

JUVENILE CRIME ON THE RISE IN INDIA: CAUSES, TRENDS & SOLUTIONS

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BEST CITATION – YASH MOHAN SAXENA, JUVENILE CRIME ON THE RISE IN INDIA: CAUSES, TRENDS & SOLUTIONS, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (13) OF 2025, PG. 663-669, APIS – 3920 – 0001 & ISSN – 2583-2344

ABSTRACT

Juvenile delinquency is a growing social and legal concern involving minors who engage in unlawful or antisocial behavior. It not only affects the individual child but also poses challenges to families, communities, and the justice system. This paper explores the major causes of juvenile delinquency, including family issues, peer influence, socio-economic conditions, and lack of education or moral guidance. It also analyzes current trends in juvenile crime and evaluates the effectiveness of the Juvenile Justice (Care and Protection of Children) Act, 2015 in India. Finally, the study suggests preventive and rehabilitative measures aimed at reducing juvenile offenses and promoting social reintegration of young offenders.

INTRODUCTION:

The term 'Juvenile delinquency' refers to the participation of minors (children or adolescents below the age of 18 years) in illegal or anti-social activities that violate the law or social norms. Juvenile Delinquency is basically unlawful or antisocial behavior by individuals below the legally defined age of adulthood. It is considered a serious social problem because it affects not only the individual child but also the community and legal system.

The term 'Juvenile Delinquent' is used to describe a young person who has committed an act that would be considered a crime if done by an adult, such as theft, assault, vandalism, or drug use. However, the Indian Juvenile Justice System is guided by the **Juvenile Justice (Care and Protection of Children) Act, 2015**, which emphasizes care and rehabilitation over punishment. However, the implementation of this progressive legislation varies significantly across states, leading to disparities in juvenile treatment and rehabilitation.

REASONS FOR THE RISE IN JUVENILE CRIMES:

In the past few decades, there has consistently been a rise in the crimes committed by juveniles. These offences include a range of serious transgressions, including theft, rape, murder, causing bodily harm, and many more. There can be several causes for the criminal behavior of children.

Generally, these factors contribute to juvenile delinquency. Some of the factors are:

1. **Family Problems-**

Family is the first place where a toddler spends their maximum time and is attached to the people in the family. Children commonly learn from what they observe around them. If there are continuous fights in their own family, it will affect the child's growth and improvement mentally, physically, and emotionally, which contributes to the development of criminal behavior in many cases.

2. **Changing patterns in lifestyle-**

This is another reason for criminal behavior in children. They are faced mostly with the issue of the generation gap, because of which they detach themselves and are incapable of

distinguishing between what is right and what is wrong. Apparently, they are misguided and then end up choosing the wrong path.

3. **Biological factors-**

Factors such as lack of understanding, low intelligence, etc., also lead to delinquent behavior among juveniles. The parents, teachers, and elders play a significant role in educating their children about the biological differences between a male and a female, and they should answer their other questions as to biological processes and the consequences of any illegal act.

4. **Poverty-**

If a child is not provided with the basic necessities of life, there is a high chance that the child may get involved in delinquent acts to get those necessities. When the child does not get basic amenities like food, shelter, and clothing, this forces them to earn money by any means to fulfill their needs and desires.

5. **Substance abuse-**

Being exposed to substances leads to dependence over time, and these individuals end up committing crimes that they wouldn't have thought about doing. In such cases, children need counselling and rehabilitation to help them regain their sense of worth and self-esteem.

6. **Mental health risk factors-**

Juvenile Delinquency is also thought to be influenced by a number of mental health issues.

However, it's crucial to remember that a child cannot be diagnosed with any of the following mental health conditions: personality disorders, in particular. Nonetheless, these illnesses can have childhood origins that eventually manifest as delinquent behavior. Conduct disorder is a prevalent one. Disregarding social standards and a lack of empathy are characteristics of conduct disorder.

These are some of the factors that contribute to the delinquent behavior of children. Other factors, such as child labor, traumatic experiences, illiteracy, unsoundness of mind, etc., are also responsible for such behavior.

TRENDS IN JUVENILE DELINQUENCY IN INDIA:

According to the **NCRB (National Crime Record Bureau), Ministry of Home Affairs, Government of India**, there has been a consistent upward trend in the occurrence of various criminal activities committed by individuals classified as juveniles.

As per the analysis of the **NCRB Report:-**

- In **2023**, there were **31,365** cases involving juveniles, a **2.7%** increase from **2022**, with Delhi having the highest juvenile crime rate. The 16-18 age group accounted for **79%** of apprehended juveniles, and theft, hurt, and criminal trespass were the most common crimes.
- A total of **30,555** crimes were committed by minors in **2022** 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 reported against minors.
- Between **2013** and **2022**, India has reported a total of **3,40,168** crimes by juveniles. During this period, 13 states have each recorded over **10,000** cases, whereas 25 states and Union Territories have reported fewer than **10,000** cases each. Notably, the North Eastern States of Meghalaya, Andhra Pradesh, Mizoram, Manipur, and Nagaland have each reported fewer than **1,000** cases. Assam is the only state among these with a higher count of **3,397** cases.
- The Central and Western States of Madhya Pradesh and Maharashtra have reported **59,372** and **55,852** cases, and Tamil Nadu has reported **24,301** cases ranking among the top 5 States occupying **1st, 3rd, and 5th**.

These statistics indicate that the States of Madhya Pradesh, Maharashtra, and Tamil Nadu

stand among the top 5 states in the number of crimes committed by Juveniles.

CASES OF JUVENILE DELINQUENCY IN INDIA:

Pune Porsche case (2015)

'Pune Porsche case' is a high-profile case involving a drunk 17-year-old boy who crashed a luxury car and killed two people in Pune, India, in May 2024. It involved several issues, such as rash and negligent driving, drunk driving, and hiding evidence

Judgement: The Bombay High Court ordered the release of the minor from the observation home, ruling that he should be treated separately from adults. The Court said that it was bound by law and the Juvenile Justice Act and that it must treat the minor as any child in conflict with the law.

The Juvenile Justice Board, within 15 hours of the crash, granted bail to the boy and also ordered him to write a 300-word essay on the effects of road accidents.

Nirbhaya Case (2012)

This case shocked the nation, where a juvenile involved in a brutal gang rape served only three years in a reform home due to his age. It sparked debates on lowering the juvenile age for heinous crimes

Narayan Chetanram Choudhary v. State of Maharashtra (2023)

The appellant, in this case, filed an application for claiming the plea of juvenility that at the time of the commission of the offence, he was a juvenile. The appellant was convicted the **Sections 302** (Punishment for Murder), **342** (Punishment for Wrongful Confinement), **397** (Robbery, or dacoity, with attempt to cause death or grievous hurt), and **449** (House-trespass in order to commit offence punishable with death) read with **Section 120B** (Punishment of criminal conspiracy) of the Indian Penal Code, 1860. It was argued that at the time of the commission of the offence, he was a juvenile, and thus, he could not be awarded the death penalty.

Judgement: The Hon'ble Supreme Court, in this case, observed that the convict was already in prison for more than 28 years. He had experienced significant restrictions and challenges while incarcerated. Even locating in school diploma to prove his age for the juvenile defense would have been challenging.

The court also noted that his age on the school certificate was 12 years old, indicating that he was a minor at the time of the offence. For this reason, the court accepted the certificate in order to calculate his age. According to the **Juvenile Justice (Care and Protection of Children) Act, 2015**, no minor can be given the death penalty, so the court in this case decided that since he had previously been arrested and served time in prison, the lower court had issued the death penalty order. The court was declared invalid.

RELEVANT SECTIONS OF JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015:

- **Section 2(13)** – "child in conflict with law" means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence.
- **Section 4 – Juvenile Justice Board.** – (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the State Government shall, constitute for every district, one or more Juvenile Justice Boards for exercising the powers and discharging its functions relating to children in conflict with law under this Act.
- **Section 10 – Apprehension of child alleged to be in conflict with law.** – (1) As soon as a child alleged to be in conflict with law is apprehended by the police, such child shall be placed under the charge of the special juvenile police unit or the designated child welfare police officer, who shall produce the child before the Board without any loss of time but within a period of twenty-four hours of apprehending the child excluding the time

necessary for the journey, from the place where such child was apprehended.

• **Section 12 – Bail to a person who is apparently a child alleged to be in conflict with law.**—(1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person.

○ **Section 14 – Inquiry by Board regarding child in conflict with law.** – (1) Where a child alleged to be in conflict with the law is produced before the Board, the Board shall hold an inquiry in accordance with the provisions of this Act and may pass such orders in relation to such child as it deems fit under sections 17 and 18 of this Act.

○ **Section 15 – Preliminary assessment into heinous offences by the Board.**—(1) In case of a heinous offence alleged to have been committed by a child, who has completed or is above the age of sixteen years, the Board shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, and may pass an order in accordance with the provisions of sub-section (3) of section 18.

○ **Section 17 – Orders regarding a child not found to be in conflict with the law** – (1) Where a Board is satisfied on inquiry that the child brought before it has not committed any offence, then, notwithstanding anything contrary contained in any other law for the time being in force, the Board shall pass an order to that effect.

○ **Section 18 – Orders regarding child found to be in conflict with law.**—(1) Where a

Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence, [or a child above the age of sixteen years has committed a heinous offence and the Board has, after preliminary assessment under Section 15, disposed of the matter] then, notwithstanding anything contrary contained in any other law for the time being in force, and based on the nature of offence, specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may, if it so thinks fit,—

(a) allow the child to go home after advice or admonition by following appropriate inquiry and counselling to such child and to his parents or the guardian;

(b) direct the child to participate in group counselling and similar activities;

(c) order the child to perform community service under the supervision of an organisation or institution, or a specified person, persons or group of persons identified by the Board;

(d) order the child or parents or the guardian of the child to pay fine: Provided that, in case the child is working, it may be ensured that the provisions of any labour law for the time being in force are not violated;

(e) direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or fit person, on such parent, guardian or fit person executing a bond, with or without surety, as the Board may require, for the good behaviour and child's well-being for any period not exceeding three years;

(f) direct the child to be released on probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behaviour and child's well-being for any period not exceeding three years;

(g) direct the child to be sent to a special home, for such period, not exceeding three years, as it thinks fit, for providing reformatory services including education, skill development, counselling, behaviour modification therapy, and psychiatric support during the period of stay in the special home.

• **Section 19 – Powers of Children’s Court.**

—(1) After the receipt of preliminary assessment from the Board under section 15, the Children’s Court may decide that— (i) there is a need for trial of the child as an adult as per the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) and pass appropriate orders after trial subject to the provisions of this section and section 21, considering the special needs of the child, the tenets of fair trial and maintaining a child friendly atmosphere;

(ii) there is no need for trial of the child as an adult and may conduct an inquiry as a Board and pass appropriate orders in accordance with the provisions of section 18.

• **Section 21 – Order that may not be passed against a child in conflict with law.**

—No child in conflict with law shall be sentenced to death or for life imprisonment without the possibility of release, for any such offence, either under the provisions of this Act or under the provisions of the Indian Penal Code (45 of 1860) or any other law for the time being in force.

• **Section 22 – Proceeding under Chapter VIII of the Code of Criminal Procedure not to apply against child.**

—Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (2 of 1974), or any preventive detention law for the time being in force, no proceeding shall be instituted and no order shall be passed against any child under Chapter VIII of the said Code.

• **Section 74 – Prohibition on disclosure of identity of children.**

—(1) No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial

procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved in such matter, under any other law for the time being in force, nor shall the picture of any such child be published.

SOLUTIONS TO PREVENT JUVENILE CRIMES:

In order to eradicate juvenile Delinquency, efforts from the whole society are essential. We should create awareness among young children and teach them what is right and wrong. Family, teachers, and the environment in which they live all play a significant role in a child’s life and have a major impact on the life of the child. Some of the other ways to prevent the rise in juvenile crimes are:-

• **Education and vocational training:**

Provide access to quality education and vocational training to help young people break the cycle of poverty and crime. Educating and creating awareness among the parents as to how they should behave with their children and how their behavior will leave an impact on the children.

• **Encouraging Parent-Child interaction:-**

Encouraging Parent-Child interaction by conducting programs about parenting skills, the importance of healthy discussions, etc. Community Involvement: Create a supportive environment for at-risk youth through mentoring programs, community service projects, and after-school activities.

• **Cognitive behavioral therapy (CBT):**

A therapeutic approach that can help people identify and change dysfunctional beliefs, thoughts, and patterns that contribute to problem behaviors.

• **Conducting Recreational programs:-**

giving opportunities to the children to connect with other children and adults.

• **Juvenile justice system:**

Focus on rehabilitation rather than punishment. Putting efforts towards making the Juvenile Justice

System robust in India so defining specific punishments for specific crimes committed by juveniles.

GOVERNMENT GUIDELINES TO PREVENT JUVENILE CRIMES:

The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ ACT, 2015) is the primary law for children in conflict with law and those in need of care and protection. The Ministry of Women and Child Development is implementing the centrally sponsored namely Child Protection Services (CPS) Scheme for rehabilitation of children in difficult circumstances including, orphan and destitute children. Under CPS scheme, financial assistance is provided to the State Governments/UT Governments for providing services which include institutional care, non-institutional care, support for capacity building, human resources etc. Grants are also provided for setting up and maintenance of various types of Child Care Institutions (CCIs) including children homes, observation homes, special homes, place of safety, open shelters and Specialized Adoption Agencies. CCIs provide for age-appropriate education, access to vocational training, recreation, health care, counselling etc. The execution of the scheme lies with the respective States/UTs.

It is stated that National Commission for Protection of Child Rights (NCPCR), an autonomous body under the aegis of Ministry of Women and Child Development, is entrusted with the mandate to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. Various activities are taken up by the NCPCR along with State Commission for the Protection of Child Rights (SCPCR) through consultation, webinar, developing of creative material with reference to child rights, their wellbeing, nutrition etc.

CONCLUSION:

Every country in the World is dealing with the issue of juvenile delinquency at some point in time. However, the problem of juvenile crimes is much higher in developing countries. Because in a developing nation, there will be many factors that can have an effect on the growth and development of the child.

Even while India's juvenile justice system faces many obstacles, there are also many chances for major progress through creative changes and neighborhood-based projects. Legal reforms are very essential and should aim for consistency and fairness in the application of juvenile laws across the country. Strengthening the legal framework involves not only revising existing policies but also ensuring that the personnel involved from police officers to judiciary members are well-trained in the cases of juvenile justice.

Community involvement is equally important. The engagement of local communities in the rehabilitation process and prevention programs has proven effective in several areas and should be expanded. Communities have the unique ability to offer a supportive environment for reintegration and to assist in monitoring and mentoring youths post-rehabilitation. Moreover enhancing rehabilitation facilities and services is essential to ensure that these young individuals receive the education, skills training, and emotional support necessary to reintegrate into society successfully.

ENDNOTES

1. Indian Penal Code, 1860 – Sections (302, 342, 397, 449, 120B)
2. The Juvenile Justice (Care and Protection of Children) Act, 2015 – Sections (2(13), 4, 10, 12, 14, 15, 17, 18, 19, 21, 22, 74)
3. Juvenile crime report NCRB (National Crime Record Bureau), Ministry of Home Affairs, Government of India
4. Guidelines of Ministry of Women and Child Development: *Posted On: 15 DEC 2021*

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5. Nirbhaya case (Mukesh & Anr. v. State for
Nct of Delhi & Ors., AIR 2017 SUPREME

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6. Narayan Chetanram Choudhary v. State
of Maharashtra (2023)

7. Pune Porsche case (2015)

