

JUVENILE CRIMINALITY AND CRIMINAL JUSTICE SYSTEM IN INDIA

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have been possible. Finally, I extend my deepest thanks to my family for their constant encouragement and understanding, which sustained me through this process.

1. Ethical Statement for Article Submission

I am writing to provide clarification regarding the ethical statement for the manuscript titled *"Juvenile Criminality and Criminal Justice System in"*. We wish to inform you that this article does not require an ethical statement, as it is based exclusively on secondary data and does not involve the creation of new data. The article draws on data from publicly available and credible secondary sources, including reports from the United Nations High Commissioner for Refugees (UNHRC), the National Commission for Protection of Child Rights (NCPCR), the Convention on the Rights of the Child (CRC), the National Crime Records Bureau (NCRB), as well as newspaper articles and previously published scholarly articles. All sources have been appropriately cited in the manuscript to ensure transparency and adherence to academic standards. The research relies solely on existing, publicly accessible data, we believe that no ethical approval or statement is required for this submission, as per the journal's guidelines and standard research practices.

We appreciate your time and consideration. Should you require further details or documentation regarding the data sources or the nature of the research, please inform me accordingly. We are committed to ensuring full compliance with the journal's policies and look forward to your feedback.

Key Practitioner Message.

Strengthen Legal Frameworks: Advocate for robust national and international laws that specifically address collective violence against children, ensuring clear definitions and severe penalties for perpetrators.

Enhance Victim Protection: Implement immediate and comprehensive protection mechanisms, including safe shelters and psychological support, to safeguard child victims from further harm.

Promote Interdisciplinary Collaboration: Foster cooperation between legal systems, social services, Support community-based initiatives and educational institutions to create holistic intervention strategies that address both immediate and long-term needs of affected children.

Raise Public Awareness: Develop campaigns to educate communities about the signs and impacts of collective violence, encouraging early reporting and societal rejection of such acts.

2. Informed Consent

Since this research components relying on secondary data, such as legal documents or anonymized case studies, no direct informed consent was required, as the data was publicly available.

3. Conflict of Interest Statement.

The authors of this study declare no conflicts of interest. No financial, personal, or professional relationships exist that could be perceived to influence the objectivity, integrity, or impartiality of this research. The study was conducted independently and solely for academic purposes with no conditions affecting the research outcomes. The authors are committed to transparency and ensuring that the research serves the public interest in addressing collective violence against children

4. Data Availability Statement

The data that supports one of the findings of this study is openly available in

<https://indianexpress.com/article/india/crime-against-kids-a-third-still-under-pocso-8119689/>

The data used in this study consist primarily of publicly available legal documents, court rulings, and anonymized case studies related to collective violence against children. Publicly accessible data, such as legal texts and reports, can be obtained from Government databases, international organization archives, or cited references in the manuscript. All secondary data are mentioned in the citations wherever necessary.

5. Authors Contribution Statement

The first author conceived the study, researched, analysed and wrote the manuscript. The Corresponding author supervised, provided feedback, and helped to shape the research and manuscript. Both the authors read and approved the final manuscript.

6. Declaration of Funding

No funding was received for conducting this study.

ABSTRACT

In every nation, juvenile criminality is a grave offence that undermines the social order. Juvenile crimes are on the rise everywhere, and young people are becoming more and more involved in violent crimes. Similar patterns of a rise in the number of violent crimes perpetrated by minors are seen in India. It is a major issue for the country, and finding a solution will require considerable consideration. In response to these developments, the Indian judiciary and legal system have modified certain statutes relevant to juvenile justice in India.

This research paper looks at the reasons for juvenile criminality and the solutions offered by academics in different professions to address the issue. According to a review of statistical data available on official websites, youth involvement in terrible crimes is on the rise. The Act related to Juvenile Criminality has been revised in order to address the issue of juvenile criminality in India. As a result, children accused of serious offences are now tried as adults.

KEYWORDS: Juvenile, justice system, Reformation, Crime rehabilitation, age of criminal responsibility.

A. INTRODUCTION.

Worldwide, children are regarded as a country's greatest asset. Children are the nation's greatest asset and hold the key to its future. However, due to the indifference of our society in many areas, these future stakeholders are not given the right upbringing, which results in juvenile delinquency. Juvenile or child criminality is a growing issue that is concerning people everywhere.

In the last few decades, the crime rate by the children under the age of 16 years has increased. The reason of increasing crime rate is may be due to the upbringing environment of the child, economic conditions, lack of education and the parental care. These are the some of the basic reasons. And the most disappointing part is that, children (especially under the age group of 5 to 7 years) now a days are used as tool for committing the crime as at this stage their mind is very innocent and can easily be manipulated.

The frightful incident of "*Nirbhaya Delhi Gang Rape Case*" on December 16, 2012 shocked the whole nation and many debates were started among legal fraternity and socialists. The main reason and issue of the debate was the involvement of accused, who was just below the the age of 18 years. The involvement of the accused in such a heinous crime of rape forced the Indian Legislation to introduce a new law and thus, Indian Parliament came up with a new law which is known as "*Juvenile Justice (Care and Protection), 2015.*" The Introduction of the Act has replaced the existing juvenile laws and has introduced some remarkable changes. One of the

remarkable changes is juvenile under the age group of 16 to 18 years should be tried as an adult. Children³ are the most valuable assets of any country or civilisation, representing the priceless jewels of the future (Ramesh, 2015, p. 1). A society or nation's progress, essence, and direction are greatly influenced by the kind and course of its growth and development (M/o WCD, 2016, p. 1). Abraham Lincoln, who felt that children would inherit and lead the civilisation of tomorrow, eloquently observed that children are, in essence, the torchbearers of our future (Shakti, 2016, pp. 2-3). We must do everything in our power to raise our children to be capable, responsible individuals in order to guarantee that our future is in good hands.

The challenges posed by the legal legislation' ambiguous definition of "child" underscore the necessity of a precise and uniform definition of child age. The Prohibition of Child Marriage Act of 2006, Section 2(a), sets an age limit of twenty-one years for men and eighteen years for women to prevent child marriage (M/o L&J, 2007, p. 2). But looking at other legal clauses reveals contradictions. For example, a child is defined as an individual who is not younger than 15 years of age under Section 375 of the Indian Penal Code, 1860 (section 63 of the Bhartiya Nyay Sanhita, 2023)⁴. On the other hand, a child is considered to be beyond 12 years old under Section 376 (IPC) (section 64 of the Bhartiya Nyay Sanhita, 2023)⁵ (Ratanlal & Dhirajlal, 2019, pp. 633-656). Even the definition of "juvenile" or "child" has changed over the years as the Juvenile Laws have changed. For example, under Section 2(e) of the Children Act, 1960, a boy who has not reached the age of sixteen is considered a "child."

Years or a female who is not yet 18 years old (M/o WCD, 1960). As per Section 2(h) of the Juvenile Justice Act, 1986, a boy who has not turned sixteen years old or a girl who has not turned eighteen years old is considered a juvenile (The Juvenile Justice Act, 1986, 1986).

According to the Juvenile Justice (Care and Protection of Children) Act, 2000, Section 2(k), "Juvenile" or "child" means a person who has not completed the eighteenth year of age (M/o LJ & CA., 2000).

In the context of minors charged with crimes, often known as minors in conflict with the law, international standards place a strong emphasis on both prevention and rehabilitation. "The right of every child alleged as, accused of, or recognised as having violated the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth" is recognised by international standards.⁶

WHO IS A JUVENILE.

A juvenile is characterized as a youngster who has not reached a specific age, at which point they are subject to the same legal obligations as adults and can be held accountable for their unlawful behavior. A juvenile justice system is one that is specifically designed for the young. The name juvenile justice originates from the Latin word "juvenis," which meaning "Young." Under the Juvenile Justice (Care and Protection of Children) Act of 2015, a child under the age of 18 years

³In the juvenile justice laws of India, JJ Act 2000 onwards, the age criteria to define a 'child' as well as 'juvenile' is the same. The report like Crime in India itself has used the terminology 'Juvenile Delinquency (JD)', and 'Child in Conflict with Law (CCL)', interchangeably. Hence, until not specified both these terminologies stand for the same meaning and have been used interchangeably.

⁴section 63 of the Bhartiya Nyay Sanhita, 2023.

⁵ "ibid."

⁶ Convention on the Rights of the Child, Art. 40

is considered a "juvenile."⁷

Juvenile criminality refers to the involvement by the teenagers in an unlawful behavior who is usually under the age of 18 and commits an act which would be considered as a crime. A child is known as a criminal when he/she commits a mistake which is against the law and which is not accepted by the society. Thus a "juvenile" or "child" means a person who has not completed eighteenth years of age and violates the law and commits an offence under the legal age of maturity. Since the human civilization, crime has been one of the dominant problem which occurs when someone breaks the law by an explicit act, omission or neglect that can result in punishment. A child is born innocent, but due to the unhealthy environment, negligence of the basic necessities and wrong company, a child may turn into a delinquent. Usually somebody has to have intent to break the law in order to commit a crime, but that is not always the case.

A person can be charged with a crime even if that person doesn't know the law even exists. The phrase "ignorance of the law is no exception" means that a person can be held responsible even when he or she break a law which they don't know. Therefore, juveniles, given the benefit of doubt regarding ignorance of law, are generally treated differently in the criminal justice system. A crime can be defined as a harmful act or omission against the public which the state wishes to prevent and which, upon conviction, is punishable with a fine, imprisonment, and/or death. No conduct constitutes a crime unless it is declared as criminal in the laws of the country. Some crimes such as theft or criminal damage may be civil wrongs for which the victim may claim damages in compensation.

According to Jeffrey Bernstein (2006,p.48) Socrates, the great philosopher also wrote a paragraph about the disrespectful behavior of the children 2400 years ago which says that children now love luxury, they have bad manners, contempt for authority, they show disrespect for elders and love chatter in place of exercise. Children are tyrants, not the servant of their households, they no longer rise when elder enters the room

The NCRB's report "Crime in India 2021" (page 511); Delhi seems to have more juveniles indulging in crime and violation of law, relative to other cities. Of the total of 3129 juveniles who have come into conflict with the law in all the union territories put together, 2643 are from Delhi. Much larger states like Rajasthan saw 2757 cases and Tamil Nadu 2212.

The NCRB looked at 19 metropolitan cities with a population of over 2 million people each, and has recorded an interesting fact: the total of such crimes in these cities has been dropping steadily 6885 in 2019, 5974 in 2020, and 5828 in 2021.

Delhi, however, is the black spot with an increasing number of cases: it tops the list with almost half of the cases 2618 in 2021, up from 2436 in 2020, but less than the 2760 cases in 2019. Just to give a larger picture, in densely populated Mumbai, only 332 cases were registered against juveniles in 2021; the same as in 2020. Also, juvenile crime in the financial capital had halved from 611 during pre-COVID 2019.

Juvenile criminals in Delhi have been booked under various sections of the Indian penal code. the BharatiyaNyaya Sanhita, 2023 seeks to replace the Indian penal code (IPC), 1860 like Section 302 murder;(Section 103 of BNS) Section 307 attempt to murder;(Section 109 of BNS) Section 308 culpable homicide;(Section 110 of BNS) Section 354 assault on women with intent

⁷ S. 2(35) of Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the 2015 Act).

to outrage their modesty;(Section 74 of BNS) Section 376 IPC rape;(Section 64 of BNS) Sections 363-369(IPC)kidnapping and abduction, and hurting others.

Theft and robbery would seem small crimes in comparison, but the numbers of such crimes too are aplenty, as are offences against property.

The pandemic, people working on child rights protection believes, had led to an increase in crime by juveniles. “During the COVID-19 crisis, cases of crime by minors increased considerably,” says (Anurag Kundu, chairman of the Delhi Commission for Protection of Child Rights.)

According to NCRB data, a total of 31170 cases were registered against juveniles in 2021 across india, showing a 4.7% increase over 2020 representational chart.

Juveniles in conflict with the law, 2021 (page 533)

Table No 1- Cases pending against juvenile in India

<i>Stage of cases</i>	<i>Numbers</i>
Number of cases pending disposal at the beginning of the year	2856
Juveniles apprehended during the year	3287
Total number of juveniles apprehended	6143
Juveniles released as cases did not occur/were quashed/discharged by courts	376
Juveniles sent home after admonition	2651
Juveniles sent to Special homes of appropriate institute	746
Juveniles dealt with fine	82
Juveniles awarded imprisonment	1
Juveniles acquitted or discharged	349
Percentage of juveniles held guilty	90.9%
Cases against juveniles pending disposal	1938

Source: Vijaya Pushkarna October 4, 2022 juvenile crime in national capital a major cause of concern

The above table shows that juvenile’s cases from the stage of the offence occurrence till the final disposal of the cases against juveniles from different parts of our .It can be clearly understood from the above table that more than 90.9% of them held guilty.

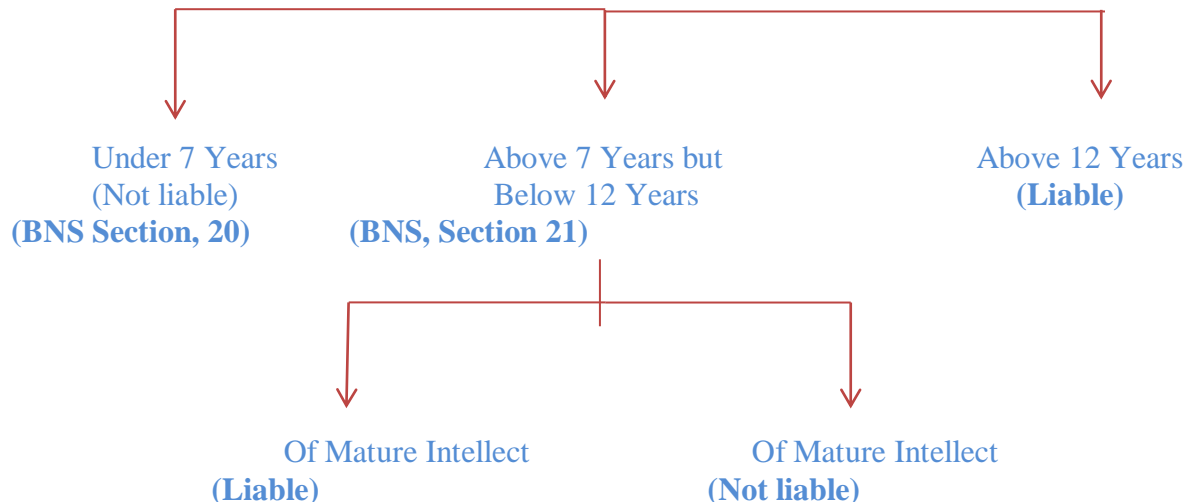
Table No 2- Different type of offences committed by juveniles which is punishable under Bhartiya Nyay Sanhita, 2023

<i>Numbers of some of their offences</i>	<i>Numbers.</i>
Murder	78
Attempt to murder	154
Causing Hurt	227
Assault on women with intent to outrage theirmodest	103
Kidnapping and abduction	17
Rape	68
Theft	1069
Offences against property	1510
The Information Technology Act	13

Source: Vijaya Pushkarna October 4, 2022 juvenile crime in national capital a major cause of concern

The above table shows the different types of offences which has been committed by juveniles, which is punishable under which is punishable under Bhartiya Nyay Sanhita, 2023.as per the above table it is clear shown that juveniles involved in criminal activities mostly offences against property disputes and in some case they leave their houses.

Minimum Age of Criminal Responsibility



Note: BNS, Section 20⁸ ; BNS, Section 21⁹.

These provisions in the BNS reflect the recognition that young children may lack the mental capacity to understand the gravity and consequences of their conduct. By exempting children below seven years and those between seven and twelve who lack maturity, the law acknowledges the need for a more nuanced approach to criminal responsibility in these age groups.

C. JUVENILE JUSTICE SYSTEM.

The widespread assumption held by society worldwide is that minors have not yet fully developed to fully understand the consequences of any activities or crimes they may have committed. People thought that since these young people are innocent, they should be punished harshly but also pardoned or granted leniency. Everyone knows that kids have trouble controlling their emotions and frequently behave aggressively without giving it any thought.

We use the Latin principle of "doli incapax" to protect these young people. This states that as children and juveniles are incapable of committing crimes, they cannot be held criminally liable for their transgressions. However, it is now evident that a child between the ages of 7 and 12 may also be found guilty of a crime if there is sufficient proof and evidence presented to indicate that the juvenile was mature enough and knowledgeable enough to understand the consequences of the act and that the crime was heinous in nature.

⁸ Section 20 of the BharityaNyay Sanhita (BNS), 2023 states "Nothing is an offence which is done by a child under seven years of age"

⁹ Section 21 of the BharityaNyay Sanhita (BNS), 2023 states "Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attended sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion".

The Indian constitution's Article 15, which requests that the state provide particular provisions for advancing and defending the interests of women and children, provides the juvenile justice legislation with constitutional support¹⁰. It is also founded on other constitutional demands, including the rights to life, liberty, and protection against exploitation, as stated in the constitution's articles 14, 15, 16, 21, 23, and 24.

JUVENILE JUSTICE SYSTEM IN INDIA.

It has long been customary to grant juveniles accommodations and pardon them for crimes committed under the pretext that they were minors. It is evident that Lord Cornwallis introduced and recommended "The Ragged School" for misbehaviour even during the British colonial era. Although it includes safeguards for their safety, historical legislation like the IPC does not specifically define or provide for juvenile offenders. According to the code's Sections 82 and 83, a child under the age of seven cannot be held guilty of a crime since they lack mens rea or intent. Another additional juvenile justice provision was mentioned in the Apprentice Act. Until such juveniles commit significant crimes with full knowledge of the nature of the offence, in which case they are found guilty, their special status as minors in the nation stays intact.

The Indian constitution offers strong backing for this endeavour to distinguish between the therapy and punishment administered to minors. The state is authorised by the constitution's A.15 (3) to create specific provisions for children and to safeguard their interests. Furthermore, the youngsters of the nation have access to Articles 21, 23, and 24, which discuss the fundamental rights of each and every citizen. In order to achieve the goals of juvenile criminal rehabilitation and reformation as well as the welfare and protection of other abandoned, neglected, and exploited children, a 1974 National Policy for Children was later approved. Following the implementation of these different strategies in an effort to create a distinct system for cases involving minors, the juvenile justice act a more comprehensive and expansive statute was established. This law offers provisions for child reform and rehabilitation in an effort to safeguard and advance the interests of children. India has extensive experience in crafting and implementing comprehensive laws to address every social issue. The number and severity of adolescent crimes in our nation have been steadily rising in spite of these measures.

The juvenile justice system was established with the intention of defending and upholding the rights of minors. This legal branch mostly handles cases involving children or juveniles who have been mistreated or abandoned or who are being investigated for any kind of crime. Because it firmly believes that children may be reformed, this system makes an effort to help these kids get back on their feet. According to section 2 (12) of the Juvenile Justice (Care and Protection of Children) Act 2015, a juvenile/ child is one whose age lies below the limit of 18 years. This legislation further divides the term "child" into 2 categories:

1. "A child in need of care and protection"
2. "A child in conflict with law"

In this context, "child in need of care" refers to children as that term is defined in Section 14 of the JJ Act, including those who have been exploited, abused, abandoned, or victims of crimes.

¹⁰ Bajpai, G.S. (2006). „Making it Work: Juvenile Justice in India’, Paper presented at the National Seminar on Care & Protection of Disadvantaged Children in Urban India at RCUS, 17-18 Nov.2006, Lucknow, available at <http://www.forensic.to/webhome/drgsbajpai/lcwseminar.pdf>, accessed 18 July 2012, pp. 1

Although the young people who have been charged with crimes are classified as "children in conflict with the law,"¹¹

The horrific nationwide case of gang rape by the Nirbhaya was one such instance that left everyone in shock. In this instance, six men repeatedly sexually assaulted a twenty-three-year-old woman on an empty bus. Following a medical check, it was discovered that an iron rod had accidentally pierced her internal organs, causing significant internal bleeding. Internal organs were severely damaged as a result, and there was no recovery. More research revealed that a youngster was responsible for the most heinous of the acts. Like a savage animal, he tore the woman apart with his vicious onslaught. It is debatable if a youngster who carried out such a brutal attack did so without understanding the nature of the crime or its repercussions. Given the circumstances surrounding the crime and the nature of the offence, it is clear that the youngster knew exactly what he was doing and chose to carry it out nevertheless. He is unquestionably guilty, and this will constitute a legitimate mens rea. There are other examples that demonstrate young people can commit heinous crimes. There are a tonne of more examples to back up the allegation of child abuse and demonstrate their involvement in graphic crimes like these.

According to P.P. Barooah (1999), "The Family has been the most important child care institution in India since the ancient times." Through the institution of the "Joint Family" and a close-knit society, an effective social organisation secured the child's satisfactory upbringing. This emphasised shared accountability while offering children support and safety (Barooah, 1999, p. 16). Different punishments and special protection for children were mentioned in ancient Indian literature such as the Manu Smriti and the Arthashastra. For example, the Masmriti recommends distinct penalties¹² for kids who engage in gambling¹³ or cause disturbances. Additionally, the Arthashatra shields kids against forced labour and slavery. Additionally, according to the Arthashatra, both the state and the head of the family have a duty to ensure the safety of children (Rangarajan, 1992, p. 72).

Objectives of Criminal Justice System

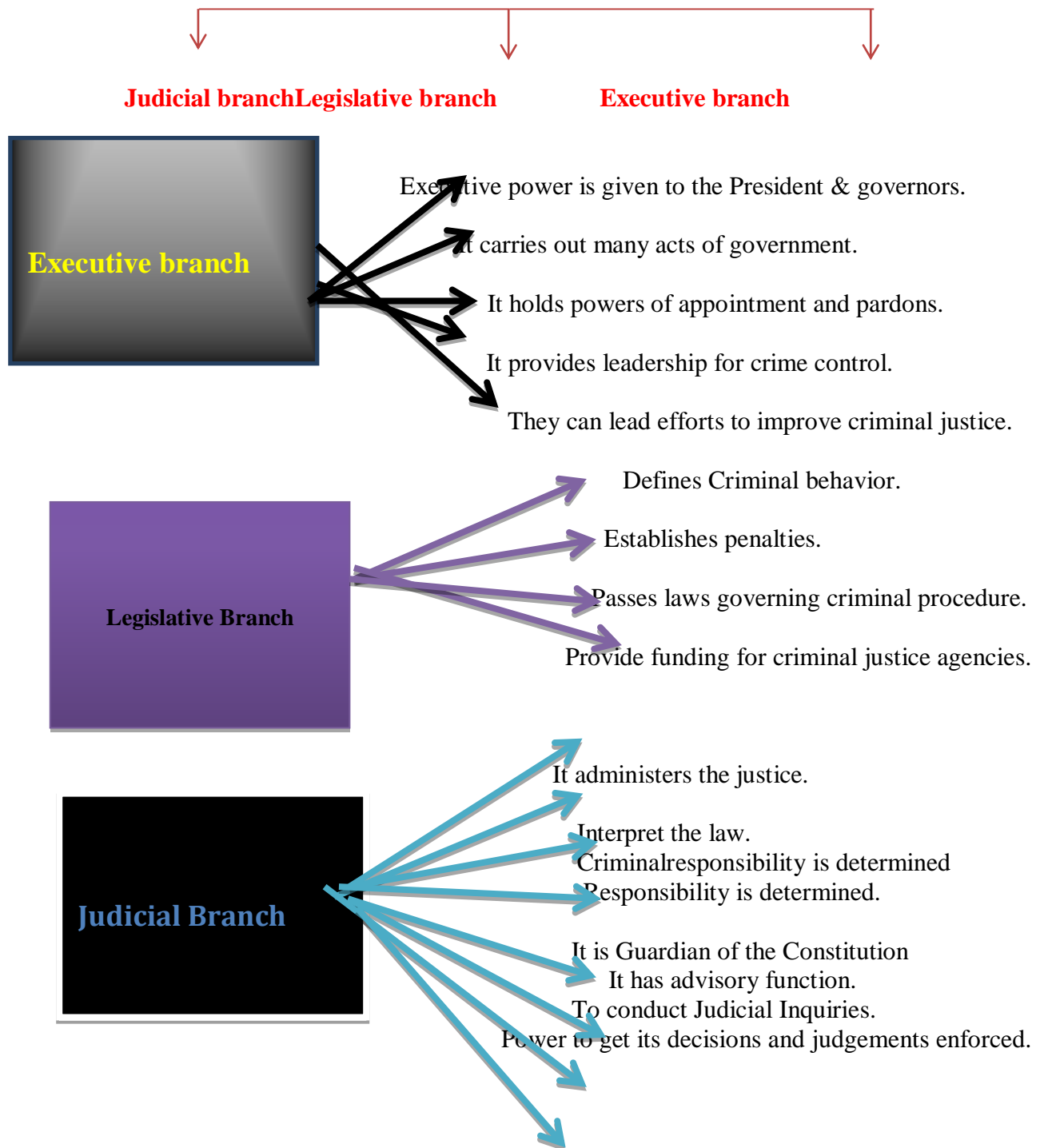
- To prevent the occurrence of crime.
- To punish the criminals.
- To rehabilitate the criminals.
- To compensate the victims as far as possible.
- To maintain law and order in the society.
- To deter the offenders from committing any criminal act in the future.

¹¹ The Juvenile Justice (Care and Protection of Children) Act 2015

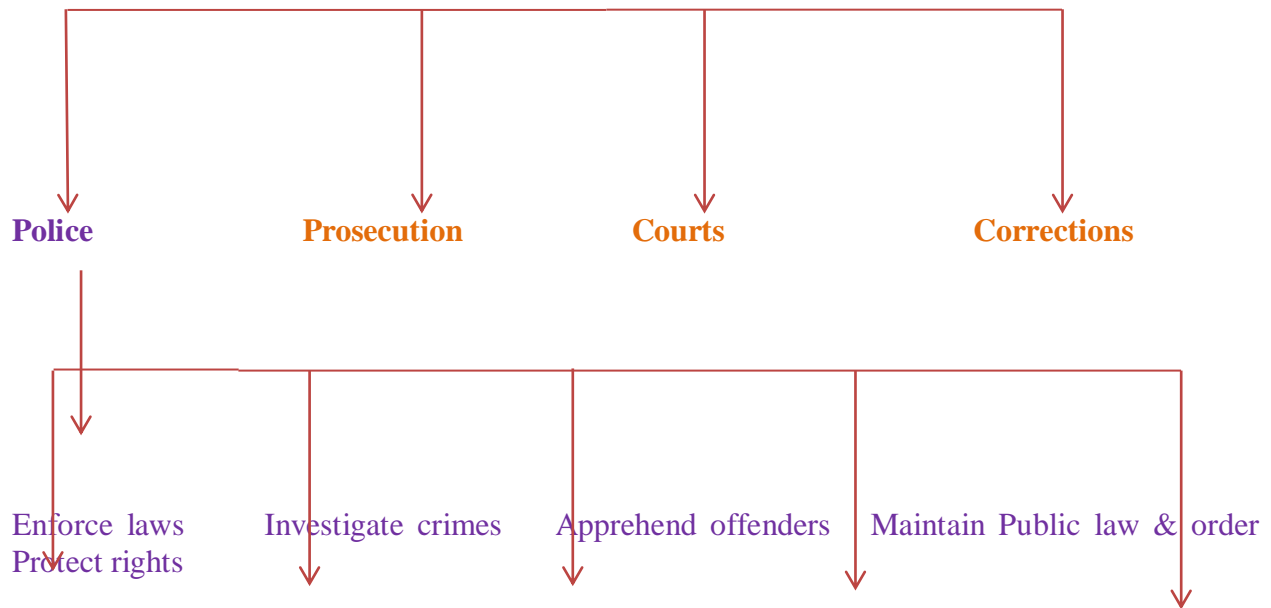
¹² Chapter IX, Sloaks 283 states, "But a distressed person, an infant or an old man, found guilty of the same offence (defecating on the king's high way – Slokas 282), shall be liable to remove the faeces. This is the decision". (Sharam, 2020, p. 444)

¹³ Chapter IX, Slokas 230 states, "Women. Infant, old or insane persons, poor men, and sick folk, incapable of paying the penalty (for gambling IX-221-229), the king shall punish with stipes of bamboo twists, or with chords, or by binding them". (Sharam, 2020, p. 435)

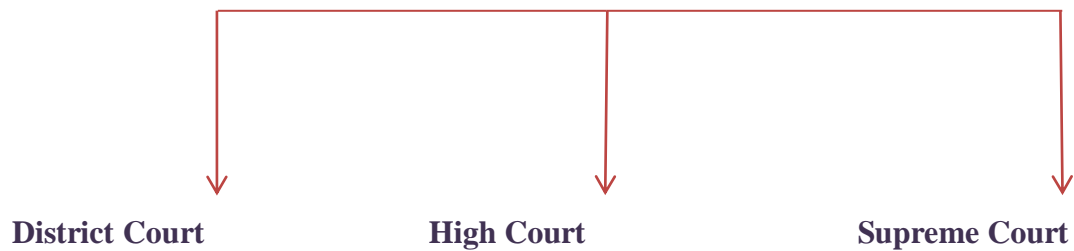
1. Branches of Criminal Justice System.

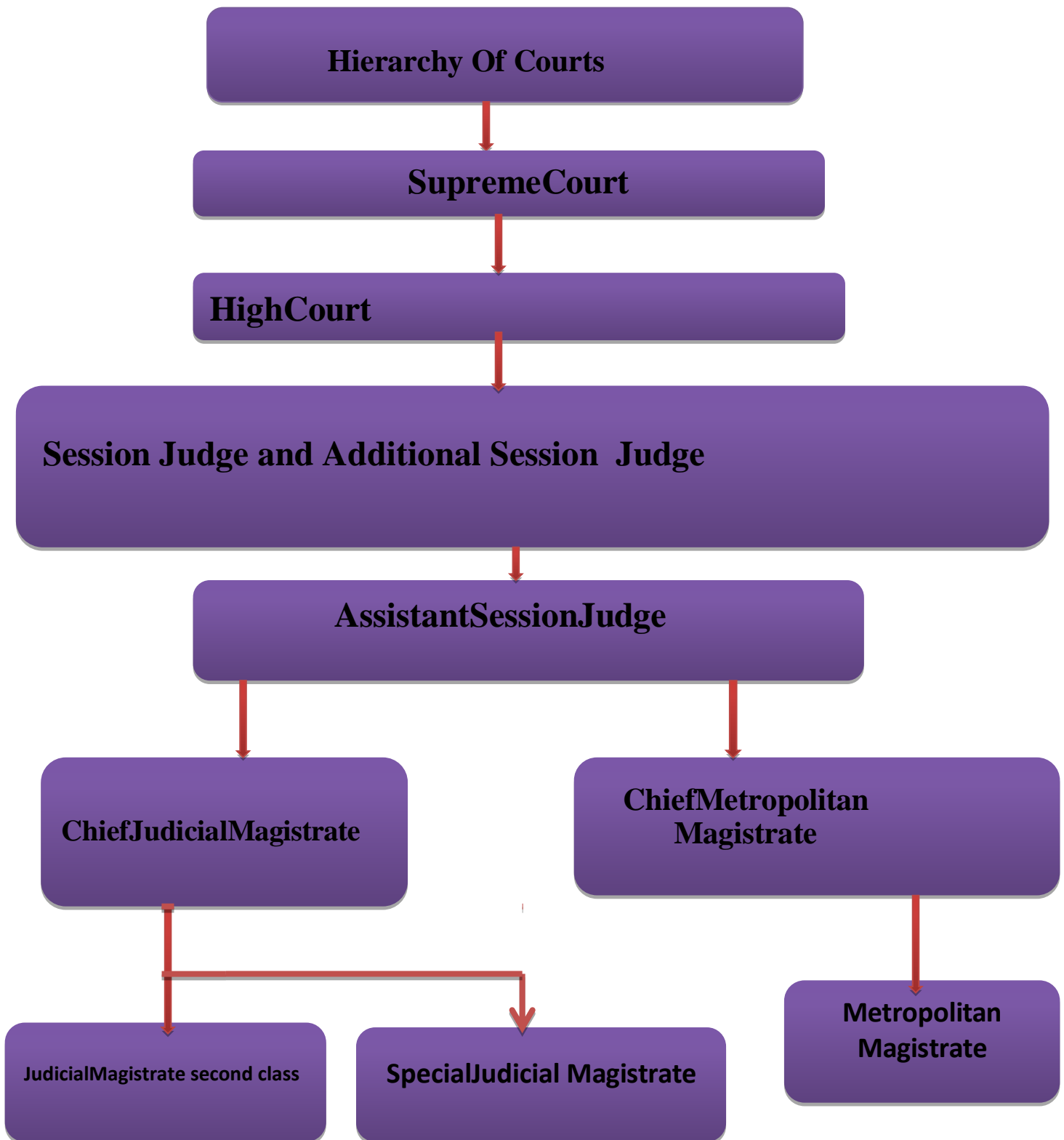


2. Components of Criminal Justice System



3. Court

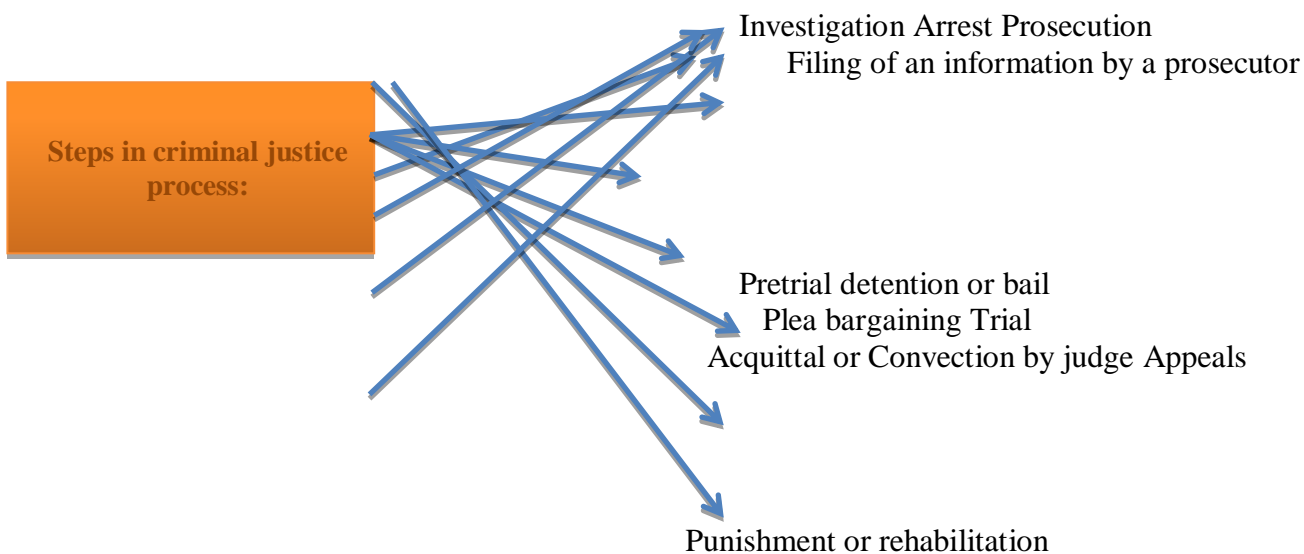




4. Purpose of Criminal justice system



5. Steps in criminal justice process.



6. Components of Correction



PRESENT CRIMINAL JUSTICE SYSTEM OF INDIA.

The term "criminal justice system" describes the composition, duties, and procedures of the organizations that handle crime prevention, investigation, prosecution, sentencing, and rehabilitation. Some people think it's not entirely correct to describe a criminal justice system. They contend that a system is an interacting, linked, interconnected collection of components carrying out corresponding tasks that constitute an intricate totality.

The leaders who occasionally oversaw the nation's affairs made a consistent effort to create the criminal justice system that exists now in India. Every stage of Indian history saw the creation of the criminal justice system at the behest of the ruling class. But rather than using it to defend their rights, the majority of them saw the criminal justice system as a tool to control the populace. This flaw also affected the British rulers who carefully considered every step they took

to ensure that India had a strong and well-defined criminal justice system. They also saw the criminal justice system less as a means of providing the people with a fair criminal justice system and more as a tool to maintain colonial power in India¹⁴.

The criminal justice system's primary goal is to promote social harmony and order by enforcing the law and reducing lawbreaking. The criminal justice system is a network made up of the police, courts, bar, and correctional services that works towards achieving this goal. The criminal law is regarded as a component of the entire criminal justice system since it offers the fundamental structure for the entire system

Important factors in order to control juvenile criminality as follows:

A. Social Networks

The media landscape has a significant and genuine impact on youth, serving as a conduit for the continuation of violent activities such as harassment, bullying, and gang-related offences against friends, family, and other relatives. Upon reviewing multiple reports pertaining to juvenile crime statistics, the study's conclusions indicate that social media plays a significant role in encouraging juveniles to commit these types of crimes. This is evident in a study carried out by Patchin and Hinduja (2013), which involved 4441 youth from 37 school districts between the ages of 10 and 18 years. The findings revealed that 20% of youth in 2010 reported having been victims of cyberbullying, and another 20% reported having bullied others online at some point in their lives.

B. Counseling's function

Counselling young people is one of the best things a society can do to reduce juvenile crime, as many criminologists have advised. According to the report, one of the best strategies to stop juvenile delinquency before it starts is to provide children and families with counselling and appropriate advice. In Muregasan's (2014) study, which involved 148 young people, it was shown that 42.6% of the kids enjoyed receiving psychological and counselling services, which are reformation techniques used to stop antisocial activity. In addition to offering support, counselling can help eliminate fears of inferiority complex, terror, and a host of other problems that many youngsters these days face.

Educational institutes should provide counseling sessions and awareness programmers to their students who need helps in terms of emotional instability, family issues and other related issues and awareness programmers like ant bullying prevention programmers, role of social Medias, etc. are needed to be inculcating in their curricular activities. Secondly, the legislative body has repealing of outdated laws and simplification of rules and procedures .thirdly police take serious cognizance during the investigation period when the matter is related with juvenile crime.

C. Community-based initiatives

Raising community awareness can be very effective in reducing crime. Agarwal, D. (2018) contends that community involvement and sensitisation are necessary when it comes to issues of juvenile delinquency. The results demonstrate the value of community programs in connecting young people and their families so that they can receive support for the issues they are facing.

¹⁴Panakal, J.J. 1961. 'Special Training of Police for Prevention of Juvenile Delinquency', The Indian Journal of Social Work and K.a. Shukla, 1983, 'Juvenile Delinquency in India: Research Trends and Priorities'

Community initiatives that include local residents, such as raising awareness in the community, have the power to improve neighbourhood circumstances. Social media and police departments play a position in community programs. When it comes to shielding and stopping a young person from committing a crime, the police are crucial.

Government needs to build more protection homes for the street children so that they won't have to take the wrong path for their living. Thirdly, there is a need to train more officers who are dealing with juvenile delinquents and proper parental guidance programmers should be inculcated in the community. Finally, there should be more counselors, social workers and others who are willing to spread awareness on matters dealing with delinquency in the society

CONCLUSION.

One can confidently declare that no man can be born a criminal from the very beginning. These criminal traits and behavior's develop as a result of depressing events or situations in the person's life. In an effort to rehabilitate and reform these misguided youth, several nations have taken a rehabilitative and reformatory strategy to handling such instances. But a new realization that has gained attention is that some of these young criminals are unreportable due to the nature of the horrible crimes they commit. These criminals are unredeemable, recidivious, and beyond assistance because they lack the necessary mental state and cognitive processes.

Strangely, India seems to be very adamant about its position in this topic, even in the face of incidents that very clearly demonstrate the harsh and unvirtuous deeds performed by kids. Even if data and statistics indicate that the number of violent crimes committed by minors is rising, India refuses to alter its policies and procedures for juvenile criminal affairs. The children's confidence that they are properly protected by the law may be contributing factor to this increase, giving them the boldness to break the law. The heartbreaking Nirbhaya case serves as an illustration of this, when a minor was ruled not guilty in court despite substantial evidence proving his mens rea and actus reus, which together amounted to guilt. It goes without saying that minors who are capable of carrying out such crimes after considerable consideration and planning cannot be excused based only on their age.

Rehabilitative therapy and counselling may be able to help people see their mistakes, but it is not a guarantee as once an act of this nature is committed, it is permanently ingrained in their memories. They can choose to return to a life of crime at any time; that is an enduring aspect of who they are. Another problem with the juvenile justice system in India is that age a relatively insignificant factor is given utmost significance when deciding cases involving juvenile offenders; the severity of the offence and the offender's mental state are irrelevant. This appears to go against the most fundamental principles of criminal justice and law. It is true that the child's welfare must be considered, but only to the extent that the youngster still exhibits the traits of a child. Juveniles shouldn't be treated equally to adult offenders and shouldn't be subjected to harsh penalties for all crimes. But in the rarest of circumstances, a severe punishment must be meted out as a last resort in order to preserve justice.

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