

Types of juvenile delinquency

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Introduction

"A brave, frank, clean-hearted, courageous, and aspiring youth is the only foundation on which the future nation can be built." – Swami Vivekananda

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The youth represents the future of the country. Their constant desire to learn new things and modern outlook towards science and technology will lead the country forward in new innovations and technological advancements. Young people are innocent brains, they can be shaped into effective leaders to serve the interests of the country. Hence, India gave much importance to the proper education of children in recent times. But the increasing delinquent behaviour among the children may cause difficulty in this process.

According to the reports of the [National Crime Report Bureau \(NCRB\)](#), 31,170 cases were reported against juveniles in 2021, a 4.7% rise from 29,768 cases reported in 2020, and 76% of these crimes were committed by juveniles between the age group of 16-18. The rapidly increasing juvenile delinquency cases have become a huge concern for the country. The following article provides comprehensive information about the issue of juvenile delinquency, various types, causes, consequences, relevant statutes and preventive measures taken by the government in regard to the problem.

What is juvenile delinquency

Juvenile delinquency refers to the involvement of minors below the age of 18 in illegal activities that can hamper the proper functioning of law and order in a country. A juvenile is an individual who has not attained the age of majority. The statutory age of majority is different in every nation. In India, the age of majority is eighteen.

A person is said to be a delinquent when he is not in accordance with societal norms and values. A juvenile delinquent is treated differently from an adult criminal. When a juvenile engages in any anti-social activities, it is presumed that he lacks the mental maturity to take proper decisions but this is not the case with an adult. An adult is fully aware of his actions and the consequences of them. Therefore, emphasis is laid on rehabilitation of juveniles rather than punishment.

Vandalism, theft of items from any store and initiating or involving in a fight that causes injury to the public are some of the common examples of juvenile delinquency.

Legislation dealing with juvenile delinquency

The juveniles are governed by separate legislation due to their limited mental and social development. However, India did not have a structured juvenile system from the start.

Juvenile rehabilitation system before independence

Before independence, juvenile crimes were governed by the existing customary laws. But with the increase in juvenile delinquency day by day, the necessity for special legislation for juveniles was felt by the government. In light of the issue, the British government passed the first juvenile legislation, the [Apprentices Act, 1850](#). According to the Act, minors between the ages of ten and eighteen who commit petty offences shall be treated separately, and the convicted juveniles will be placed as apprentices in trade.

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A few other laws passed prior to independence also had provisions related to juvenile delinquency. [Section 82](#) of the [Indian Penal Code, 1860](#), provides immunity to children under seven and exempts them from prosecution. This doctrine of "*doli incapax*" forms the basis for this Section, according to which the children do not possess the mental capacity to commit any crime on their own. [Section 83](#) of the IPC provides that a child above the age of seven and below the age of twelve who has not reached sufficient maturity cannot be prosecuted.

[The Reformatory School Act, 1876](#) was enacted to transform the attitude of juveniles and provide reformatory provisions relating to juvenile offenders. The Court can direct delinquents below the age of sixteen who have been sentenced to imprisonment to attend the reformatory school instead of sending them to prison. But the offender should be shifted to local prisons after attaining the age of eighteen. The Act provides provisions for the treatment and rehabilitation of juvenile offenders.

In British India, there was no uniform national juvenile legislation for regulating the actions of children. Nevertheless, a few provinces, like Bombay and Madras, have their own juvenile legislation.

After Independence

After independence, the Juvenile Justice system was reorganised. [The Children's Act](#) was enacted in 1960 with the objective of providing care, protection, education, and rehabilitation for neglected or delinquent children. [Article 15\(3\)](#), [21A](#), [24](#), [39\(e\)](#), [39\(f\)](#), [45](#), and [47](#) of the [Indian Constitution](#) promote children's welfare and secure their bright future.

Juvenile Justice Act, 1986

The government enacted the Children Act, 1960, to establish a structured juvenile justice system applicable to the whole of India, but there was no uniformity in the enforcement of the act. The Supreme Court in the case of [Sheela Barse v. Union of India \(1986\)](#), recommended the central government to replace the Children Act, 1960, with a uniform juvenile act for the trial of children below the age of sixteen years.

In accordance with the [United Nations Standard Minimum Rules for the Administration of Juvenile Justice \(Beijing Rules 1985\)](#), the government enacted the [Juvenile Justice Act, 1986](#). The Juvenile Justice Act came into force on 1st December 1986. A few provisions of the Act are enacted based on the Children's Act. The main object of the Act is to provide a comprehensive legal framework for delinquent and neglected juveniles.

The Act aims at the promotion of care, protection, welfare and the prevention of the occurrence of juvenile delinquency. The Act also aims at establishing Juvenile Homes, Children's courts, and Juvenile Welfare Boards. The Act defines juveniles as boys below sixteen and girls below eighteen years of age.

Juvenile Justice (Care and Protection of Children) Act, 2000

The principal aim of the Juvenile Justice Act, 1986, is to bring the Indian juvenile justice system in compliance with the UN standard of 1985. However, this aim was not accomplished. The General Assembly of the United Nations adopted the Convention on Children's Rights in 1989, and India ratified it in 1992, which led to the formulation of the [Juvenile Justice \(Care and Protection of Children\) Act, 2000](#).

The most significant change made by the Act was to rephrase the definition of a juvenile as a minor who has not reached the age of eighteen years. This change raises the age of juveniles from sixteen years to eighteen years. The main purpose of this change is to treat juveniles differently from adults. The Act also substituted the phrase "juvenile delinquency" with "the child in conflict with the law" and "neglected child" with "the child in need of care and protection".

The Act aims at the establishment of observation homes and juvenile welfare boards. In addition to that, the Act also aims to establish the Child Welfare Committee. [Section 31\(1\)](#) of the act confers the committee with final authority to dispose of the cases for the care, protection, and rehabilitation of children and provide them with a healthy environment to exercise their human rights.

The Act also aims for the creation of a juvenile police unit in every district. The child welfare officer at every police station is provided with adequate training to handle juveniles. The Act prohibits death sentences and life imprisonment for juveniles.

Juvenile Justice (Care and Protection of Children) Act, 2015



The infamous [2012 Delhi gang rape case](#), commonly known as the Nirbhaya rape case, had a significant influence on the enactment of the [Juvenile Justice \(Care and Protection of Children\) Act, 2015](#). In this case, a 23-year-old woman was brutally raped by six men; one of them was a juvenile at the time.

This horrific incident led to widespread protests from the entire nation, and doubts were raised in regard to the efficiency of the Juvenile Justice Act of 2000. The government passed the Act with the view of clarifying all the concerns raised with regard to the competence of the existing law.

The Act continues the Children's Welfare Board and Children's Welfare Committee and revives the Juvenile Court for every district, which was omitted in the 2000 Act.

The most significant change brought about by the 2015 Amendment to the Juvenile Justice Act is the categorization of offences. The offences are classified into three categories:

1. **Heinous Offences:** Offences for which the minimum punishment under the Indian Penal Code or any other law is imprisonment for a period of seven years or more. ([Section 2\(33\)](#) of the Juvenile Justice Act).
2. **Serious Offences:** Offences for which the punishment under the Indian Penal Code or any other law is imprisonment for a period between three and seven years. ([Section 2\(54\)](#) of the Juvenile Justice Act)

3. **Petty Offences:** Offences for which the maximum punishment under the Indian Penal Code or any other law is imprisonment for a period that may extend up to three years ([Section 2\(45\)](#) of the Juvenile Justice Act).

[Section 15](#) of the Act mentions that any juvenile in conflict with the law in the age group of 16 – 18 shall be tried as an adult if the crime falls within the category of heinous offences. However, a juvenile cannot be awarded life imprisonment or the death penalty, according to [Section 18](#) of the Act.

The Juvenile Justice Board will conduct a preliminary assessment of the mental and physical capability of the juvenile before the child is tried as an adult. The board includes experienced psychologists and psycho-social workers to assess the behaviour of children.

The Supreme Court in the case of *Barun Chandra Thakur v. Master Bholu (2022)* stated that the juvenile who will be tried as an adult must have the ability to understand the future consequences of the act of which he was accused. The court further mentioned that the consequences are not only confined to the immediate consequences of the offence but also the consequences that the victim and his family would suffer, only then a juvenile can be tried as an adult.

In the case of *Rajiv Kumar v. State of Bihar (2018)*, the Patna High Court held that the preliminary assessment cannot be conducted for any other offences that are not covered under the definition of "heinous crimes".

Factors contributing to juvenile delinquency

There are many factors that lead to delinquent behaviour in children. The following factors are the primary causes of the development of anti-social behaviour in juveniles.

Social factors

The social life of an individual has a long-lasting effect on the individual. Family and peer groups are two major components of the social life. Among all other factors, the family has a vital role to play in the behaviour of a person. Children spend the majority of their time with the family, they observe parents' actions and tend to imitate or repeat them in their day-to-day life.

Parent's failure to express their feeling to their children and constant conflicts within the family will lead to the loneliness in the child. In this process, they may seek bad company. On the other side, strict parenting styles and extreme restrictions will make them rebel against the accepted norms and values. Children who suffer physical or mental violence at a young age are more likely to engage in crimes.

After family, children spend most of their time with their peer group. Peer groups are formed to provide companionship to each other. Generally, peer groups promote stability and generosity in an individual, but the same can have a negative impact on the juvenile if they are in a bad companionship.

Economic factors

Poverty is one of the major causes for juveniles to engage in delinquency. The greedy desire to become rich in a short span can influence individuals to participate in illegal activities. Every person aims to raise their economic status, but due to the shortage of opportunities and resources in a legal way forces an individual to pursue their dreams in the illegal and anti-moral method.

Education will impart rational thinking skills, discipline, good behaviour and the difference between legal and illegal to the children. But many families due to their poverty are unable to send their children to schools and colleges, instead, they are asked to assist their family

financially. In the process, they get addicted to alcohol and drugs. Due to the lack of formal education, these juveniles fail to distinguish between good and evil and eventually get attracted to criminal activities.

Psychological factors

The crime commission is not always influenced by external forces, at times, disturbances within the person also feed the anti-social mentality. Emotional disturbances can lead to distorted thinking, extreme behaviour and unusual mood swings among individuals.

A person with low self-esteem is more likely to indulge in deviant behaviour as compared to a person with higher self-esteem. A juvenile with low self-esteem has a negative perception of themselves and is constantly frustrated by it. Rejection and hostility by others can lead to extreme behaviour in low self-esteemed juveniles. Emotional disturbances in families and a lack of affection and support from parents and peer groups are the major reasons for young adults' low self-esteem.

A few times, jealousy can manifest itself as interpersonal conflict and give rise to feelings of revenge. Adolescents tend to show more acts of jealousy than adults due to their limited mental maturity.

Children suffering from attention deficit hyperactivity disorder, oppositional disorder, or any other mental health disorder are prone to display [extreme aggressive behaviour and engage in intentionally annoying behaviour](#).

Types of juvenile delinquency

Howard Becker broadly classified juvenile delinquency into four types, i.e., individual, group-supported, organised and situational, based on the way the delinquent behaviour is carried out and the underlying social context.

Individual delinquency

Individual delinquency is used to describe the behaviour of a child who engages in criminal activities on their own accord without any assistance from others. [Psychiatrists](#) have made major contributions towards the study of individual delinquency. According to them, individual delinquency arises from psychological problems.

According to [Doctor Healy](#), the primary cause for the display of such behaviour is the feeble-mindedness of the delinquent. The intellectual imparity of a child makes him unable to conform to moral norms set by society, which forces the child to adopt criminal behaviour.

Children adopt their behavioural patterns by visualising their immediate environment, making the family a significant factor in determining the child's behaviour. Family environment, lifestyle, and relationship dynamics influence the child's mental and intellectual development. A child risks developing an anti-social attitude if parents fail to provide the expected love, compassion, and support. Poverty, lack of education, drug usage, and the criminal background of the child's family are the main forces that raise violent and anti-social behaviour among children.

Heredity is also one of the factors leading to delinquent behaviour in teenagers. Children inherit negative behavioural traits from their ancestors. However, a change in the environment of the child will reduce the development of those criminal traits.

In the [Barun Chandra Thakur v. Master Bholu \(2022\)](#) case, a 16-year-old killed a 7-year-old boy by slitting his throat in the toilet of Ryan International School. The case was transferred to the Juvenile Justice Board from the Central Bureau of Investigation in view of the age of the accused. According to the social investigation report of the accused, he was

aggressive, short-tempered, less stable, and often consumed alcohol. The board, after conducting the preliminary assessment, was of the opinion that the accused has the mental capacity to commit an offence and can be tried as an adult. However, many appeals were filed against the order, and the Supreme Court held that the power to make a preliminary assessment lies with the Children's Court and Juvenile Justice Board, and the Court cannot delve into this matter.

Group-supported delinquency

Group-supported delinquency refers to the behaviour of a child who engages in anti-social activities in companionship with others. Delinquents develop this behaviour under the influence of the culture prevailing in their immediate neighbourhood and social groups outside the family. According to the [reports](#) of the United Nations, two third of the total cases of juvenile delinquency are committed by teenagers who group themselves into gang-like organisations.

Frederick Thrasher, in his work "[Gang's Theory](#)", discusses group-supported delinquency. Each group has a unique behavioural pattern distinct from other groups, and the members incorporate it into their personalities. During this process, the groups generate animosity towards each other and disseminate criminal techniques to safeguard and promote their interests.

Peer associations are formed among same-aged people. Teenagers devote more time to peer groups than their families. Adolescents are prone to criminal tendencies because they lack adult mental and intellectual maturity at that age.

An individual is willing to take part in any immoral or unethical act that is against the norms of society to get accepted by the group. Parents fail to exercise their control as the child begins to consider the opinions of peers more highly than those of their parents.

Organised delinquency



Organised delinquency is committed by a group of young people formally organised to engage in criminal activities. These organisations have a hierarchical structure and are guided by the established values and norms of the group. Albert Cohen was the first person to mention organised delinquency. In the book "[Delinquent Boys: Culture of the Gang](#)", Albert Cohen developed the theory of subculture. According to Cohen, the delinquent subculture is the primary reason for juveniles' involvement in crime.

Subcultures emerge as the result of existing socioeconomic disparities in society. The working-class individual who wants to achieve success and pursue their goals is constantly confronted with middle-class demands and expectations; they soon realise that the rigid social structure and low social rank prevent them from reaching their goals. Inequalities in society compel the individual to reject the existing societal norms and values and join a subgroup to achieve his goals.

Cloward and Ohlin, in their book "*Delinquency and Opportunity*" pointed out that youngsters who fail to adjust to their inability to achieve success through legitimate means adopt the illegitimate procedure. Juveniles blame the societal order for their failure rather than their inability. A group of individuals who have faced similar experiences and have a typical attitude of hatred towards the existing system will form a deviant subculture. These delinquent subcultures emerged in America in the 1950s. Drug trafficking among children is a prime example of organised delinquency in India. [Juveniles are hired by these organised groups](#) to deliver drugs and substances, and they are often paid in drugs.

Situational delinquency

In the types mentioned above of delinquencies, the causes for the commission of the crime by juveniles are deep-rooted. They are driven by psychological, social, or cultural factors. But situational delinquency is not deep-rooted; rather, the cause and means of control are relatively simple.

An individual who indulges in anti-social activities because of the limited impulse control or pressure caused by family and societal restraints. In comparison with other types of delinquency, situational delinquency is considerably easier to control.

David Matza referred to Situational Delinquency in his book "*Delinquency and Drift*". According to Matza, every person has criminal tendencies that are suppressed in accordance with societal norms. A juvenile is caught between the delinquent world and the conventional world; despite having knowledge about the norms and values of society, the juvenile bends towards deviant behaviour due to his permissive temptations. Matza called this process "Drift".

David Matza states that techniques of neutralization enable drift. Neutralization is the process through which youth justify their delinquent acts. However, the concept of situational delinquency is not developed and is not given much relevance to the problem of juvenile delinquency. This type of delinquency only finds its place in writing, not in reality.

Rehabilitation for juvenile offenders

The Juvenile Justice (Care and Protection of Children) Act, 2015, aims to adopt child-friendly methods for the disposal of petty cases while emphasising rehabilitation and reintegration of juvenile offenders. Rehabilitation is the process of reforming and restoring an individual back into society after engaging in delinquent behaviour.

The act stipulates that the observation homes and childcare institutions will serve as rehabilitation centres for children in conflict with the law and children in need of care and protection, respectively.

Juveniles between the ages of 16-18 years can be tried as adults for the commission of heinous crimes with the approval of the juvenile justice board and children's court. But the act created special child care institutions for juveniles involved in delinquent behaviour for petty offences. These juveniles are not subjected to corporal punishment or humane treatment; instead, rehabilitation facilities are provided.

Juvenile rehabilitation is carried out with extreme care and the utmost diligence, given that they are still in the early stages of mental development. Delinquents are given compulsory education in compliance with [Article 21A](#) of the Indian Constitution and the [Right of Children to Free and Compulsory Education Act, 2009](#).

Delinquents are given the opportunity to obtain new knowledge and enhance their skill sets. They are provided with the opportunity to participate in recreational activities such as sports, or practice skills such as music, art, dance, and cultural events. Every delinquent is provided with mental health care facilities and counselling in accordance with their needs.

Childcare institutions provide referral services for de-addiction, vocational training, and disease treatment, whenever required for the personality development of the child.

The process of rehabilitation and reintegration is carried out according to the individual plan of the delinquent. The Act also involves foster care, sponsorship, and adoption in this process whenever deemed necessary.

Juveniles are placed under the protection of foster care to provide a healthy family environment and love and affection for the child. The foster families will be responsible for the health, nutrition, and education of the child.

The Act enables the state government to financially assist childcare institutions and families in the form of sponsorship to meet medical, educational, and other needs to improve the quality of the child. The Act also made provisions for adoption to restore the right to family for orphans and abandoned children.

Children leaving childcare institutions and special homes at the age of eighteen after their term of rehabilitation will be provided with financial support for the reintegration of juveniles back into society.

Prevention of juvenile delinquency

The future prosperity of a nation relies on the well-being and effectiveness of the youth, hence, it is essential to limit delinquent behaviour among juveniles to ensure the future of the country. Some of the preventive measures include the following

Education programme

Quality education has a positive impact on individuals, making them less likely to commit crimes. Schooling imparts knowledge and life skills, which make them self-reliant and keep juveniles from engaging in anti-social activities. Juveniles get knowledge of societal norms, values, civil rights, and duties, which discourages them from breaching the law.

Government investment in imparting free and quality education plays a significant role in reducing delinquent behaviour among juveniles.

Healthy family environment

Parent-child relations, family relationship dynamics, and the approach to parenting have a long-lasting impact on the mental health of the child. Establishing strong communication between parents and children is crucial for the prevention of delinquent behaviour in children at an early stage.

Removal of inferiority complex

Fear, inferiority complex, and apprehension that someone might hurt him create a wrong impression on the juvenile and harm others out of this fear. Parents and other family members should create a solid foundation so that the children can feel secure and share any kind of uneasiness.

Recreational programmes

Recreational activities do not reduce the occurrence of anti-social activities but can play a major role in reducing delinquent values. Individuals with anti-social behaviour experience extreme anger, impulsive behaviour and a lack of self-control, while recreational activities provide relaxation and help juveniles to socialise with others. Juveniles discover their hidden talents like music, dance, drama, and art, and we encourage them to pursue them.

Publicity and awareness campaigns

Newspapers, magazines, media, radio, and social media can serve as important tools for creating awareness and imparting knowledge to the public. Government and non-governmental organisations can educate the public through awareness campaigns about the issue of juvenile delinquency.

Conclusion

It is crucial to protect the interests of juveniles and reduce the occurrence of juvenile delinquency in the best interest of future generations because they play a significant role in the progress and advancement of the nation. The Juvenile Justice (Care and Protection of Children) Act, 2015, is a progressive step in light of the issue but lacks proper implementation. Many juvenile homes established under the act do not have proper infrastructure and basic facilities like water, clean sanitation, and adequate staff. There is also a lack of awareness and confusion regarding the new amendments to the statute and the treatment of delinquents. The government should take stringent measures to ensure the proper implementation of the Act.

Due to the complexity of the issue, the government should also prioritise preventative measures in addition to enforcing existing laws. The government can launch awareness campaigns, special lectures, and various programmes in schools and colleges to educate people about juvenile delinquency.