

## **Evaluation Of Factors Influencing Juvenile Delinquency In India: Need For Reforms In Indian Juvenile Justice System**

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### **ABSTRACT**

The present study aims to identify the factors associated with juvenile delinquency and the gaps in the existing juvenile justice system from the perspective of Indian population. A random survey was conducted on the local population of Jaipur, Rajasthan, India. Total 134 persons from different professional (lawyer, judge, competent authority at imprisonment/detention centres, police, law enforcement officers)& non-professional (student, civilian, juvenile delinquent, relatives to victim) backgrounds participated in the survey. The questionnaire was designed such that it collected opinions of participants about juvenile delinquency & associated legal ramifications. Analysis of the responses received from the participants suggested that prevailing justice system for juveniles need some major reforms. Majority of them believed that poor economic background, lack of communication within family or parents and discourse in the family are some of the main factors leading to the delinquency among juveniles. Further, they also agreed upon the fact that the juveniles committing heinous crimes including murder, rape, and homicide should either be transferred from jurisdiction of juvenile court to adult court or should be tried like an adult once the age limit of a juvenile is crossed. Detention for crimes related to property damage was also strongly suggested by the participants. Role of parents & society in dissuading children from committing crimes is critical and rehabilitation centres at local level could be more effective in controlling juvenile crimes. Findings of this study also recommend expansion of family/juvenile court jurisdiction, implementation of evidence based practices (including assessment for risk and/or mental health issues), reduction of gang activity, and amending shackling/arresting activity at district/state/central government level.

**Keywords:** delinquency; juvenile justice; juvenile crimes

### **Introduction**

Juvenile delinquency is defined as “the antisocial and criminal behaviour committed by a person who is under the age of 18 *i.e.* who is not an adult” or in simple terms it is “violation of law by a child”. As per report of National Crime Records Bureau (India), rate of total crimes by juveniles in year 2020 was 6.2 and 24.1 crime incidences per lack of children population in states and union territories, respectively (Crimes of India, NCRB India, 2020). Total 31,618 and 3,734 juveniles were apprehended in 2020 for the total cognizable 26,399 IPC & 3,369 SLL crimes registered, respectively (Crimes of India, NCRB India, 2020). In past few decades, the nature of juvenile crimes has evolved with time such that majority of the crimes are being registered for offenses against human body (11,164) & property (11,600), among which incidences of murder, hurt, assault on women with intent to outrage her modesty, rape, burglary, theft have become quite common (Crimes of India, NCRB India, 2020). A statistical summary of the incidences of juvenile crimes & juveniles apprehended has been provided in Figure 1. The increasing rate of juvenile crimes and fast evolving nature

of juvenile crimes are alarming and pose a serious national as well global concern from law & order perspective and associated socio-economic impact(s) (Dutta et al., 2020). Among the various laws including “Child Labour Act (1993), Juvenile Justice Act (JJ Act, 2000), Prohibition of Child Marriage Act (2006), Right of Children to Free and Compulsory Education Act (2009), and Protection of Children From Sexual Offences Act (POCSO, 2012)” developed for protection of children rights, the JJ Act, 2000 is for “children in need of care and protection (CINCP)” and “children in conflict with the law (CICL)” (Snehlil and Sagar, 2020). Though with the increasing violent criminal pursuits of juveniles, several stringent amendments have been made in the juvenile legislation at both national (such as the one in 2014 post Nirbhaya) and global level from time to time, yet there hasn’t been any significant decline in the juvenile crimes.

The increasing juvenile crimes despite of such stringent legislation thus raises the need to address the issue though socio-legal approach which involves understanding child psychology & behaviour under different circumstances, causes of violent actions/moves made by children, and many more. Several studies conducted in past decade have indicated association of juvenile delinquency with various social factors such as state-level per capita income (Dutta et al., 2020), family background (Changalasetty et al., 2019), education level, pressure from peers, cultural deprivation, and psychological factors (Agarwal, 2018). Further, prevalence of mental illness or psychological disorder(s) in the youth delinquents has also emerged as one of the common associated factors (Shufelt and Coccozza, 2006).

Lack of good studies on causes & effects of juvenile delinquency and needs for reforms in juvenile legislation is one of the major reason that even after so many measures, India is still struggling with the problem of rising juvenile crimes. Further, based on the published literature survey, it can be said that attitude & behavioural conduct of civilians (society) towards juvenile convicts and/or victims and the loop holes in the present juvenile legislation are two major factors affecting the rate of crimes amongst youth.

Therefore, in this study a survey was conducted on a mixed random population consisting of civilians & legal professionals to assess various factors affecting juveniles and driving them to commit crimes, and to identify the gaps & scope for improvement in the existing laws from the perspective of Indian population.

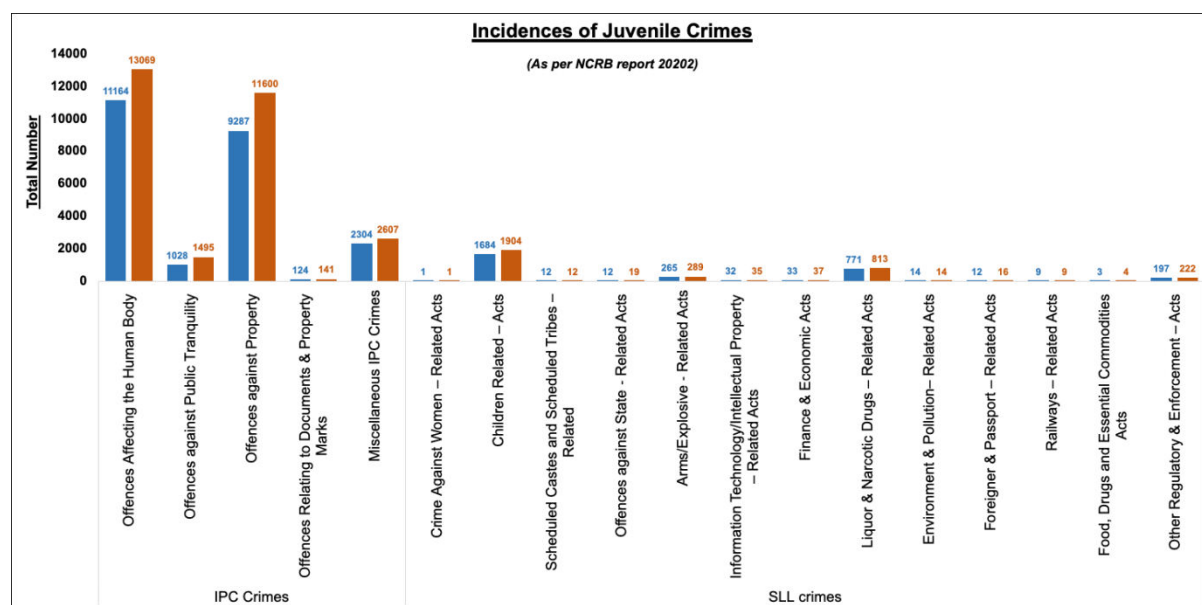


Figure 1: Crimes registered against juveniles and juveniles apprehended in India during year 2020 as per the “Crime in India” report of NCRB, India

### Review of Literature

Bibliometric analysis of the work published on juvenile delinquency was also conducted in this study. The analysis was done on the bibliometrics data retrieved from Scopus database from the publications containing “juvenile justice system” and/or “juvenile delinquency” in their title and/or keywords. Analysis of published literature revealed a significant rise in the publications as well as citations count over last two decades (Figure 2). Further, if country-wise publications are considered, India ranks 21 worldwide in publishing & studying juvenile justice system (Figure 3).

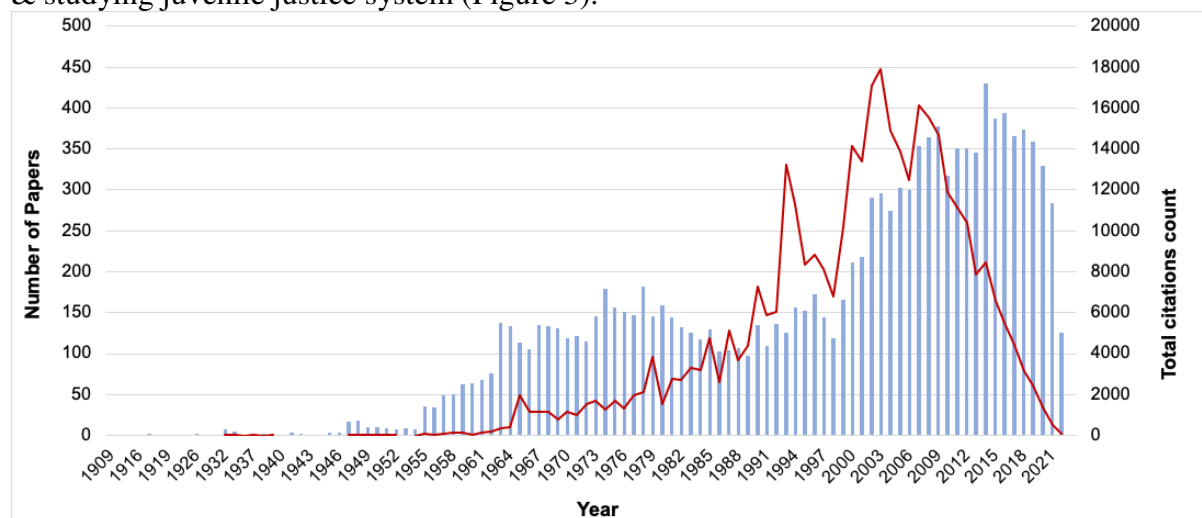


Figure 2: Bibliometrics report in terms of year-wise publication and citation count as updated on July 01, 2022 (Source: Scopus)

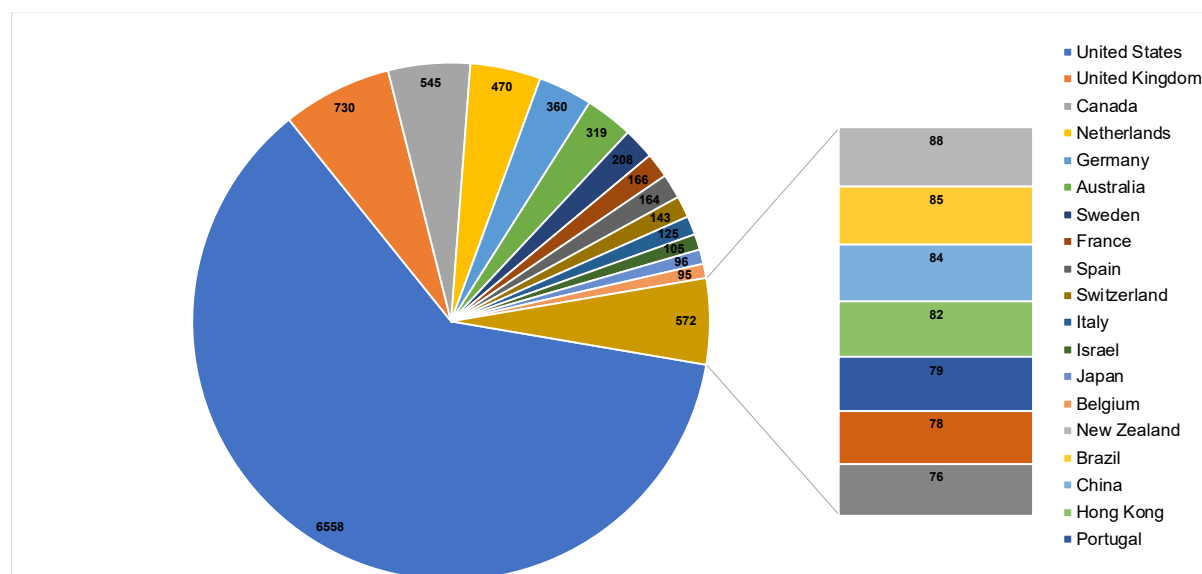


Figure 3: Country wise publication count on juvenile delinquency and juvenile justice system as updated on July 01, 2022 (Source: Scopus)

Juvenile delinquencies are classified into two main categories:(i) criminal offences which includes robbery, rape, burglary, murder, etc., and(ii) status offences which includes possession of alcohol, running away from home and truancy (Alemika and Chukwuma, 2001, Alfrey, 2010). Based on the crimes, juvenile delinquents are broadly categorised as either individual or social delinquents (Ugwuoke, 2010). According to Ugwuoke (2010), individual delinquents are the “young offender who because of distorted or unhealthy parent-child relationship and other negative experiences of early childhood has failed to develop an active

conscience and is unable consequently to distinguish between what is right from what is wrong”, while social delinquents are “product of their home and other environmental forces which have deliberately and consciously taught him or her that what the rest of the society consider to be wrong is not actually wrong in his or her own immediate social environment, in other words, sociologic delinquent is cultural deviant who violates the norms of his or her culture”.

Several studies conducted by psychologists, criminologists, educationists and law professionals over years to identify causes of delinquency in juveniles revealed that “juvenile delinquency is borne out of complex psychological, social and economic factors” (Walklate, 2007, Zamora, 2005, Ajibade, 2007). In a study based on the juvenile crime dataset of India, Changalasetty et al. (2019) and Thota et al. (2020) used association rule mining (a rule based machine learning) and reported that “family background in which a child lives and education level of children are strongly related with juvenile delinquency” indicating that these two factors play vital role in juvenile criminal activities.

In another study, non-linear impact of state-level per capita income on incidences of juvenile crimes in India has been reported such that “when poor state gets relatively richer, both opportunities to commit crime and returns from property crime increases” and “when the state grows even richer, growth of employment and state facilities including rehabilitation and redistribution, improve” (Dutta et al., 2020). Further, Dutta et al. (2020) also reported that “the steepest rise in juvenile crime rates occurs in states with lowest per capita income and highest level of adult crimes. Aebi et al. (2022) studied effect of interpersonal trust on criminal recidivism & juvenile offending/conduct disorder, and reported that “trust is a promising factor to predict general criminal recidivism and can be a target for treatment of juveniles who committed violent offenses”. The findings also suggested that interpersonal trust can be used to understand antisocial behaviour in young individuals with juvenile offending or criminal disorder, and can be used for prediction of criminal recidivism (Aebi et al., 2022).

Another cross-country similar study on factors associated with delinquency highlighted that community disorganisation exhibits association with delinquency at school – level context, wherein peer delinquency, sensation seeking, poor family management were reported to be exhibit cross-nationally consistent association with delinquencies (Parks et al., 2020). Recently, Choi (2022) used Least Absolute Shrinkage and Selection Operator (LASSO) regression algorithm in Korean Children and Youth Panel Survey to identify the factors important for preventing juvenile delinquencies, and concluded that “cyber delinquency, aggression, romantic relationships, engagement in school (academic) & learning activities, relationships with teachers, social withdrawal and mobile phone dependency affect delinquent behaviour among juveniles irrespective of their gender”.

Nanjunda (2019) stated that “emergence of culture of indifference, aggression, violence, haughtiness, arrogance, depression, and irresponsibility among modern youth have led the deviation among juveniles”, and highlighted the role of “contemporary society” in provoking youth towards crime. Further, effect of social changes and maladjustments with age along with changing/new social, economic, political and cultural arrangements in the modern society owing to fast industrialization and urbanization have also been rendered critical for the increasing juvenile delinquency (Nanjunda, 2019). A recent study conducted in Malaysia also concluded that “parental un-involvement, parent separation, peer pressure, criminal gang membership, and parent’s involvement were major factors for involvement of juveniles in delinquency” (Zakaria et al., 2022). Apart from socio-economic causes, Zane et al. (2022) highlighted that racial and ethnic disparities at every stage of the pathways through the juvenile justice system beginning from the very step of detention to the final processing outcomes are also one of the leading causes of delinquencies. In a similar study the DMC

(disproportionate minority contact) in US juvenile justice system for a period of 14 years was reviewed to identify the role of race and ethnicity play in the juvenile justice decision-making processes (Spinney et al., 2018).

All the above discussed factors indicate need for a comprehensive action plan at both societal and government level to reduce juvenile crimes. Choudhury et al. (2020) in her study on types of crimes committed by juveniles in the reformatory schools of India recommended that to reduce and prevent juvenile delinquency, comprehensive violence prevention plans (such as introduction of special programs for prevention of sexual reoffending, development of facilities for counselling, psychiatric treatment & juvenile monitoring) need to be implemented in all spheres of life (*i.e.* homes, schools communities).

Further, various researchers have reviewed & recommended the need for reforms in existing justice system for juvenile delinquents (Bajpai, 2018, Agarwal, 2018, Lipsey et al., 2017).

## **Materials and Methods**

### **Survey Instrument**

The survey questionnaire was designed based on various available literature and objectives of the present study. The questionnaire consisted of two sections, section 1 consisted of questions to gather data on societal behaviour towards juvenile delinquent & knowledge/awareness about legislation for juvenile justice, while section 2 assessed the adequacy of government policies to address juvenile crimes or for juvenile justice (available on: <https://forms.gle/U1kcSYn74zYA3qUe7>). Section 1 consisted of both multiple & single choice questions, and section 2 was a 5-point Likert scale questionnaire. Before circulating the questionnaire for collecting responses, the reliability of the questionnaire was checked in terms of value of Cronbach's alpha using IBM SPSS software, which was 0.717 indicated a good reliability of the designed questionnaire.

### **Data Collection**

The questionnaire was given to a random population of 134 persons which included law students, families of victims & delinquents and professionals associated with judiciary or law enforcement bodies. The diversity in the sample population was chosen to avoid biasness and get a general perception of the persons from different backgrounds or domains about the juvenile legislation. The responses for the questionnaire were collected in online mode through Google forms(<https://forms.gle/U1kcSYn74zYA3qUe7>).

### **Statistical Analysis**

The responses received were then computed & analysed using MS Excel and statistical software SPSS. The statistically significant factors associated with implementation or causes of juvenile delinquency were identified through non-parametric tests. Further, spearman's correlation was used to detect relationship among different factors such as causes for committing different crimes. All the tests were performed at 5% level of significance ( $P < 0.05$ ).

## **Results & Discussion**

### **Population Description & Distribution**

The participants of the present study were a mixed population comprising of 51% males and 49% females with age ranging from 15 – 55 years and average age of 25.54 years. The participants belonged to varied professional & non-professional backgrounds including civilians, law students, relatives of victims, juvenile delinquents, lawyer/judge, competent authorities at detention and/or imprisonment centres and police/law enforcement professionals. Of the total population, ~24%, ~33% and ~37% were civilians, students and

lawyer, respectively. The frequency distribution of population in terms of age, role and gender has also been summarised in Table 1.

**Table 1: The frequency distribution of sample population**

Role	Age (years)				
	11-20	21-30	31-40	41-50	51-60
Police	0	2	0	0	0
Competent authority at detention or imprisonment centre	0	1	1	0	0
Advocate or Judge	3	32	4	3	2
Juvenile delinquent	0	1	1	0	0
Relatives to victim	0	1	0	0	0
Student	18	30	1	0	0
Civilian	2	23	5	1	0
Other	0	2	0	0	0
<b>Total</b>	<b>23</b>	<b>92</b>	<b>12</b>	<b>4</b>	<b>2</b>

### Identification of factors influencing juvenile delinquency

From 134 participants, only 62% knew about the legal juvenile age while 92.5% have heard the term "juvenile delinquency" before or were familiar with its concept and 40% believed that juveniles are fully aware of their actions. Approx. ~60% believed that heinous crime like murder should lead to his arrest or trial of the involved juvenile, and 47% agreed that the juveniles committing such serious crimes should be punished with death row, and 87% & 52% agreed that juveniles committing heinous crimes (rape, homicide, robbery, assault) or property damage crimes (auto theft, larceny, vandalism) should be placed in detention facility, respectively while 68% condemned giving delinquent record to a juvenile for running away, truancy, misconduct in school and breaking curfew.

Almost all the participants (94%) agreed to the fact that juvenile delinquency is a major concern in today's world. 50% of the population agreed that often lack of communication & discourse in the family can lead children to find solace other than homes, and so majority (~77.6%) of the participants believed that parents & society play important role in juvenile delinquencies. 51.5% of them believed that male juveniles commit more crimes than females, while 47% of responded that juvenile crimes are independent of any gender, and 71.6% recommended that actual names of the juvenile delinquents should not be made public. The participants (56.7%) agreed that juveniles from poor economic background are more likely to commit a crime, while no such biasness in terms of caste or religion was recorded. Also, most of them disagreed (71% - 74%) that the magnitudes of punishment or arrests for crimes are biased on caste or religion of the delinquent.

67% participants were aware about the rehabilitative programs for juvenile delinquents and 54% agreed that local community based rehabilitative programs could be most effective. There was a mixed response for the age at which a child who has committed a serious crime should be transferred from the jurisdiction of the juvenile court to an adult court, and 44% recommended that juvenile committing a serious crime should be tried like an adult either irrespective of his/her age or atleast after he/she has attained the age limit of

juvenile and ~50% recommended that stronger legal ramifications should be taken to dissuade juvenile from committing crimes or help in the rehabilitation of the youth that have committed crimes.

### **Assessment of adequacy of government policies to address juvenile crimes or for juvenile justice**

Though majority (64%) of the participants believed that existing government judiciary bodies have taken adequate measures for prevention of juvenile crimes, yet there is need to improvise or strengthen the juvenile judiciary system at district/state/central government level. Based on the responses received, some of the suggested strategies include (i) reducing adjudication of youth in adult court through expansion of Family/Juvenile Court jurisdiction, (ii) implementation of Evidence Based Practices (including assessment for risk and/or mental health issues), (iii) reduction of gang activity, and (iv) amending shackling/arresting activity.

### **Effect of profession/role on awareness about juvenile delinquency**

The statistical analysis revealed that responses for certain questions were influenced based on the role, gender & age of the participant(s) in the society.

The responses that were significantly (at  $P < 0.05$ ) affected based on the role of participants includes questions about crimes for which juvenile should be arrested or tried in court (Q7), awareness about the concept of juvenile delinquency (Q9), people influencing juvenile delinquency (Q12), effect of gender on delinquent behaviour (Q14), use of original name of the convict in the public (Q15), caste & religion biasness while apprehending juvenile delinquent (Q20, Q21, Q22) and measures to strengthen juvenile justice system (Q38).

### **Effect of age on awareness about juvenile delinquency**

Responses for Q8 (should Juveniles be put on death row for serious crimes?), Q24 (Do you think that juvenile may face more severe punishments than their magnitude of crime due to their lower economic background?), Q33 (Reducing adjudication of youth in adult court through expansion of Family/Juvenile Court jurisdiction as a measure to improve JJS) were significantly (at  $P < 0.05$ ) influenced with the age of the participants.

### **Conclusion**

The present study provides a composite overview of the awareness & attitude of the population of India towards juvenile delinquency. The data was collected through a self-designed questionnaire which consisted of questions about various aspects of prevailing juvenile justice system in India. The analysis of the responses revealed that the magnitude of punishment should be decided as per the magnitude of the crime committed by the juvenile and there should be a provision of severe punishments or otherwise running the trial on such convicts as per the laws for crimes committed by adults. Further, provisions should be made to provide a better living even for those belonging to economically backward sectors, and to provide elementary education for all the children. Apart from these, the family and society should also indulge in healthy discussions with their child and inculcate good thoughts.

### **Recommendations for Future**

Following strategies can be implemented at district/state/central level to reduce juvenile delinquencies:

- reducing adjudication of youth in adult court through expansion of family/juvenile court jurisdiction
- implementation of evidence based practices (including assessment for risk and/or mental health issues)
- reduction of gang activity, and
- Amending shackling/arresting activity should also be implemented at district/state/central level.

## References

- Aebi, M., Haynes, M., Bessler, C. & Hasler, G. 2022. Associations Of Interpersonal Trust With Juvenile Offending/Conduct Disorder, Callous-Unemotional Traits, And Criminal Recidivism. *Scientific Reports*, 12, 1-10.
- Agarwal, D. 2018. Juvenile Delinquency In India—Latest Trends And Entailing Amendments In Juvenile Justice Act. *People: International Journal Of Social Sciences*, 3, 1365-1383.
- Ajibade, B. 2007. Socio-Economic Correlates Of Self-Defeating Behaviour Among Adolescents In Osun State. *West-African Journal Of Nursing*, 18, 10-14.
- Alemika, E. E. & Chukwuma, I. 2001. *Juvenile Justice Administration In Nigeria: Philosophy And Practice*, Centre For Law Enforcement Education Lagos.
- Alfrey, C. 2010. Juvenile Delinquency And Family Structure: Implications For Marriage And Relationship Education. Retrieved April 20th.
- Bajpai, A. 2018. The Juvenile Justice (Care And Protection Of Children) Act 2015: An Analysis. *Indian Law Review*, 2, 191-203.
- Changalasetty, S. B., Belgacem, B., Badawy, A. S., Ghribi, W., Ahmed, A. M., Bangali, H., Thota, L. S., Prasad, M. S. & Pemula, R. Assessing The Relation Between Family Background And Juvenile Delinquency Using Data Mining. 2019 International Conference On Computer Communication And Informatics (Iccci), 2019. Ieee, 1-4.
- Choi, J. 2022. Identifying Important Factors To Prevent Juvenile Delinquency Among Male And Female Adolescents: An Exploratory Analysis Using The Lasso Regression Algorithm In The Korean Children And Youth Panel Survey (Kcyps). *Child Indicators Research*, 1-36.
- Choudhury, R., Mishra, N. & Yadav, P. K. 2020. A Retrospective Study To Determine The Type Of Offence Committed By The Juveniles In The Reformatory Schools Of A Capital City Of India. *Jinu. M, Thankamma. P. George, Na Balaram, Sujisha. Ss 2. Profile Of Burn Deaths: A Study Based On Postmortem Examination Of Burn Cases At Rnt*, 20, 193.
- Dutta, N., Jana, D. & Kar, S. 2020. Does State-Level Per Capita Income Affect Juvenile Delinquency? An Empirical Analysis For Indian States. *Economic Modelling*, 87, 109-120.
- Lipsey, M. W., Conly, C. H., Chapman, G. & Bilchik, S. 2017. *Juvenile Justice System Improvement: Implementing An Evidence-Based Decision-Making Platform*, Center For Juvenile Justice Reform, Georgetown University.
- Nanjunda, D. C. 2019. Juvenile Delinquents And The Juvenile Justice System In India: A Perception After The Fact. *Humanities, Arts And Social Sciences Studies*, 256-270.
- Parks, M. J., Solomon, R. J., Solomon, S., Rowland, B. C., Hemphill, S. A., Patton, G. C. & Toumbourou, J. W. 2020. Delinquency, School Context, And Risk Factors In India, Australia, And The United States: Implications For Prevention. *Journal Of Research On Adolescence*, 30, 143-157.
- Shufelt, J. L. & Coccozza, J. J. 2006. Youth With Mental Health Disorders In The Juvenile Justice System: Results From A Multi-State Prevalence Study. *Research And Program Brief*. National Center For Mental Health And Juvenile Justice.
- Snehil, G. & Sagar, R. 2020. Juvenile Justice System, Juvenile Mental Health, And The Role Of Mhps: Challenges And Opportunities. *Indian Journal Of Psychological Medicine*, 42, 304-310.
- Spinney, E., Cohen, M., Feyerherm, W., Stephenson, R., Yeide, M. & Shreve, T. 2018. Disproportionate Minority Contact In The Us Juvenile Justice System: A Review Of The Dmc Literature, 2001–2014, Part I. *Journal Of Crime And Justice*, 41, 573-595.



- Thota, L. S., Shireesha, K., Sravani, A., Rajender, S., Changalasetty, S. B., Badawy, A. S., Ahmed, A. M., Ghribi, W. & Bangali, H. Rule-Based Mining Of Juvenile Delinquency. 2020 International Conference On Computer Communication And Informatics (Iccci), 2020. Ieee, 1-4.
- Ugwuoke, C. U. 2010. *Criminology: Explaining Crime In The Nigerian Context*, Great Ap Express Publishers.
- Walklate, S. 2007. *Understanding Criminology: Current Theoretical Debates*, Mcgraw-Hill Education (Uk).
- Zakaria, E., Kamarudin, N. N., Mohamad, Z. S., Suzuki, M., Rathakrishnan, B., Bikar Singh, S. S., Ab Rahman, Z., Sabramani, V., Shaari, A. H. & Kamaluddin, M. R. 2022. The Role Of Family Life And The Influence Of Peer Pressure On Delinquency: Qualitative Evidence From Malaysia. *International Journal Of Environmental Research And Public Health*, 19, 7846.
- Zamora, D. 2005. Levels Of Academic Achievement And Further Delinquency Among Detained Youth. *The Southwest Journal Of Criminal Justice*, 2, 42-53.
- Zane, S. N., Welsh, B. C., Mears, D. P. & Zimmerman, G. M. 2022. Pathways Through Juvenile Justice: A System-Level Assessment Of Cumulative Disadvantage In The Processing Of Juvenile Offenders. *Journal Of Quantitative Criminology*, 38, 483-514.