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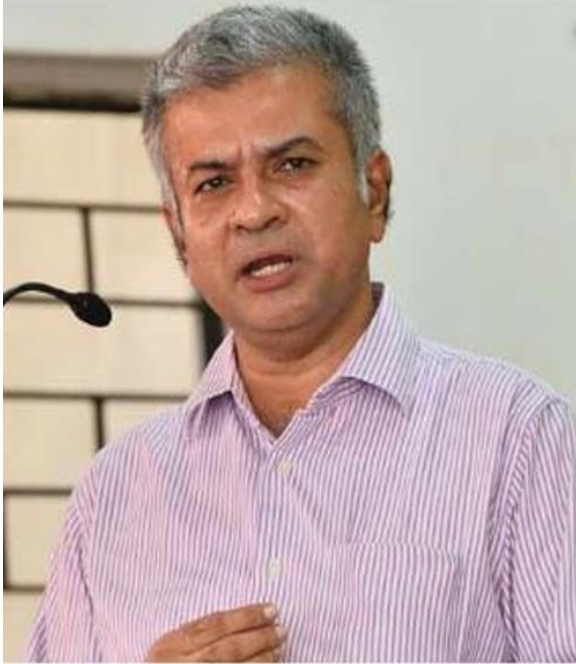
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More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



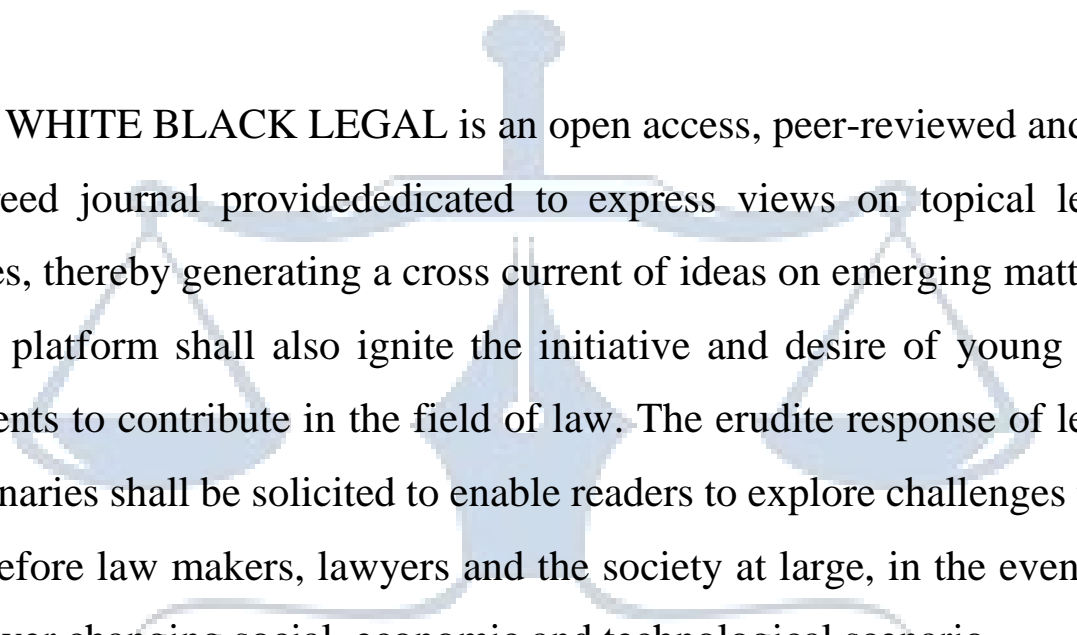
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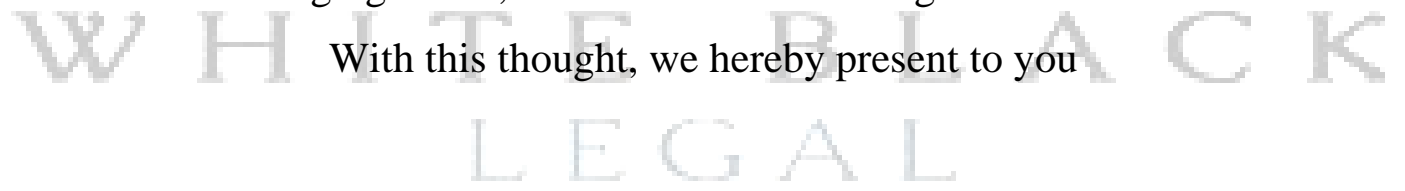
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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you



# **AN OVERVIEW OF JUVENILE DELINQUENCY: - MEDICOLEGAL PERSPECTIVE**

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## **ABSTRACT**

The rampant issue of juvenile delinquency demands our attention and action. Our youth are the future of our society, and it's our responsibility to provide them with a safe and secure environment to grow and thrive. We must address this problem head-on and work together to find solutions to help these troubled youths lead a better life. It is imperative to provide adolescents with the essential resources and a robust support system to help them avoid delinquency. As it leads to severe long-term negative consequences such as substance abuse, incarceration, and even homelessness, it is, therefore, crucial to provide young people with ample opportunities for growth and development, establish a relationship of trust and understanding between young people and adults, and ensure that they receive the necessary resources to succeed. Failure to do so can contribute to an increase in criminal activities and negatively affect the lives of young people. This paper gives an comprehensive analysis of the factors contributing to juvenile delinquency and the preventive measures implemented by the state.

The effectiveness of these measures will be critically evaluated, along with the associated challenges and successes. Additionally, we will examine the role of community-based organizations in addressing this issue. By working together, we can create a better future for our youth, free from the negative impacts of juvenile delinquency.

# CHAPTER I

## INTRODUCTION

'To begin with the paper,' it is important to understand juvenile delinquency clearly. This term refers to the behavior of minors that is categorized as antisocial and deviates from socially acceptable norms and is therefore considered beyond parental control. Such behavior is often subject to legal action. Juvenile delinquency is a significant social issue that requires a comprehensive approach to mitigate its consequences. The problem is widespread in many countries, and it is imperative to address it by implementing various measures. Juvenile delinquency is often attributed to a lack of understanding of social norms and moral values, leading to adverse behavioral tendencies. The absence of fundamental knowledge of right and wrong hinders young people from understanding the consequences of their actions. It is, therefore, crucial to equip them with the necessary expertise and guidance to make informed decisions. This approach will instill moral values and facilitate constructive behavior. The problem of juvenile delinquency can have severe legal repercussions, making it imperative for us to provide the youth with the necessary skills to prevent its occurrence. He enters the age of criminal responsibility, where he is considered responsible for a crime; in cases where a child is not yet criminally accountable, it is impossible to file charges against them for a juvenile offense. However, once the child reaches the legal age of criminal responsibility, they can be held accountable for any criminal violations.

Examining the crimes that occurred in the previous year is essential to effectively addressing the crime issue. We must review the crime rates of the past year and take necessary actions to prevent similar occurrences in the future.

'From cases of theft, causing hurt, and attempted murder to murder, the crime rate of juveniles shot up in Delhi last year. According to the latest National Crime Records Bureau (NCRB) report, the national capital recorded the highest rate of crimes committed by children last year; more minor offenders were busted in Delhi than in states such as Bihar, Gujarat, Haryana, Odisha, Uttar Pradesh.

A total of 30,555 crimes were committed by minors last year in the country; Delhi ranks 6th on the list with more than 2,340 cases against minors. In 2020, more than 2,643 cases were registered against minors.

Maharashtra reported the highest number of crimes committed by juveniles (4,406), followed by



Madhya Pradesh (3,795) and Rajasthan (3,063). However, the crime rate has increased to 42 Percent in Delhi, 12 Percent in Maharashtra, and 13 Percent in Madhya Pradesh.

Last year, over 92 murders and 154 attacks were committed by minors in Delhi. In the latest case, a 16-year-old boy allegedly stabbed an 18-year-old man repeatedly and danced on the streets as he "celebrated" the murder. Footage of the incident in Northeast Delhi went viral on social media.

Over 286 minors were involved in other assault cases. As per the data, most minors apprehended by police were engaged in theft (866 cases) and robbery (235 cases). Over 33 teenagers were also booked under the Arms Act for carrying deadly weapons.

Data also shows the slow disposal of cases, as more than 5,128 minors have been waiting for trial since 2021. Only 729 minors were sent to correction homes, while others were released "after advice," or their FIRs were quashed.

In 2022, more than 1,894 fresh cases against minors were pending trial. Most children caught in Delhi "lived with their parents" and had studied "above primary to matric 'level'".<sup>1</sup>



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<sup>1</sup> The Indian Express Dec 6, 2023

**CHAPTER II**  
**CAUSES FOR JUVENILE DELIQUENCY**

**Chapter 16 — Verse 21**

त्रिविधं नरकस्येदं द्वारं नाशनमात्मनः ।  
कामः क्रोधस्तथा लोभस्तस्मादेतत्त्रयं त्यजेत् ॥<sup>2</sup>

*tri-vidham narakasyedaṁ dvāraṁ nāśhanam ātmanaḥ  
kāmaḥ krodhas tathā lobhas tasmād etat trayam tyajet*

Meaning

A person with intense lust or desire will soon turn greedy to obtain more. When he pushes too hard, he becomes angry and loses control. He'll hurt both himself and those around him. The word "Naraka" in this context may refer to various things, such as hell for some, self-destruction for others, or even a loss of mental tranquility. Thus, the harmony of mind and soul is genuinely disturbed by lust, greed, and rage. These things are referred to as the "gateways to hell" because they obstruct the spiritual journey.

To address an issue effectively, it's essential to identify its underlying causes first. Once you have pinpointed the root cause, you can take appropriate measures to prevent it from happening again. These measures may involve providing more education, implementing new policies, or taking disciplinary action if necessary. It's helpful to categorize the causes of the issue to understand them better and address them effectively.

**1. Family Factors: -**

Family plays a vital role in shaping a child's life and providing them with a healthy environment filled with moral values is essential. Provisions for the maintenance and proper upbringing of children are present in Hindu and Islamic laws, indicating the significance of this responsibility. The behavior and attitudes children learn during their early years stay with them for life, so it is crucial to ensure that they are raised in an environment free from abuse and violence. Parents should provide positive

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<sup>2</sup> Bhagavad Gita

reinforcement and guidance to help children develop healthy attitudes and behaviors, including kindness, respect, and consideration for others.

When a child is left without parents, we all must come together and take responsibility for their well-being. Close relatives or anyone willing to support them should provide them with the essentials of life and help them grow into valuable members of society. By doing so, we can ensure that every child receives the necessary care and support to thrive and positively contribute to society.

उद्धरेदात्मनात्मानं नात्मानमवसादयेत् ।

आत्मैव ह्यात्मनो बन्धुरात्मैव रिपुरात्मनः ॥ 6.5 ॥<sup>3</sup>

uddharedātmanātmānaṃ nātmānamavasādayet

ātmaiva hyātmāno bandhurātmaiva ripurātmanah

*“Uplift yourself through your efforts, and do not degrade yourself. For, the mind can be the friend and the enemy of the Self.”*

"Uplift yourself through your efforts, and do not degrade yourself. For, the mind can be the friend and the enemy of the Self."

Takeaways for parents

It has been proven that young children learn by imitating the actions of others. In the initial stages of their lives, they begin by imitating their closest caregivers, typically their parents. Therefore, parents play a significant role in forming their children's behavior. Children tend to observe their parents and learn from not just their words but also their actions. As a result, it is crucial for parents always to say the right things and behave gently.

To ensure that your children pick up good habits, you need to imbibe good qualities into your mind and make them your friends. If you don't, your mind may slip into bad habits and become your enemy. For instance, if parents have a terrible habit of lying, their kids may pick up on this. Your kids are constantly watching you, so making your mind a friend and setting a good example for them is essential. This will result in a happy environment at home as your children will follow your lead.

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<sup>3</sup> Bhagavad Gita Teachings from Art of Living

When we lead by example, we have the power to inspire those around us. As parents, it's important to remember that children are always watching and learning from you. By embodying positive virtues like kindness and honesty, we can instill these values in our children and empower them to improve the world.

## **2. Peer Pressure: -**

A peer group can be defined as a social group of individuals who share common interests, activities, and age. The common bond that created the friendship in the first place vanishes as you choose the way of life. This follows up with how a child will structure his future, which has a positive and negative impact. It is essential to be mindful while making friends and filter out those who benefit your growth and those who do not. In the Mahabharata, Karna believed that his duty was to serve his dear friend Duryodhana, even though he knew that Duryodhana's actions were wrong and against dharma. Peer pressure can sometimes lead people to do something they know is terrible, but they feel bound to do it because of their friendship. Modern studies support this idea.

It is observed that adolescents tend to spend more time with peers than adults, as they find it easier to communicate with them. Vaquera and Kao (2008) believed that peer influence can be positive and negative. According to Steinberg and Monahan (2007), peer pressure is the force from peers that encourages or motivates other individuals to mold their beliefs and behaviors. Psychologists assert that their friends and peers can highly influence young people's decisions. However, it is a fallacy to attribute criminal behavior in adolescents to delinquent peers exclusively. Personal, family, and societal factors also play a significant role in shaping an adolescent's behavior. Developing positive relationships with good friends can positively impact a child's self-esteem, confidence, morale, moral values, and civic sense. Conversely, negative relationships with peers can cause severe harm to a teenager. Some peers may even use coercion to pressure adolescents into participating in criminal activities.

Research has unequivocally shown that delinquent youth can influence non-delinquent youth to join their delinquent activities, which can give delinquent youth a sense of satisfaction and strength. Adolescents are more susceptible to peer influence than adults because their brains are not fully developed. Teenage boys and girls often spend more time with their friends and classmates inside and outside of school, which can make it easier for them to adopt criminal behavior from their peers.

Criminal behavior often results from subcultural values and norms of distinct collectivities, such as peer groups within the larger group. Individuals in society usually make friends or have their closest associates from among their peer groups.

### **3. School Issues: -**

The following are some of the conditions that can negatively affect children's motivation and engagement in the classroom: putting unfit and unwilling children through the same training as other children, lack of sympathy on the part of teachers, lack of disciplinary power on the part of teachers, large classes and large schools that prevent proper care of the individual child. Frustration and anger can arise from these conditions, leading to disruptive behavior in the classroom, which can have a detrimental effect on the educational progress of affected children.

Additionally, there needs to be more to meet racial differences by appropriately modifying the course of study and training methods. There needs to be more provision for children's physical, moral, intellectual, and social education, as well as inadequate provision for encouraging school attendance and the support of teachers. This is like building a house without a foundation; no matter how beautiful the decorations are, the house will be unstable and unable to withstand the tests of time.

### **4. Socioeconomic Status: -**

The socioeconomic status of children can have a profound effect on their lives, particularly when it comes to the likelihood of engaging in delinquent behavior. Those from lower socioeconomic backgrounds are often exposed to poverty, violence, and inadequate educational resources, which can lead to feelings of hopelessness and helplessness. These feelings can, in turn, lead to delinquency and criminal behavior. Research has demonstrated that children from lower socioeconomic backgrounds are more likely to engage in criminal activity than their peers from higher socioeconomic backgrounds. Addressing the root causes of socioeconomic disparities is crucial to promoting a safer and more just society.

Substantiating the above statements, the impact of sociological factors is so severe on individuals that they either shun criminally or embrace it, depending upon their immediate social conditions and surrounding environment. Based on an extensive study of several criminals, Sutherland offered two significant explanations for criminal behavior, which he termed. Dynamic explanation and generic explanation of crime causation are as follows:

a. Dynamic explanation of crime causation includes the processes operating at the time of the occurrence of crime; and

b. Generic or historical explanation includes the processes in the earlier life history of the criminal.

The dynamic explanation of crime suggests that the cause of criminal behavior lies in the immediate favorable situations that the criminal finds conducive to committing the criminal Act.<sup>4</sup>



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<sup>4</sup> Crime and Punishment Trends and Reflections by N V Paranjape

## CHAPTER III

### SUCSESSES AND CHALLENGES ASSOCIATED WITH MEASURES IN INDIA

The development of juvenile justice law in India has a rich and complex history spanning six distinct phases that have evolved.

The first phase, which occurred before "1773," was shaped by the application of Hindu and Islamic laws. These laws emphasized the responsibility of parents to provide proper care and protection for their children. During this period, children were not held fully accountable for their actions and were instead granted special care to ensure their survival.

The second phase, from "1773-1849", was marked by the domination of India by the East India Company, which led to an increase in poverty and delinquency among children. In response, multiple committees were established to focus on children in jails and various welfare mechanisms were implemented for children. While some of these efforts were welfare-oriented and needs-based, others aimed to channel children's energy and divest their minds from criminal influence. This ultimately led to the introduction of the Apprentices Act of 1850, which granted juveniles special status and provided them with a different approach to justice.

During the third phase, from "1850-1919", specific legislation concerning children was passed. The Apprentices Act of 1850, which granted juveniles special status, was reinforced, and the Indian Penal Code of 1860 fixed age limitations for juvenile criminal culpability under Sections 82 and 83. The Children Act of 1891 was also introduced, which aimed to provide for the protection and welfare of children.

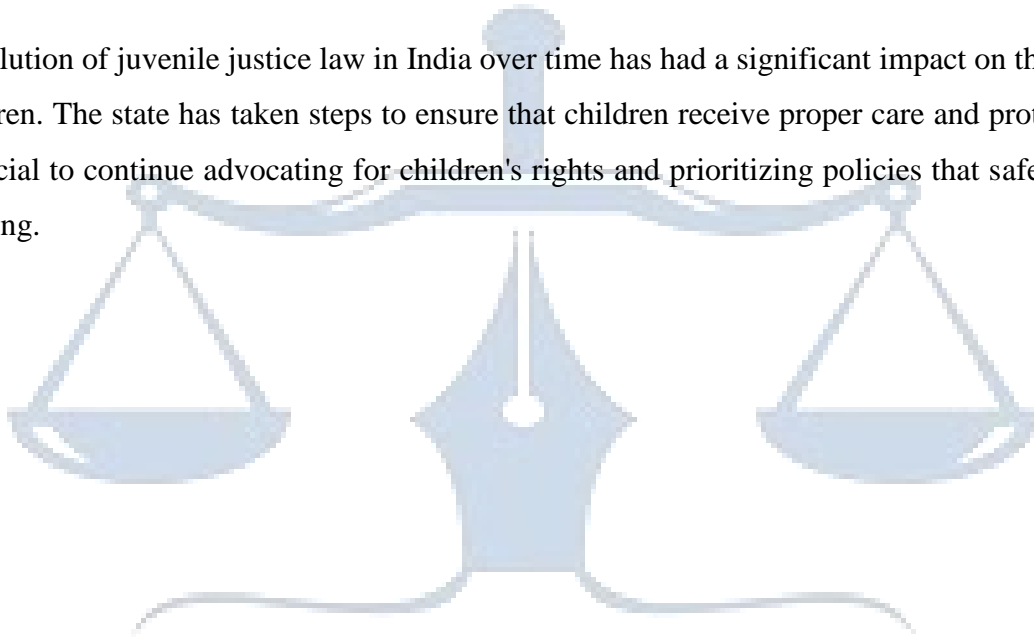
The fourth phase, from "1919 to 1950", saw a shift towards segregating children from the criminal justice system. The Children Act of 1920 was introduced, which established juvenile courts and probation officers. The Juvenile Justice Act of 1933 was also passed, which aimed to provide for juvenile offenders' care, protection, and rehabilitation. This recognized that children require a different approach to justice than adults.

The fifth phase, from "1950-2000", saw the passing of several significant legislations, including the Juvenile Justice Act of 1986 and the Probation of Offenders Act of 1958. The Juvenile Justice Act of 1986 established Juvenile Boards and Juvenile Courts, recognizing that children who commit offenses

require specialized interventions. The Probation of Offenders Act of 1958 allowed the release of juveniles on probation.

Finally, from "2001-2015", the sixth and final phase saw the introduction of the Juvenile Justice (Care and Protection of Children) Act of 2000, which repealed the Juvenile Justice Act of 1986. This new Act prioritized the rehabilitation and social reintegration of juvenile offenders and recognized that children require specialized interventions. It aimed to provide for the care, protection, treatment, and rehabilitation of children in conflict with the law and children needing care and safety. The Act emphasized that children's best interests must be the paramount concern.

The evolution of juvenile justice law in India over time has had a significant impact on the treatment of children. The state has taken steps to ensure that children receive proper care and protection, and it is crucial to continue advocating for children's rights and prioritizing policies that safeguard their well-being.



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## CHAPTER IV

### MEDICAL VIEW

Research has shown that negative or oppositional behavior in children is a phase that they typically outgrow as they develop and mature. However, children who exhibit patterns of aggressive behavior that violate the rights of others may be at risk of developing conduct-disordered behaviors that persist into adulthood. Such patterns of behavior may arise due to a combination of factors, such as genetic predisposition, exposure to violence or trauma, inconsistent parenting, and a lack of positive role models.

Understanding what exactly is conduct disorder: - Children with conduct disorder are likely to demonstrate behaviors in the following four categories:

Physical aggression or threats to harm people, destruction of their property or that of others, theft or acts of deceit, and frequent violation of age- appropriate rules. Conduct disorder is a persistent pattern of behavior that develops over time, often characterized by aggression and a disregard for the rights of others.

Conduct disorder is associated with many other psychiatric disorders, including ADHD, depression, and learning disorders, and it is also related to specific psychological factors, such as harsh, punitive parenting, family discord, lack of appropriate parental supervision, lack of social competence, and low social, economic level. These are specific reasons which lead to the cause of behavioral disorders.

Genetic predisposition also plays a significant role in the development of conduct-disordered behaviors in children. Genetic factors may influence a child's susceptibility to aggressive and oppositional behaviors. These factors can interact with environmental influences, such as exposure to violence or trauma, to increase the risk of persistent conduct problems. By understanding the genetic basis of these behaviors, we can identify high-risk individuals and provide them with targeted support and resources to prevent them from engaging in criminal activities.

Advancements in genetic testing have opened new possibilities for identifying risk factors for criminal behavior, which can help us design more effective interventions and policies. Ultimately, the aim is to create a safer and more just society for everyone, and genetic testing can play a valuable role in achieving this goal.

No single factor can fully account for a child's antisocial behavior and conduct disorder. Instead, many biopsychosocial factors contribute to the development of the disorder. The factors regarding the same have been mentioned in Chapter 2 of this paper.

Along with the above factors, other medical factors also lead to such behavior.

1. Psychological Factors: - Children brought up in chaotic, negligent conditions often express poor modulation of emotions, including anger, frustration, and sadness. Poor modeling of impulse control and the chronic lack of having their own needs met leads to a less well-developed sense of empathy.

2. Neurobiological Factors

3. Neurologic Factors

It is vital to address these factors early on and provide appropriate interventions to prevent the persistence of conduct-disordered behaviors. Effective interventions may include individual therapy to help the child understand and manage their emotions, family therapy to address any underlying family dynamics or communication issues, and social skills training to teach the child alternative ways to express themselves and interact with others positively.



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## **CHAPTER V**

### **PREVENTIVE MEASURES TAKEN BY THE STATE**

The Indian legal system has a critical role to play in addressing juvenile delinquency by providing a well-structured framework for the prevention and rehabilitation of juvenile offenders. The legal system in India focuses on reducing juvenile delinquency through various measures.

The Juvenile Justice (Care and Protection of Children) Act, 2015 is a comprehensive legislation aimed at providing comprehensive care, protection, treatment, development, and rehabilitation to children in need. This Act has established a specialized Juvenile Justice system to deal with cases of juvenile delinquency.

The Juvenile Justice Board is a specialized court responsible for the trial and rehabilitation of juvenile offenders. It consists of a magistrate and two social workers and provides a child-friendly environment for the trial and rehabilitation of juvenile offenders.

The Juvenile Justice Act emphasizes the need for rehabilitation programs for juvenile offenders. These programs provide counseling, education, and vocational training to juvenile offenders, enabling them to reintegrate into society as responsible citizens.

The Child Welfare Committees are responsible for the care and protection of children in need of care and protection. They have the power to declare a child in need of care and protection, and they can order the rehabilitation of such children.

Childline is a 24-hour toll-free helpline that provides counseling, rescue, and rehabilitation services for distressed children in need of care and protection.

The National Commission for Protection of Child Rights is a statutory body responsible for the protection and promotion of child rights in India. The commission has the power to investigate and monitor cases of violation of child rights, including cases of juvenile delinquency.<sup>5</sup>

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<sup>5</sup> *Indian jurisprudence on Juvenile Delinquency.* <https://legalserviceindia.com/legal/article-10554-indian-jurisprudence-on-juvenile-delinquency.html>

In essence, the Indian legal system provides a comprehensive framework for the prevention and rehabilitation of juvenile delinquents. Through specialized courts, rehabilitation programs, and child welfare committees, the legal system aims to provide a child-friendly environment for the trial and rehabilitation of juvenile offenders. The focus is on rehabilitating juvenile delinquents and reintegrating them into society as responsible citizens.

Over the years, there have been several landmark cases on the juvenile justice system in India that have played a significant role in shaping the legal framework for the care and protection of children who come into conflict with the law.



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## CHAPTER VI

### AN OPINION OF JUDICIAL ON JUVENILE DELIQUENCY

To understand the legal perspective of juvenile delinquency, refer to landmark court cases. These cases provide insight into the legal framework and complexities of the system.

#### ***Pratap Singh v. State of Jharkhand (2005)***<sup>6</sup>

The appellant was arrested in this case for being involved in causing the death of the deceased by poisoning. When he was produced in court, he was 18 years of age, and it was alleged that he was a juvenile when the crime was committed. The case was then transferred to the juvenile court, where his certificates were examined, and it was held that he was a minor on the date the crime was committed and hence released on bail. The other party was unsatisfied with the decision, and an appeal was made to the Additional Session Judge, wherein it was held that in order to determine the age of a juvenile, the date of production in court is to be considered rather than the date on which the crime was committed.

This decision was affirmed by the High Court of Jharkhand, which stated that the school certificate is the best evidence in this regard. However, the Supreme Court held the date of occurrence of crimes as the criteria to determine the age of juvenility rather than the date on which such a person was produced before the Court.

Another issue before the Court was determining the applicability of the Juvenile Justice Act (Care and Protection of Children), 2000. The present case was filed under the Juvenile Justice Act of 1986, but by the time it reached the Supreme Court, the 2000 Act had replaced it. Relying on the case of *Upendra Kumar v. State of Bihar (2004)*, wherein it was observed that the purpose of the Act was to help every juvenile, it was held that the 2000 Act will be applicable to the cases pending in any court or authority under the 1986 Act, and those that were still pending when the 2000 Act was enforced and in which the person had not completed the age of 18 years as of 1.4.2001 would be decided according to the 2000 Act.

The Hon'ble Supreme Court also explained the importance of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985, also known as the Beijing Rules. These rules

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<sup>6</sup> *Pratap Singh v. State of Jharkhand* IR 2005 SUPREME COURT 2731

are applicable to every juvenile without any discrimination, irrespective of their nationality, caste, race, or religion.

- It considers the trial procedure for adult criminals and the rules applicable to them to be unsuitable for juveniles. Imposing restrictions and penalizing juveniles must be the last resort.
- The rules also recognize the fundamentals of the criminal justice system as one of the rights of juveniles, i.e., juveniles must be considered innocent with respect to prosecution.
- Juveniles must be informed regarding the charges and given counselling.
- They have a right to remain silent during investigation or interrogation.
- Their prosecution is done in the presence of their parents or guardian, according to the rules.
- Their right to appeal is recognized under the convention.

### ***Hari Ram v. State of Rajasthan (2009)***<sup>7</sup>

In this case, a person named Hari Ram was accused of committing many criminal offences. The issue was related to his age and whether the accused should be treated as an adult or juvenile. After the trial commenced, the Additional Sessions Judge determined the age of the accused to be below 16 years on the date the crime was committed according to the 1986 Act, and so his case was referred to the Juvenile Justice Board in Ajmer, Rajasthan. The High Court, on the other hand, relied on the testimony of his father and medical reports and held that at the time of the commission of the offence, the accused was above the age of 16 and, hence, excluded him from the ambit of a juvenile. However, the 2000 Act increased the age from 16 years to 18 years under which a child would be considered a juvenile under the Act.

The issue before the Supreme Court was which Act would be applicable to the accused. The Court held that all the pending cases would be dealt with according to the 2000 Act after its enactment, so the same Act would be applicable in the present case and the accused would be considered a juvenile.

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<sup>7</sup> *Hari Ram v. State of Rajasthan* (2009) 13 SCC 211

***Dr. Subramanian Swamy v. Raju, Thr. Member Juvenile justice board (2014)*<sup>8</sup>**

This case was filed in the wake of the same Nirbhaya case, in which a woman was brutally assaulted, both sexually and physically, by five people, as a result of which she died. Out of those five people, one was a minor. His case was referred to the Juvenile Justice Board, but the petitioners argued to treat him as an adult and proceed with his trial.

The Supreme Court in this case, while interpreting the Act, observed that the language of the statute is plain and unambiguous and provides a clear legislative intention of rehabilitating and restoring juveniles. For this reason, it has classified people below 18 years of age as juveniles, whose investigation and punishment are done differently as compared to adult criminals. Moreover, the Constitution does not forbid such categorization, which is based on intelligible differences having a rational connection with the objective sought. Thus, the Apex Court upheld the decision to treat people under 18 years of age as separate under the Act.



**CHAPTER VII**

**CONCLUSION**

In criminal justice, the principle of giving individuals a second chance is widely recognized. This principle is especially relevant to juveniles who have committed crimes. However, it's important to consider the gravity of the offense and the level of responsibility that the juvenile can be held accountable for. In cases where a juvenile has committed a heinous crime such as rape or murder, it may be necessary to treat them as an adult and subject them to the full extent of the law.

"Juveniles who understand the gravity of their actions and the consequences that follow should not be treated as children." This approach should only be applied to the most serious crimes and with

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<sup>8</sup>*Dr. Subramanian Swamy v. Raju, Thr. Member Juvenile justice board (2014) (8) SCC 390*

careful consideration, as it can have long-term implications for the juvenile's life. It's crucial to involve a certified medical examiner to evaluate whether the juvenile comprehended the crime and the resulting consequences. This evaluation can provide valuable information about the juvenile's mental state and level of understanding at the time of the crime.

Suggestions on how to prevent and control: -

Strict Enforcement of Laws:

It is imperative to emphasize and demand the strict enforcement of laws that govern the juvenile justice system. Legal provisions must be rigorously adhered to maintain accountability and deterrence.

Separation of Offenders:

Separate facilities for juveniles convicted of heinous crimes are a necessity, and we must demand the immediate implementation of this measure to prevent negative influences on other juveniles. Furthermore, it is crucial to keep juvenile offenders separate from adult criminals to protect their well-being.

Supervision and Counseling Programs:

Proper supervision and monitoring of juvenile justice procedures are non-negotiable. We must demand that counseling programs be conducted only by certified psychologists and doctors specializing in child psychology to address underlying issues.

Spiritual and Mental Well-being:

Lessons on spirituality and meditation, irrespective of religion, must be incorporated without delay to promote holistic development and mental well-being among juvenile offenders. We must insist on screening by psychologists or doctors before conviction to identify the underlying reasons for criminal behavior and provide appropriate interventions.

Nutrition and Basic Needs:



Juvenile offenders require proper nutritional food, considering their growth needs. We must demand strict supervision of food distribution to ensure that juveniles receive adequate nourishment.

#### Internet Literacy and Safety:

Education on the pros and cons of the internet is crucial and should be made mandatory to equip juvenile offenders with the necessary knowledge to navigate online risks responsibly. We must demand stricter laws to regulate children's internet usage to protect them from harmful content and online dangers.

#### Rehabilitation and Education:

Clean and well-equipped rehabilitation centers staffed with trained officials must be set up urgently to facilitate the rehabilitation process. Incorporating education on gender equality and sex education is non-negotiable, as it can promote awareness and prevent future offenses.

It's widely recognized that children with conduct disorder may exhibit early signs of aggression, such as pushing, hitting, and biting others. However, as they grow older, these behaviors may escalate into more serious and harmful actions, such as bullying, animal cruelty, fighting, theft, vandalism, and arson. These behaviors can have serious consequences for the child, their family, and society as a whole.

As a responsible society, it's essential to be mindful of these warning signs and respond proactively by seeking help from a mental health professional. Early intervention strategies are critical to prevent the escalation of aggressive behaviors in children with conduct disorder. These may include counseling, behavior therapy, social skills training, and family interventions. These approaches aim to address the underlying causes of the aggression, teach alternative coping mechanisms, and provide support and guidance to both the child and their family.

It's vital to take the necessary steps to support children with conduct disorder and protect them in the future. By acting now and seeking the appropriate help from professionals, we can make a significant difference in the lives of these children and help them lead a fulfilling and productive life. This can also help prevent future criminal behavior and contribute to building a safer and more compassionate society.

## REFERENCES:

### STATUTES:

1. Indian Constitution, 1950
2. Juvenile Justice Act,
3. Criminal Procedure Code,

### WEBSITES/BLOGS/ARTICLES:

1. <https://www.legalserviceindia.com/legal/article-10554-indian-jurisprudence-on-juvenile-delinquency.html>
2. <https://www.legalserviceindia.com/legal/article-3089-juvenile-justice.html#:~:text=The%20word%20delinquency%20has%20its,the%20category%20of%20juvenile%20delinquency.>
3. <https://www.newindianexpress.com/opinions/2022/Dec/23/why-children-conflict-with-law-and-order-2531149.html>
4. [www.ncbi.nlm.nih.gov](http://www.ncbi.nlm.nih.gov)
5. <https://www.artofliving.org/in-en/bhagavad-gita>
6. <https://indianexpress.com/article/cities/delhi/juvenile-crime-rate-highest-in-delhi-last-year-ncrb-data-9056140/>
7. Why Do Teens Commit Juvenile Crimes? – Earning Base. <http://earningsbase.com/why-do-teens-commit-juvenile-crimes/>
8. International Law and Related Documents – Dullah Omar Institute. <https://admin.dullahomarinate.org.za/childrens-rights/archives/legal-resources/Links/international-law-and-related-documents>

### BOOKS: -

1. Kalpan & Sadock's "synopsis of psychiatry" Behavioral sciences/ clinical psychiatry
2. Crime and Punishment Trends and Reflections by N V Paranjape