual factors through early intervention, counseling, education, and support can help mitigate the risk of delinquency and promote positive development in young individuals.

(A) Family Factors

This subsection examines the influence of family-related factors on juvenile delinquency. It explores parenting styles, family structure, parental involvement, socio-economic status, and domestic violence as potential contributors to delinquent behavior among youth¹⁷. The section also discusses

the impact of parental substance abuse, criminal history, and family conflict on the likelihood of juvenile delinquency. Family factors play a significant role in contributing to juvenile delinquency. The dynamics within a family can have a profound impact on a child's behavior and choices. Family Factors

A functionally competent family fosters development, self-assurance, candour, and the capacity to face reality. Most juvenile offenders live in houses that are not adequately functionin. According to Ingram¹⁸ Family structure has a significant impact on delinquency. The conduct of a child. In his study, Dornbuschs¹⁹ found that the way families are structured and how teenagers make decisions both play a significant role in their deviant conduct. Here are some key family factors that contribute to juvenile delinquency.

- **Parental Criminality**
- If one or both parents have a criminal history or engage in delinquent behaviors, their children are more likely to follow the same path. Children often model their behavior after their parents and may become involved in criminal activities due to a lack of positive role models.
 - **Parental Neglect and Abuse**
- Children who experience neglect or abuse within their families are at a higher risk of engaging in

1998)

¹⁸ R.E. Hardy, and J.G. Cull (Eds.), *Therapeutic needs of the family: problems, Descriptions and Therapeutic Approaches* 240 (Springfield, IL, 1974)

¹⁹ Dornbuschs, *Single Parents Extended Households, and the Control of Adolescents, Special Issue: Family Development, Child Development* 326-341 (1985)

¹⁶ Edwin H. Sutherland, *Principles of Criminology* 306 (AltaMira Press, 1992)

¹⁷ Cook, Philip J. and John Laub, "The Unprecedented Epidemic in Youth Violence" in M. H. Moore and M. Tonry (eds.) *Crime and Justice* 27–64 (University of Chicago Press,

delinquent behavior. Lack of supervision, emotional neglect, physical or sexual abuse can lead to feelings of anger, frustration, and low self-esteem, which can manifest in criminal behavior.

- ***Inconsistent Discipline***

- Inconsistent or ineffective discipline strategies can contribute to juvenile delinquency. When parents fail to set clear boundaries, enforce consequences for misbehavior, or provide consistent guidance, children may develop a lack of respect for authority and rules.

- ***Family Conflict and Dysfunction***

- High levels of conflict, tension, and dysfunction within a family can contribute to delinquency. Constant arguments, violence, substance abuse, or other forms of family dysfunction can create an unstable and unhealthy environment for a child, leading to behavioral problems.

- ***Parental Substance Abuse***

- Substance abuse within the family significantly increases the likelihood of juvenile delinquency. Parents struggling with addiction may neglect their parenting responsibilities, expose children to dangerous environments, and fail to provide a stable home life.

- ***Socioeconomic Factors***

- Economic disadvantage and poverty can contribute to juvenile delinquency. Families living in poverty often face challenges in meeting their children's basic needs, accessing quality education and healthcare, and providing a stable environment. These factors can increase the risk of delinquent behavior as children may turn to crime to meet their needs or seek financial gain.

- ***Parental Involvement***

- Lack of parental involvement in a child's life can be a contributing factor to delinquency.
- When parents are absent physically or emotionally, children may seek validation and support from peers or engage in risky behaviors to fill the void. Gold²⁰ has said “that parents of low status are at a disadvantage in trying to exert control over their sons to react to social frustration in a rebellious and delinquent fashion”.

It is important to note that while family factors play a significant role, they do not determine a child's path towards delinquency. Various other factors, such as peer influence, school environment, and individual characteristics, interact with family factors to shape a child's behavior and choices.

(B) Peer Factors

This subsection explores the role of peer relationships and peer pressure in juvenile delinquency. Many youngsters would say, "It was friendship, ma'am," when asked what inspired them to enter the criminal underworld.²¹

It examines how association with delinquent peers, gang membership, and socialization processes contribute to the involvement of young individuals in criminal activities. Peer factors can significantly contribute to juvenile delinquency²².

²⁰ Gold, *Status Forces in Delinquency Boys* 35 (Michigan University Press Ann Arbor, 1963)

²¹ Enakshi Ganguly, Puneeta Roy, et.al., *Juvenile, Not Delinquent* (Speaking Tiger, 2023)

²² H. Stulken Edward, “ Misconception about Juvenile Delinquency” 46 No. 6 *Journal of Criminal Law, Criminology and Police Science* 883-886 (1956)

According to Aristotle, those who engage in similar criminal behaviour band together to form larger gangs. Here are some key peer-related factors that can influence delinquent behavior among young people

i. Peer Pressure

One of the primary factors is peer pressure, where individuals feel compelled to conform to the norms and behaviors of their peer group. If the peer group engages in delinquent activities, such as substance abuse or criminal behavior, it can exert pressure on an individual to participate, leading to delinquency.

ii. Delinquent Peer Associations

When juveniles associate with delinquent peers, they are more likely to engage in criminal activities themselves. These associations can provide opportunities for learning criminal skills, creating a supportive environment for delinquent behavior.

iii. Peer Rejection and Alienation

Juveniles who experience rejection or alienation from their peer groups may be more vulnerable to delinquency. The desire for acceptance and belonging can drive them to seek alternative groups that engage in delinquent behavior.

iv. Gang Involvement

Gangs can be particularly influential in promoting delinquency among youth. Membership in a gang may provide a sense of identity, protection, and a social network, but it also exposes individuals to criminal activities, violence, and a culture that glorifies antisocial behavior.

v. Socialization and Modeling

Peers play a significant role in shaping an individual's attitudes, beliefs, and behavior. Observing peers engaging in delinquent activities can normalize such behaviors and increase the likelihood of participation.

vi. Peer Reinforcement

Positive reinforcement from peers for engaging in delinquent acts can further perpetuate the behavior. Approval, respect, or admiration from delinquent peers can motivate individuals to continue engaging in criminal activities.

vii. Social Learning

Juveniles learn from their peers through direct observation and imitation. If they observe their peers being rewarded or praised for engaging in delinquent behavior, they may be more inclined to replicate those actions.

It's important to note that while peer factors contribute to juvenile delinquency, they do not operate in isolation. Other individual, family, and societal factors also play significant roles in shaping a young person's behavior and risk of delinquency²³.

(C) Community Factors

This subsection analyzes the impact of community-level factors on juvenile delinquency. It explores the influence of neighborhood characteristics, such as poverty, unemployment, social disorganization, and lack of access to education and recreational facilities. The section

²³ Cornish, Derek and Ronald V. Clarke (eds.), *The Reasoning Criminal: Rational Choice Perspectives on Offending* (Springer, New York, 1986)

also examines the role of community violence, exposure to gangs, and the availability of drugs in shaping the delinquent behavior of young people. There are several community factors that can contribute to juvenile delinquency. These factors can influence the behavior and choices of young individuals, increasing their risk of engaging in delinquent activities. Here are some common community factors that play a role in juvenile delinquency: High levels of neighborhood disorganization, characterized by poverty, unemployment, inadequate housing, and limited access to quality education and healthcare, can create an environment conducive to delinquency. A lack of social control, limited opportunities, and the presence of criminal elements can increase the likelihood of young people getting involved in illegal activities. Peers play a significant role in shaping the behavior of young individuals²⁴. If a community has a high prevalence of delinquent peers, adolescents may be more likely to engage in delinquent behaviors themselves. Peer pressure, the desire for acceptance, and the need for belonging can lead juveniles to participate in criminal acts to gain approval or fit in with their social group.

Communities that lack accessible and engaging recreational activities for young people may contribute to boredom, idleness, and a higher likelihood of delinquent behavior. When there are no constructive outlets for leisure time, adolescents

may turn to negative influences or engage in risky behaviors. Communities with easy access to drugs and alcohol can significantly impact juvenile delinquency rates. Substance abuse can impair judgment, increase aggression, and lead to involvement in criminal activities to sustain drug habits or participate in illegal drug markets²⁵. Limited availability of quality social services, such as mental health support, counseling, after-school programs, and mentorship, can contribute to delinquency rates. When young individuals do not have access to resources that address their needs and support their development, they may be more susceptible to negative influences. Living in a community with high crime rates can expose young individuals to violence, trauma, and criminal behavior. Constant exposure to crime and violence can desensitize youth, normalize delinquency, and increase the likelihood of their involvement in criminal activities.

It's important to note that while these community factors can contribute to juvenile delinquency, individual factors, such as family dynamics, personal characteristics, and psychological factors, also play a significant role. Effective prevention and intervention strategies often involve addressing both community and individual factors to create a supportive environment for young people and reduce the risk of delinquency.

²⁴ Cortes, Juan B, Florence M. Gatti, *Delinquency and Crime: A Biopsychosocial Approach; Empirical, Theoretical, and Practical Aspects of Criminal Behavior* (Seminar Press, New York, 1972)

²⁵ Dr. S. K. Chatterjee, *Offences against Children & Juvenile Offence 163* (Central Law Publications, Allahabad, First Edition, 2013)

4. Juvenile Justice laws in India

In cases involving juveniles (individuals below 18 years of age) who engage in criminal activities, India follows the Juvenile Justice (Care and Protection of Children) Act, 2015²⁶.

A. Historical Evolution of Juvenile Justice Laws in India

The historical evolution of juvenile justice laws in India has been marked by significant changes aimed at addressing the unique needs and vulnerabilities of young offenders. India has recognized the importance of providing a separate legal framework for dealing with juveniles in conflict with the law, taking into consideration their age, development, and capacity for reform. Here is an overview of the historical development of juvenile justice laws in India.

a. The Apprentices Act, 1850²⁷:

The Apprentices Act was the first legislation in India to address the treatment of juvenile offenders. It focused on the apprenticeship and reformatory measures for young offenders.

b. The Reformatory Schools Act, 1897²⁸:

This act established reformatory schools to provide correctional and educational opportunities for juvenile offenders. The emphasis was on rehabilitation and reformation rather than punishment.

c. The Children Act, 1960²⁹:

The Children Act consolidated and replaced previous legislation concerning the treatment of children in need of care and protection. It established the framework for dealing with neglected and delinquent children, including provisions for juvenile courts and probation officers.

d. The Juvenile Justice Act, 1986³⁰:

This act was a significant milestone in the evolution of juvenile justice in India. It recognized that juveniles need special care, protection, and rehabilitation rather than punishment. It established the Juvenile Justice Boards (JJBs) to handle cases involving juvenile offenders and defined the procedures for their rehabilitation.

e. The Juvenile Justice (Care and Protection of Children) Act, 2000³¹:

This act repealed the 1986 act and introduced comprehensive reforms. It recognized the rights of children, their reintegration into society, and their rehabilitation. It created a separate category of offenses for juvenile offenders and established a stronger focus on their protection and welfare.

f. The Juvenile Justice (Care and Protection of Children) Act, 2015³² (*Present Statute*)

This act replaced the 2000 act and brought further reforms to the juvenile justice system. It aligned with international standards and aimed to strengthen the protection and rehabilitation of children. It introduced measures to address

²⁶ *Supra* note 15

²⁷ The Apprentices Act, 1850 (Act no. 1 of 1850)

²⁸ The Reformatory Schools Act, 1897 (Act no. 08 of 1897)

²⁹ The Children Act, 1960 (Act no. 60 Of 1960)

³⁰ The Juvenile Justice, 1986 (Act no. 53 of 1986)

³¹ The Juvenile Justice Act, 2000 (Act no. 56 of 2000)

³² *Supra* note 15

heinous offenses committed by juveniles aged 16 to 18 years, including their trial as adults in certain cases. Most of the provisions and principles of the JJ Act are in consonance with the International Convention and statutes (Beijing rules 1985)³³. Let's go through the salient features of the Act:

- i. **Juvenile Justice Boards:** Specialized Juvenile Justice Boards are established in each district to deal with cases involving children in conflict with the law. These boards consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, and two social workers, of whom at least one should be a woman. . When a juvenile is apprehended, the police should inform the child's parents or guardian³⁴.
- ii. **Inquiry and Rehabilitation:** The Act emphasizes the importance of conducting inquiries into the background and circumstances of the child before determining appropriate measures for their rehabilitation. This includes provisions for the involvement of Child Welfare Committees, social workers, and probation officers. The act provides for social integration and rehabilitation in special homes and aftercare.
- iii. **Prohibition on Sentencing:** The Act prohibits the sentencing of a juvenile offender to death, life imprisonment, or imprisonment for a term exceeding three years. The focus is on providing

care, protection, and rehabilitation rather than punishment.

- iv. **Special Homes and Observation Homes:** The Act provides for the establishment of Special Homes and Observation Homes where children in conflict with the law are to be lodged during the pendency of their inquiry and rehabilitation.
- v. **Bail and Probation:** The Act encourages the grant of bail to children in conflict with the law, except in exceptional circumstances, and promotes the use of probation as a means of rehabilitation and reintegration into society.
- vi. In cases where a juvenile is involved in serious crimes, such as murder or rape, the Juvenile Justice Act allows for a separate provision. It empowers the Juvenile Justice Board to assess the mental and physical capacity of the juvenile and determine if they should be treated as an adult in exceptional circumstances
- vii. The identity of juvenile offenders is protected under the law, and their proceedings are kept confidential.
- viii. The legal system encourages diversionary measures, which aim to divert juvenile offenders away from formal court proceedings. Instead, they are directed towards counseling, mediation, and other rehabilitative processes, with the intention of preventing future offenses.
- ix. If there is any dispute regarding the age of the accused, the Juvenile Justice Board can order a medical examination or other necessary inquiries to establish the person's age.

³³ UN General Assembly, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* ("The Beijing Rules"), GA Res 40/33, UN Doc Res/40/33 (November 29, 1985)

³⁴ Shoemaker, *International Handbook on Juvenile Justice* 12 (Westport, CT, Greenwood Press, 1996)

- x. **Child Welfare Committees:** Child Welfare Committees are established at the district level to deal with cases involving children in need of care and protection. These committees play a crucial role in determining the appropriate care and rehabilitation for children in need. It is worth noting that the Act was amended in 2019 to address certain concerns and strengthen the provisions related to child adoption, foster care, and heinous offenses committed by children. The amendments aimed to strike a balance between the rights of children and the protection of society.

In addition to the Juvenile Justice Act, other laws in India also address specific aspects of juvenile delinquency, such as the “Protection of Children from Sexual Offences (POCSO) Act, 2012³⁵, which deals with sexual offenses against children, including provisions for their protection, support, and rehabilitation”.

Overall, the legal framework for juvenile delinquency in India is based on the principles of rehabilitation, reintegration, and the best interests of the child, aiming to provide care, protection, and support to children in conflict with the law while ensuring public safety.

³⁵ Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012)