

# ANALYTICAL STUDY OF JUVENILE DELINQUENCY IN INDIA

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## ABSTRACT

*"Youth shows the man as morning shows the day"*

*John Milton<sup>1</sup>*

Children are the most important determinant of the growth of any nation. They are also the determiners of the future of the world and the torchbearers of society. The civilization of men rests upon the children. It is easily predictable that the future of the country is at peril where the children have started getting involved in horrendous crimes. Unfortunately, there has been an unprecedented increase in the number of cases of crimes committed by children in most of the countries throughout the globe India, being one of them. In India, the rate of crime committed by the children is increasing at an alarming rate which is disturbing and is fatalistic to the interest of the society, therefore, it is the need of the hour to find solutions to end the menace of juvenile delinquency. This paper aims at studying who is a juvenile, what juvenile delinquency means, the reasons or the causes behind the increasing rates of juvenile delinquency, juvenile delinquency particularly in India has been discussed in the paper which is supplemented with various statistical data collected from official sources. The paper also contains different Acts and legislation related to juvenile delinquencies in India.

## DEFINITION OF JUVENILE:

In India prior to the passing of The Children Act, 1960 there was no consensus regarding the age limit of a juvenile offender and different states had their own definition as to who shall be considered a "Child". For example, in Haryana and Bombay, a juvenile was a boy who has not

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<sup>1</sup> John Milton was an English poet, polemicist, and civil servant for the Commonwealth of England.

completed the age of 16 or a girl who has not completed the age of 18<sup>2</sup>. In Andhra Pradesh “Child” means “a person under 14 years and when used to reference to sent to certified school applies to that child during period of detention notwithstanding that the child attains the age of 14 years before the expiration of that period”<sup>3</sup>. The U.P. Children Act defined “Child” as any person under the age of 16<sup>4</sup>. In West Bengal “child” was considered to be a person under the age of fourteen years<sup>5</sup>.

The Juvenile Justice Act of 1986 which defined “Child” as a person who in case of a boy has not completed the age of 16 and in case of a girl as a person who has not completed the age of 18 years. In order to discharge its international commitment India repealed this Act and replaced it by The Juvenile Justice (Care and Protection of Children) Act, 2000 by which the distinction between the ages of boy and girl was removed and the age of the juvenile whose actions have been alleged to be infringement of the law of land was fixed to be not more than 18 years at the date of the commission of the said offense.

However by Juvenile Justice (Care and Protection of Children) Act, 2015 major amendments to the earlier Act have been made and according to this Act when in a case the age of the child whose actions have been alleged to be in conflict with the law of land is between 16 to 18 years then he will be treated as an adult if his actions fall within the category of heinous offenses which are those offenses which are punishable by imprisonment of 7 years or more and they include offenses like rape and murder or any other 21 types of crime.

## **DEFINITION AND NATURE OF DELINQUENCY**

Delinquency is the de trop<sup>6</sup> act or omission of a child. As it is socially unexpected it is considered to be deviant behavior in which the child usually acts or pretends to be a grown-up or an adult. The actions of the child can be seen as foolish and silly but in reality, they perturb and troubles the members of the society around him.

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<sup>2</sup> The Haryana Children Act, Section 2 (d); The Bombay Children Act, 1948, Section 4

<sup>3</sup> The Andhra Pradesh Children Act, 1951, Section 2(d) 5

<sup>4</sup> U.P Children Act, 1951, Section 2(4)

<sup>5</sup> The Bengal Children Act, 1922, Section 3(1)

<sup>6</sup> A French word meaning unwelcome or not wanted.

Frederick B. Sussmann in his book 'Law of juvenile delinquency'<sup>7</sup> listed the following acts as delinquent<sup>8</sup>:

- infringement of any law or ordinance,
- habitual absence, alliance with thieves,
- brutal or immoral persons,
- beastly beyond the control and authority of parents or guardians.

### **CAUSES OF JUVENILE DELINQUENCY**

Juvenile delinquency occurs in different areas and regions due to different reasons and causes. A child is the future of any nation or the world at large and therefore every child deserves the best environment and conditions to grow up to his full stature and it is the responsibility of the entire society to preserve the best interest of a child and nurture him well.

But unfortunately nowadays it is frequently seen that so many children around the globe are committing various dangerous and ghastly offenses including rape, murder, robbery, theft, etc. various reasons are attributed for the increase in juvenile delinquency but there is a consensus that deviant behavior is the result of a complex interplay of individual biological and genetic factors and environmental factors which are further divided under two broad categories:

- Environmental and societal causes
- Biological causes

### **ENVIRONMENTAL AND SOCIETAL CAUSES:**

Children's interaction and communication with the societal environment in which they live in influences their behavior to a great extent and it may be responsible for instilling antisocial and delinquent behavior in them. Societal causes may include cultural conflicts which arise due to the mass exodus of people and results in violence between the immigrants and migrants. Family

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<sup>7</sup> Book Reviews: Frederick B. Sussman, Law Of Juvenile Delinquency (The Laws of the Forty- Eight States), Legal Almanac Series No. 22, Oceana Publications, New York; 1950, 96 pages, journals.sagepub.com visited on 24-5-2019

<sup>8</sup> Challenges to Juvenile Justice Laws in India www.blog.ipleaders.in visited on 24-5-2019

background is also an important factor as it is usually seen that children who are grown up in hostile and aggressive parenting are more likely to exhibit deviant activities which may be harmful to society. Social media and cinemas also influence young minds to a great extent as children of younger age usually lack the ability to differentiate between reality and fiction or right and wrong. The peer group of which the child is a part has a great impact on the individual development of their personality. If a child accompanies bad people who are deviant he will be more he is more likely to indulge in criminal activities. The school atmosphere also plays a great impact on children as a child spends most of his time there. School is an institution designed to avoid delinquency in children but when the school fails to perform its duty then it turns into a major contributor to the development of delinquency in the society.

### **BIOLOGICAL CAUSES:**

The biological causes are instrumental in imparting particular character traits in every child who grows up into an adolescent and finally into an adult. Many studies concerning the age of juveniles have shown that rates of offending begin to rise in preadolescence reaches the peak at late adolescence and it is carried on till adulthood. In adolescence, there are various changes in the body and of a child accompanied by different hormonal changes that have a physiological and psychological impact on a child.

Biological causes that are responsible for delinquent behavior in a child include excessive strength in an adolescent and when the energy remains aimless and directionless can prove to be harmful to the person himself and the people around him. Various other biological factors are responsible for encouraging the children to commit crimes at tender ages such as ocular ailment which is a retinal disease and can lead to permanent loss of vision. It causes irritation and anxiety thus hampering the child from living a moral life, other problems like headache, auditory inability, speech problem, throat and nose problem, hypoglycemia caused by a low level of sugar in blood interrupts the normal functioning of the brain can also result into deviant behavior by children suffering from the same.

### **JUVENILE JUSTICE LEGISLATIONS IN INDIA**

Before the advent of the British in India, the acts of children were regulated by the Hindu and Muslim personal laws and the family members of the children were held liable for the actions of their children. The necessity of formulation of legislation for children of India was realized under the British rule therefore specific laws like the Apprentices Act (1850), The Code of Criminal Procedure Act(1861) and the Reformatory School Act (1876 and 1897) were passed.

Under the Apprentices Act (1850), impecunious and petty offenders falling under the age group of ten to eighteen years were to be dispensed separately. Section 82 of the Indian Penal Code 1860 also upheld the special status given to the children. It excluded children younger than 7 years from culpability by reducing the age limit.

The Code of Criminal Procedure (1861) also recognized the special status of child offenders and provided for their separate trials. The code also contained the provision for children who are convicted should not be put into prison but reformatories. These provisions indicated the shift of mindset of the legislature in awarding punishments to the children from penal to reformatory.

The Reformatory School Act of 1876 and 1897 is considered to be the forerunner of many other future legislation related to juvenile offenders. It provided for putting the delinquents in reformatories for two to seven years. However, when they attained eighteen years of age they were to be shifted to prison cells. This Act also provided for the rehabilitation and refurbishment of the juveniles.

After India become independent in 1947 the juvenile justice policy got organized around the directives of various articles present in the constitution of India. Some of the Articles for the welfare of children are listed below:

- **Article 15 clause 3** provides for protective discrimination. It empowers the state to make special provisions for women and children.
- **Article 21 clause A** states that “The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.”

- **Article 24** provides that no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
- **Article 39(e) and (f)** provides that the State shall, in particular, direct its policy so as to "ensure that the health and strength of workers, men and women and the tender age of children are not abused" and "that the citizens are not forced by economic necessity to enter avocations unsuited to their age or strength" and that "the children are given opportunities and facilities to develop in a healthy manner and conditions of freedom and dignity" and that the childhood and youth are protected from exploitation and against moral and material abandonment.
- **Article 45** provides that the State shall aspire to provide early childhood care and education for all children until they complete the age of six years.

The Indian Juvenile justice policy was also influenced by various international protocols such as Beijing rules and UN conventions on rights of the child.

The government of India passed the Juvenile Justice Act of 1986 intending to provide care, protection, restoration, and rehabilitation of delinquent destitute juveniles. It also took to the cause of adjudication of juvenile matters alongwith that it contained the provisions for the creation of juvenile courts for those who violated the law and juvenile welfare board for the non- offenders or neglected children who had no one to look after them.

In the year 2000, the government of India passed the Juvenile Justice Act, 2000 providing a uniform legal framework of justice throughout the country. The said Act ensured that no juvenile offender was put behind the bars.

The Act also provided for the custody, protection, and rehabilitation of the juvenile offender and aimed at making the juvenile adjudication and disposition of the cases related to the juveniles child-friendly. The Act contained provisions for the formation of Child Welfare Committee<sup>9</sup>. The Committee shall consist of a Chairperson and four other members as the State Government may

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<sup>9</sup> Section 29(1), Juvenile Justice Act, 2000.

think fit to appoint, of whom at least one shall be a woman and another, an expert on matters concerning children<sup>10</sup>.

Section 2(d) of the Juvenile Justice Act, 2000 provided for another category of the children “children in need of care and protection”. These are the homeless and destitute children without having anyone to look after them and having no apparent means of livelihood. The Act works for the protection of all such children. The need for incorporation of these children came from the preventive approach of the Act as the children belonging to marginalized class living in such impecunious and down and out conditions are likely to indulge in deviant acts which are harmful to themselves and to the society at large. Therefore the Government keeping in view the welfare of the society and children who are the future of any nation and eventually of the world took the responsibility of providing better living conditions for the destitute children.

According to the Act two separate institutions shall deal with the two separate classes of children, the juvenile offenders should be dealt with by the juvenile justice board and the non-offenders by the child welfare committee. The Act also provides for special juvenile police unit in every police station. The police officials must be trained in child psychology and should adopt a sensitive approach while dealing with cases related to juveniles. Further, the trials concerning the juveniles must be carried on in a very informal manner. A juvenile cannot be handcuffed and secrecy regarding the identity of the minor should be maintained<sup>11</sup>.

The Juvenile Justice Act of 2015 replaced the existing Juvenile Justice Act 2000. The Delhi rape case of 2012 had a great impact on the perceived innocence of a child offender as one of the convicts of the said case was a few months younger than 18 years and was tried as a juvenile in the juvenile court and was awarded imprisonment of 3 years which caused huge disappointment amongst the public. Several petitions challenging the earlier Act were filed which were subsequently struck down by the Supreme Court of India.

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<sup>10</sup> Section 29(2), Juvenile Justice Act, 2000.

<sup>11</sup> Section 21, Juvenile Justice Act, 2000

The Act allowed the minor falling between 16 to 18 years of age to be tried as an adult. The crime will be inspected by the Juvenile justice board to determine whether the offense was committed as a 'child' or an 'adult'. According to the Act the juvenile justice board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of First Class not being Chief Metropolitan Magistrate or Chief Judicial Magistrate with at least three years experience and two social workers selected in such manner as may be prescribed, of whom at least one shall be a woman, forming a Bench and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of First Class<sup>12</sup>. The bill included notions from the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption, 1993 which were missing in the earlier Act. The bill also contained provisions regarding adoption and foster care in India.

## **JUVENILE DELINQUENCY IN INDIA**

In India, out of the total population, 42% of the people are below 18 years of age making it the country with the largest youth population. It is expected that in 2020, the average age of an Indian will be 29. The present Indian society has undergone tremendous changes in terms of the beliefs, thoughts, and ideologies. What was considered to be immoral earlier may not be considered the same in the present time because of the change in the belief system of the people. The facilities and the comforts of life have advanced along with that is a great advancement in the aspirations of people to get more and more. Everyone is busy in his daily grind. In this busy and fast-moving world, we have long forgotten the virtue of self-introspection and self-realization. The worst affected by the complexities of the modern world are children who at a very tender age are exposed to the harsh realities of adult life which negatively impacts their psychological, mental and moral development. All this contributes to the increase in rates of juvenile delinquency in the country.

An analysis of the family background of the minor offenders arrested in the year 2016 revealed that 86% of the offenders lived with their parents. Child Rights Trust director Nagasimha G Rao<sup>13</sup> who deals with cases involving juveniles in conflict once said that "The social environment is

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<sup>12</sup> Section 4(2), Juvenile Justice Act of 2015

<sup>13</sup> Our Team - Child Right Trust, [www.childrightstrust.in/our-team](http://www.childrightstrust.in/our-team), visited on 24-05-2019



changing constantly. The way children spend time in schools is changing, with less friendship and more competition; parents have less time to give their children and we see a lot of cases where children come from families that have no financial problems, which indicates that the problem is something else.”<sup>14</sup>

In a report carried on by National Drug Dependence Treatment Centre and All India Institute Of Medical Sciences (AIIMS) on substance misuse by youngsters in India have found that a large number out of the total people who were surveyed have utilized an array of substances including cannabis, marijuana, tobacco, liquor, and inhalants. 82% of the children asserted that they had close companionship with those who utilized substance. The study also revealed that 18% of the youngsters living in homes and 29% living in cities had sexual intercourse under the influence of substance and 20% of them had sexual intercourse either in exchange of substance or cash.<sup>15</sup>

The National Crime Bureau (NCRB) is an Indian government repository of information responsible for collecting and analyzing the crime data as defined under Indian Penal Code (IPC) and Special and Local Laws (SLL). The NCRB data for 2016 shows that the majority of the juveniles arrested are of 16 years or more and only 45% of them have completed primary education. Around 10% of them are literate and only 9.6% of them have a high school education. The NCRB data given below shows the trend of juvenile crimes in India.

*Table 1: Juveniles Apprehended under IPC Crimes by Age Groups during the 2016*

S. No.	Crime Head	Age Group			Overall age group(total)
		Below 12 years	12-16 years	16-18 years	
<b>IPC CASES</b>					
1	Murder	4	37	186	227
2	Culpable homicide not amounting to murder	0	1	9	10

<sup>14</sup> What drives crime by juveniles in India?, [www.timesofindia.indiatimes.com](http://www.timesofindia.indiatimes.com) visited on 24-5-2019

<sup>15</sup> Vinod Kumar Tikoo and others,(2013) Assessment of Pattern and Profile of Substance Use among Children in India, NCPCR, New Delhi

3	Causing death by negligence	0	5	42	47
4	Attempt to murder	1	54	275	330
5	Attempt to commit culpable homicide	0	11	39	50
6	Grievous hurt	4	62	243	309
7	Causing injuries under rash driving	2	44	194	240
8	Unlawful assembly	0	6	12	18
9	Rioting	0	44	129	173
10	Assault on women with intent to outrage her modesty	4	52	256	312
11	Insult to the modesty of women	0	4	31	35
12	Kidnapping & abduction	2	21	106	129
13	Human trafficking	0	0	0	0
14	Rape	6	85	236	327
15	Attempt to commit rape	0	2	4	6
16	Unnatural offences	2	25	49	76
17	Theft	43	947	2474	3464
18	Criminal trespass	17	202	502	721
19	Robbery	5	250	642	897
20	Dacoity	0	22	59	81
21	Extortion	0	0	13	13
22	Cheating	0	5	12	17
23	Arson	0	0	17	17
24	Forgery	0	0	2	2
25	Counterfeiting	0	0	0	0
26	Other IPC cases	24	381	1065	1470

<b>TOTAL COGNIZABLE IPC CRIMES</b>	114	2260	6597	8971
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Table 2: Juveniles Apprehended under IPC and SLL Crimes by Age Groups  
During 2016

		Age Group			Overall age group(total)
		Below 12 years	12-16 years	16-18 years	
<b>SLL-CASES</b>					
	Juvenile Justice (Care and Protection of Children) Act, 2000	0	7	1	8
	Arms Act, 1959	0	10	30	40
	Excise Act, 1944	0	6	22	28
	Gambling Act, 1867	0	21	24	45
	Prohibition Act (State)	0	2	11	13
	Narcotic Drugs & Psychotropic Substances Act, 1985	0	11	62	73
	Information Technology Act, 2000	0	0	5	5
	SC/ST (Prevention of Atrocities) Act, 1989)	0	0	1	1
	Explosives and Explosive Substances Act	0	0	0	0
	Indian Railways Act, 1989	0	0	0	0
	Unlawful Activities (Prevention) Act, 1967	0	0	0	0
	Other SLL Crimes	0	29	128	157
<b>Total Cognizable SLL Crimes</b>		0	86	284	370

<b>GRAND TOTAL (IPC+SLL)</b>	114	2346	6881	9341
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Table 1 and 2 show the number of different age groups of juveniles apprehended under various crimes under different heads of IPC and SLL crimes during the year 2016. The figures are quite alarming as it is evident from the figures that the majority of the juveniles apprehended are under 16 to 18 years of age. The data points out that children in India are finding it hard to cope up with the situations and are isolating themselves from society. Various reasons are attributed to the rise in juvenile delinquency experts points out that the lack of support and interaction with the family is one of the major reasons it is more so because the parents are facing challenging dynamics both on the social and financial level. This makes it impossible for them to give enough quality time to their children which he needs and deserves. Anjali Ramanna the chief of child welfare committee said: “It is no more a competitive society but a self-centered unit that is building up pressure on children, in turn; entire society is suffering from lack of emotional regulation.”

According to various experts the increase in criminal tendencies among the minors can also be attributed to easy access to pornography, changing food habits, excessive involvement in social media, youths are becoming prey to unhealthy lifestyle, becoming less active by spending most of the time watching television, playing games which are usually violent which naturally instills aggression and violence in the young minds. All this has a negative effect on the youth both psychologically and physiologically. Further, the lack of support and options of venting out the frustrations, exasperations of the youth worsens the situation.

*Table 3: Education & Family Background of Juveniles Arrested During 2016*

S.no	State/UT	Education					Family Background			
		Illiterate	Primary	Above Primary But Below Matric/H.S ec.	Matric / H.Sec. & Above	Total	Living With Parents	Living With Guardians	Homeless	Total
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1	Andhra Pradesh	228	427	475	99	1229	910	150	169	1229
2	Arunachal Pradesh	3	10	64	3	80	73	7	0	80
3	Assam	70	216	182	12	480	337	125	18	480
4	Bihar	530	492	1216	388	2626	1910	648	68	2626
5	Chhattisgarh	135	857	1116	286	2394	2206	169	19	2394
6	Goa	2	7	17	0	26	24	1	1	26
7	Gujarat	160	1160	677	88	2085	1998	49	38	2085
8	Haryana	169	331	676	182	1358	1226	52	80	1358
9	Himachal Pradesh	7	59	158	39	263	259	1	3	263
10	Jammu & Kashmir	17	61	194	47	319	319	0	0	319
11	Jharkhand	40	42	49	11	142	101	30	11	142
12	Karnataka	18	163	369	77	627	604	20	3	627
13	Kerala	4	98	669	289	1060	917	124	19	1060
14	Madhya Pradesh	975	2730	3542	1217	8646	7291	889	284	8464
15	Maharashtra	420	2764	4129	399	7712	6814	739	159	7712
16	Manipur	0	1	11	0	12	12	0	0	12
17	Meghalaya	12	40	29	12	93	92	1	0	93
18	Mizoram	0	31	32	0	63	42	21	0	63
19	Nagaland	5	14	6	0	25	17	3	5	25
20	Odisha	270	624	336	55	1285	1218	65	2	1285
21	Punjab	25	40	82	10	157	151	4	2	157
22	Rajasthan	266	866	1411	400	2843	2703	188	52	2943
23	Sikkim	3	11	25	0	39	30	9	0	39

24	Tamil Nadu	223	783	1607	197	2810	2385	258	167	2810
25	Telangana	437	281	393	71	1182	1058	69	55	1182
26	Tripura	3	29	10	0	42	21	21	0	42
27	Uttar Pradesh	279	609	624	175	1587	1193	279	115	1587
28	Uttarakhand	24	51	31	45	151	99	36	16	151
29	West Bengal	52	236	534	16	838	674	143	21	838

Table 3 shows the education and family background of juveniles arrested during the year 2016. The data reveals that only 3.5% of the juveniles arrested for various crimes were homeless. This raises doubt about the commonly held belief that children without family are more likely to get involved in anti-social activities. Contrary to the popular notion the data revealed that 86% of the arrested juveniles lived with their parents while another 10% lived with their guardians.

The data also points out that out of the total juveniles arrested in the year 2016 only 45% of them have completed their primary education. 12.5% of them were illiterate, while only 9.6% of them had a high school education. By looking at the data the importance of education in the society can clearly be understood.

It is commonly presumed that minors are doli incapax and they lack the mens rea to commit a crime but recent times have witnessed some of the most ghastly and brutal crimes committed by the juveniles proving that children can be as cruel as adults. Some of the infamous crimes involving juvenile delinquent are as follows:

- The Nirbhaya rape case: It is one of the most brutal crimes ever, involving a juvenile delinquent. On the chilly night of 16 December 2012 the capital Delhi witnessed the brutal gang rape with a paramedical student in the moving bus. One of the convict of the crime was a minor who was only few days less than 18 years who walked out of the reformatory home free after spending three years of his life there. The decision was highly resented by

the public including the family members of the victim but the Supreme Court expressed its helplessness by stating that “Though we feel with the parents and others our hands are tied due to lack of law in the land.” This was the case that the set ground for the introduction of the juvenile justice bill of 2015.

- The Hatigaon rape case: This case took place in September 2013. In this case, the convicts included boys under the age group of 12 to 16 years who raped a minor girl whom they knew through the dark of the night.
- In the year 2015, there was another incidence of juvenile delinquency which shocked and disturbed the whole nation. In this case, three juveniles indiscriminately fired in the Kakardooma, Delhi court complex killing a policeman in the same and causing fatalistic injury to their target who was a criminal who was going to be presented before the court.
- The 2016 Mercedes hit and run case was the first case to be resolved by the juvenile justice Act of 2015 in this case the teenager ran over a marketing executive while driving his father’s Mercedes. The board ruled out that the accused though was a minor but he was matured enough to understand the result and consequences of his actions and therefore his case was transferred to the city court.
- The kathua rape case: this case of 2018 pointed out that the earlier Acts mandating that a minor cannot be put behind the bars was greatly misused by the culprits. In this case, a minor girl was brutally raped and murder two of the accused took the plea that they were juveniles. Although the court rejected the plea of one of them when a bone-ossification test for determination of the age was conducted.

#### **ANALYSIS AND SUGGESTIONS:**

*“A child is a person who is going to carry on what you have started. He is going to sit where you are sitting and when you are gone, attend to those things which you think are important. You may adopt all the policies you please, but how they will be carried out depends on him. He will assume control of your cities, states, and nations. He is going to move in and take over your churches, schools, universities, and corporations. All your books are going to be judged or condemned by him. The fate of humanity is in his hands. So it might be well to pay him some attention.”* Abraham Lincoln

Children are the future determiners of the world. The civilization of men depends upon them. So if can do some good in the life of a child he will be able to make even the slightest positive change in the world to come. It can easily be predicted that the future of the country is at peril where the children have started getting involved in horrendous crimes. India is one such country where the juvenile delinquency rate is increasing at an alarming rate. Several steps to combat the same have been taken and many more remain to be taken.

The government of India has taken several steps to deal with the malaise of juvenile delinquency but the implementation of these initiatives, in reality, remains a big challenge till today. Even governmental initiatives are not enough. Several steps on the societal level need to be taken. Community participation and sensitization in matters related to juvenile delinquency is very important it is very important to understand that the repentance of a juvenile and bringing him back in conformity with the notions of societal norms is more important than initiating punitive actions against him. If the members of the society are sensitized about the astray and helpless children they can play an important role in the rehabilitation of such children thus saving them from getting involved in anti-social behavior. Some informal associations and bodies can be constituted to report those children who are indulged in deviant and peculiar behavior raising anticipations in the mind.

It has already been pointed out that family is the best institution for keeping a check on the deviant behavior of the child by ensuring them that they are important and loved thereby deterring them from indulging in deviant activities. Children should be given fair and equal chances for their growth and development. Education is also a very important tool for the complete development of a child.

The effective implementation of laws related to juvenile offenders is very important for dealing with the problem holistically. The members of the juvenile board should know child psychology and should be trained to sensitively handle the cases involving the juvenile offenders. There should be a special police unit in every police station to deal with the juveniles.

#### **CONCLUSION:**



“So many times we do not speak up because we do not want to risk criticism or attack. Frederick Douglas correctly upbraided those who wanted change without struggle or discomfort. We must be willing to say and do what is right for our children, whether or not it is politically popular or comfortable for our friends, foes, or peers. Children desperately need adults they can trust to fight for them without thinking of personal consequences when the going gets rough and tough decisions must be made....It is clear that children—who do not vote, lobby, hold press conferences, or make political campaign contributions—will continue to be ignored or marginalized by those in power until a critical mass of caring adults, parents, religious leaders, child advocates, and others build a mighty movement to put children first.” Marian Wright Edelman

The juvenile justice Act of 2015 is one of the very progressive legislation by the government of India. It is the need of the hour as more and more juveniles are getting involved in the heinous crimes while being assured of easily getting away with it. The move of lowering the age of the juveniles in conflict with law was resented by the Justice Verma committee as it observed that lowering the age is an attempt to reduce the age of juvenility based on the nature of the crime and the age of juvenile is a clear violation of the safeguards provided in the constitution of India and International covenants of United Nation Conventions of the Rights of the Child (UNCRC). However, the Supreme Court did not considered this contention. It was argued that some of the juveniles committing wrongful acts were found to be matured enough having mal intentions and completely knowing the consequences of their acts. Therefore the decision of whether the children falling under the age group of 16 to 18 are to be treated as a child or an adult is the prerogative of the juvenile justice board.

In India, the courts while dealing with the cases involving the juveniles keep in mind the possibility that putting the juvenile offenders with adult criminals would re-socialize them into the world of crime and there may be no turning back to the confirmed social order. However, not just in India but throughout the world there is a constant upsurge in juvenile crimes. Keeping this point in mind countries like the United States and the United Kingdom have shifted their policy for restorative to retributive.

In the world with fast-growing industrialization and globalization, the familial and social ties which were good enough in the past for deterring a child from indulging in the deviant behavior are

weakening and are proved to be insufficient. All this leads to an increase in juvenile delinquency rates.

It is to be borne in mind that the legal system is like a subset while society being the super set. Any variation in the superset i.e. society makes the change in subset i.e. legal system inevitable. Thus when the changes in the society are taking place at a fast pace it is important that the legal system should change accordingly.