**Juvenile Delinquent: An Overview**

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***The juvenile delinquent does not feel his disturbed personality. The intelligent man does not feel his intelligence or the introvert his introversion.” - B F Skinner.***

* 1. **Introduction to Juvenile Delinquents**

Juvenile- a person who is older than the minimum age of criminal liability that varies from country to country and is younger than the age for criminal maturity and can commit a criminal offence. As per Juvenile Justice Act, 2015, any person under 18 years of age in India is considered a Juvenile. The age of criminal liability in India is 7 years. The delinquent term has its roots in the Latin word that means “to omit”. Thus, it is a term that describes a person who is found guilty of a crime. A child is a young person found guilty of an offence or antisocial behaviour or when the child's behaviour is out of the control of the parents (Venudhar, 2016).

The youth are subject to individual risks and opportunities that are beneficial as well as harmful. The youth take advantage of illegal opportunities by getting involved in various offences, drug addiction, violence and murders as well (Cook & Gordon, 2012).

The personality traits of the juvenile delinquent is reflected in the profiles of the delinquent through the way they commit the act. The acts could be due to poor quality of life in terms of discipline, tension and communication. There are various factors that contribute to the delinquent act by juveniles i.e. social, cultural and physical factors, but majorly the severity and intensity is influenced by economic and cultural conditions. The negative consequences of the socio-economic instability is one the major driving factor that is contributing to the involvement of juveniles in delinquent activities. Further to this the factors like distorted family structure, poverty, influence by gangs and drug dealers are the social factors that lead the youth to the delinquent acts (Agarwal, 2018).

The incidence data of juvenile crimes is disturbing, the figures from National Crime Records Bureau state that across the country, a total of 31,170 case were registered against juveniles in 2021, showing a 4.7% increase over 2020 when 29,768 were registered, and the disturbing part is that the major percentage included the age group of 16-18 years, the crime rates has also risen from 6.7%-7.0% (Chauhan, 2022). The urbanization process in developing countries with higher population densities and degrees of diversities has impaired the primary social relationships, control and coherence that existed in society. The new structure has an impact on the criminal behaviour of juveniles. Media also plays an important role in promoting a cult of heroes and promoting justice by eliminating enemies which serve as justification for indulging in criminal behaviour. The widening gap between the wealthy and the poor may also lead to an identity crisis in the lower social strata.

Labelling is also one of the factors that can cause an individual to adopt a delinquent image, which in turn leads to delinquent behaviour. Moreover, there is one more factor that is vital to peer pressure, adolescents are susceptible to peer pressure early in their teens and if the peer influence is bad then they are socialized negatively and have negative attitudes towards society and family relationships.

* 1. **Factors Associated with Juvenile Deliquent Act**

**Individual Factors**

Minor having lower intelligence and has not received proper education are likely to be involved in delinquent behaviour. There are other factors like impulsivity, uncontrolled aggressive behaviour. The mental state of an individual is also one if the factor to consider as harmful, destructive and illegal activities (Mathur, n.d.). According to Farrington (2002) the behavioral risk factors that make offending more likely is impulsiveness or the inability to delay gratification, aggression, empathy and restlessness. The children who perform poorly at school are also more likely to truant, which is also linked to offending. Impulsiveness is also seen in Child’s personality that predicts offending. However, the results are not clear whether the aspects of personality are result of “deficit in the executive function of the brain (Farrington, 2002, p.667) or result of parental influence or other social factors (Graham & Bowling, 1995 p.32).

**Family Factors**

The ongoing family feuds, neglect and abuse or absence of proper parental supervision. The parents who do not show respect for laws and societal norms may imbibe same and children in having attachment issues with their family lead child to get involved in delinquent activities. The parental supervision, the way parents discipline their child, criminal parents siblings, abuse, neglect (Graham & Bowling, 1995, p.33). The children brought up by single parents are more likely to start offending with those children having both parents. Many studies have reported strong correlation between a lack of supervision and offending and it is the most important family influence on offending (Farrington: 2002 p.610). lack of supervision is also connected to poor relationships between child and a parent, as children who are often in conflict with the parents are less willing to discuss their activities with them (Graham and Bowling, 1995 p 37).

**Substance Abuse Factors**

Substance abuse is found in majority of juvenile delinquent. These days they are using the drugs more powerful and starts using it at very younger age, one reason is that they have been grown up in such environment. The use of illicit drugs lead children to commit the heinous crimes in the influence the drugs (Mathur, n.d.).

* 1. **Profiling of Juvenile Delinquents:**

The Juveniles when they are arrested for their offenses and prosecuted, their profiling is done to understand and identify the offenders and prevent future crimes. Profiling is done in two ways Quantitative and Qualitative. A quantitative technique uses questionnaire or checklist, identifies the characteristics of juvenile offender. A Qualitative technique is a technique includes projective technique that is use to assess the individual’s unconscious process. Such techniques are helpful in the adjudication process for the medical fraternity.

Thus, the juvenile delinquency is a complex and serious problem that cannot be solved by only legal means. It comprises of variety of factors, including socio-economic, cultural, environmental and political factors which should be identified and addressed. There are studies which have stated that child who has suffered injury to their frontal cortex before the age of seven may develop abnormal behaviour, leading to frustration, anger, and aggression (Khushid, 2008). The pre frontal cortex is responsible for decision making and impulse control, fully matures later in life making the background factors more critical to child’s development and such factor can contribute the child into a serious or hardcore offender in the future.

As per the United Nation Convention on the Rights of the Child and the United Nations Standard Minimum rules for the Administration of Juvenile Justice emphasize the importance of respecting the human rights of juveniles, promoting their best interests and offering community-based treatments or diversion of systems for them (Sugano, 2008). The root cause of juvenile delinquency is complex and cannot be addressed by law only, as mentioned there are various factors that lead adolescent to commit crimes and these factors are not addressed or identified. For instance, if a child suffered an injury in the front region of brain i.e. is responsible for making decisions and controlling impulses. The other factors like socio economic and socialization have a major influence on Youth turning into delinquent behavior and when they become mature, they turn into hardcore offenders as Adults. At international level with Canada law considering the child to be treated humanely as its first Juvenile Justice law recognizes that that children and youth should not be subject to the same criminal law penalties as adults. Such law at international level state that legal framework for children’s treatment, including court system should put the child’s best interests first. The act seems to reflect a genuine desire to balance the constitutional imperative of creating “the best possible conditions for development” with the protection of children from exploitation and abandonment.

* 1. **Approach Towards Juvenile Delinquents:**

The Constitution of India recognises children’s vulnerability and their right to protection. It also provides for the protection of children who are not yet mature enough to comprehend the nature and repercussions of their actions because crime is a deliberate act that is considered socially damaging or dangerous and is expressly prohibited and punished under criminal act and adolescent today in trouble are part of juvenile justice for a long time now. The delinquent act in child creates a dichotomy between their status as child and offense they have conducted. Thus, the India’s juvenile justice policy has been in line with the constitutional mandate in Article 15 of Constitution of India that guarantees schemes, policies, specific laws to protect the children right with special attention.

The Juvenile Justice Act 1986 was passed by parliament for the entire country with exception of Jammu state and introduced a uniform juvenile justice system in India. The Juvenile justice act retained scheme and main features of the 1960 Children Act except for the word Juvenile being replace with Child. The act provided two separate authorities to work on delinquent and neglected children and introduced three new provisions: Advisory Board, Children’s fund and a visitor appointed to each institution. Further in 2000, the JJA 2000 was passed by Parliament recognizing the need to recast existing juvenile laws while taking into account the standard by Convention the Right of the Child, 1985 (peking Rules), the UN’s standard Minimum Rules for the administration of Juvenile justice.

The Justice Act for juvenile was introduced to treat juveniles between 16-18 years committing serious crimes as adult offenders. The act was a reversal of the welfare approach as the age caries from one state to another state for when the child is an Adult. The age of a child illustrate complexities, each child has four fundamental rights: protection, survival, development and participation. The aim is to not penalize a juvenile delinquent or a neglected child but to bring them to a mainstream society with safeguarding their rights. The December 2012 case of Nirbhaya highlighted the need to remove any leniency given to juvenile offenders in serious crimes involving extreme thought and action. There at several crimes committed by juveniles left society indignant. The Juvenile board assess the mental and physical ability of a juvenile to commit a heinous crime under section 15 of the justice act and on the basis of initial assessment, decide whether to transfer the matter to the session court pursuant to S. 2(20) of the Juvenile Justice Act, 2015 for the purpose of being tried as an adult pursuant to paragraph 18 (3) of the said act. The Juvenile Justice Act is a step in the right direction in terms of prevention and protection against offences committed by juveniles.

However, there are still gaps and ineffective implementation of the provisions of the Act, rendering it ineffective. There are still many unanswered questions regarding the age of criminal liability and the sentencing policy. There are ongoing discussions on the current law and the procedures for juveniles. There is a tension between the protection of juvenile offenders and the prevention of crimes committed by juvenile offenders. The emphasis should be on the adoption of a child-oriented approach to ensure justice in the best interest of the child and their eventual rehabilitation through various institutions (Chaudhary, 2003). The agencies involved in the delivery of justice to the child should be held accountable.

* 1. **Agencies Role in Combating Juvenile Deiquency Judicial Trends**

In the history the judiciary has played an active and supportive role in the punishment of offending juveniles. As per the case of Kakoo v. State of Andhra Pradesh (1976) is the prime example in the history, in the case a 13 year boy named Kakoo committed rape on a 2 year old child. He was initially convicted and sentenced to four years of imprisonment. Further upon appeal to the Apex court, Justice Sarkaria adopted a more humanitarian approach, emphasizing that excessively long prison terms are likely to turn juvenile deliquents into hardened criminals. In the Kakoo case the sentence was reduced to only one year of rigorous imprisonment by presenting proper reasoning and consideration. The court also emphasized the need for juveniles to be detained separately from adult prisoners, preferably in a reformatory school. Following this landmark case, the Supreme Court became increasingly sensitive towards juvenile offenders and issued a series of judgments reducing sentences and expounding on the jurisprudence of sentencing, which had previously been indifferent to the needs of juveniles. This approach is still being adopted by the judiciary when dealing with cases involving juveniles in conflict with the law.

Further, in the case of 1979 of Satto v. State of Uttar Pradesh, Justice Krishna Iyer emphasized that the primary objective of criminal justice should be correction through compassion, rather than harsh incarceration that leads to degeneration. He argued that the Indian criminal justice system should adopt a humane approach towards child offenders and refrain from imposing severe punishment on them. Justice Iyer criticized the state for its inadequate juvenile homes and lack of orientation. The judge has a significant amount of discretion in deciding whether to deprive juveniles of their liberty, and Justice Iyer strongly believed that secure detention is not beneficial for the child. He asserted that certain legal absolutes must be established, such as prohibiting jail for juveniles, not placing status offenders in safe custody, and setting specific limits on how long a child can be detained before or after adjudication. Additionally, Justice Iyer advocated for the use of pre-sentence reports, similar to those emphasized by the United States Supreme Court. These reports provide background information on the defendant's surroundings and circumstances, including their mental capacity at the time of the offense. The use of such reports would facilitate the appropriate sentencing of juveniles in conflict with the law. It is the responsibility of the judge to ensure that the relevant information provided in the report is considered and that the proper course of action is adopted for juveniles in conflict with the law.

In the 2013 case of Salil Bali v. Union of India (2013), a three-judge bench headed by Chief Justice Altamas Kabir analyzed several core issues regarding juveniles in conflict with the law. The court addressed the issue of the status of juveniles and observed that while there are exceptions regarding the criminal behaviour of juveniles between the ages of 16-18, such examples are not significant enough to warrant changes. The court opined that it is better to try and reintegrate children into mainstream society rather than allowing them to develop into hardened criminals.

In a recent case of 2014, Dr. Subramanian Swamy and others v. Raju Thr. Member Juvenile Justice Board & Another (2014), an appeal was filed by Dr. Subramanian Swamy, who argued that the true test of "juvenility" is not the age but the mental maturity of the offender. He contended that the Act should be read down to understand its purpose and to save it from unconstitutionality. The court opined that studies of adolescent brain composition indicate that up to the age of 18, regions of the brain that regulate foresight, impulse control, and resistance to peer pressure are in a developing stage. These are normative occurrences that a teenager cannot control and not an extreme illness or defect.

Therefore, the court was of the opinion that the age limit of juveniles should remain at 18, and mental maturity should not be the sole criterion for determining whether a person should be tried as a juvenile or as an adult.

* 1. **Role of Observation Home**

The observation home is designed for juveniles who came into conflict with the law due to various crimes like theft, murder, rape, illicit drugs. It is observed that many of these children belong to the dysfunctional families and indulge into the criminal activities. The observation home facility is used for juveniles who require short-term custody during the inquiry or trial, as well as for under trial children and juveniles in conflict with the law who are awaiting trial or removal to an appropriate Home. India is home to nearly 19% of the world's children, and around 440 million, or more than one third of the country's population, is below 18 years old. The nation's future depends on a healthy, protected, educated, and well-developed child population that will grow up to be productive citizens.

According to Mark Soler et al (2009) highlighted that this is a time of both great concern and great opportunity in the juvenile justice field. State and local leaders, faced with severe budget shortfalls in a slowed economy, have started cutting juvenile justice programs and sending more youthful offenders to juvenile prisons to close budget gaps. The first juvenile court was established in Calcutta in 1914, and the Children Acts were enacted in Madras, Bengal, and Bombay around 1920 based on the Reformatory Schools Act. Residential care and rehabilitation services were provided to neglected, abandoned, destitute, and delinquent children under this act. In 1927, the Children's Aid Society, the first voluntary agency in Maharashtra, established the first remand home at Umar khadi.

As per review of Rane's (1986) review of children in difficult circumstances, India's traditional joint family, which has been in existence for many generations, used to provide an in-built social security system. The proper care and development of disadvantaged children into productive members of society has been recognized as a crucial responsibility. However, with the rapid social changes, the traditional joint family system, which used to provide social security to such children, is disappearing, especially in urban areas due to changing lifestyles and social needs. Industrialization has also led to the growth of slums, exposing juveniles to adverse environmental settings resulting in problems like orphanhood, destitution, exploitation, victimization, and delinquency. In a study by Singh (2003), early forms of Juvenile Justice focused on children in conflict with the law. Juvenile Justice interventions have wider care and protection potential but have also led to significant stigmatization. Interestingly, unlike America and some European countries, India introduced Juvenile Justice intervention without excluding child labour, prohibiting child abuse, or implementing child education measures. Therefore, the Juvenile Justice or juvenile delinquency regime is more dominant and stronger in terms of legislative and administrative set-up than the child labour or child education regimes (Singh, 2003). By 1986, all States except Nagaland had enacted their Children Acts, but there was a lack of uniformity in the provisions, and no minimum standards for basic needs, working conditions, therapeutic services, etc., were being maintained. This study is based on secondary data collected from the report of Crime in India, the Ministry of Women and Child Development, Government of India, and other published articles.

The legal provisions regarding Observation Homes are outlined in Section 8 of the Juvenile Justice (Care and Protection of Children) Act, 2015. According to this act, any State Government has the power to establish and maintain observation homes in every district or group of districts. These homes serve as temporary shelters for juveniles in conflict with the law during the pendency of any inquiry regarding them under the Act.

If the State Government believes that an institution other than a home established or maintained under sub-section (1) is fit for the temporary reception of juveniles, it may certify such institution as an observation home for the purposes of this Act. The State Government has the authority to make rules under this Act, which would provide for the management of observation homes. This includes setting standards and various types of services to be provided by these homes for rehabilitation and social integration of the juveniles. Moreover, the State Government can certify an observation home and can also withdraw the certification under certain circumstances. Every juvenile who is not placed under the charge of a parent or guardian and is sent to an observation home shall be initially kept in a reception unit of the observation home for preliminary inquiries, care and classification for juveniles according to their age group.

In India, the Integrated Child Protection Scheme (ICPS) funds several observation homes. As per the available data, Maharashtra has the highest number of observation homes, accounting for 18.15% of the total number of observation homes in India. Rajasthan is second, with 12.33%, followed by Uttar Pradesh with 10.27%, Madhya Pradesh with 6.16%, Karnataka with 5.48%, Kerala with 4.79%, Chhattisgarh with 4.45%, Bihar with 4.11%, Jharkhand with 3.42% and Nagaland with 3.42% of all observation homes in India as on 31st March 2016.

The top 10 states mentioned above accounted for 72.58% of the total number of observation homes in India as of March 31, 2016. An Observation Home is an institution where neglected and delinquent juveniles are temporarily housed pending a decision on their cases. These children are brought to the institution by the police, probation officers, or their parents may voluntarily admit them. During their stay, all necessary services including food, clothing, and shelter are provided. Children may be committed to a Juvenile Home for long-term treatment or handed over to their parents based on the nature of the case. The Juvenile Justice Board, constituted under Section 4 of the Juvenile Justice (Care and Protection of Children) Act, 2000 and Amendment Act 2015, decides the juvenile's case and may hand them over to their parents on the condition of attending Juvenile Justice Board sittings. Only children in conflict with the law brought under the purview of the Indian Penal Code and other legislations are produced before the Juvenile Justice Board.

The Integrated Child Protection Scheme (ICPS) is a government program implemented by the Government of India to ensure the safety of children, with a focus on children in need of care and protection, juveniles in conflict or contact with the law, and other vulnerable children. Its primary goal is to provide oversight and standardization for pre-existing and evolving child protection schemes in India. The ICPS was proposed in 2006 and implemented in 2009, and is administered at the state level by state child protection committees and societies, and at the district level by district child protection societies, among other institutions.

The Integrated Child Protection Scheme is a government program aimed at safeguarding the welfare of children, especially those in need of care and protection, those in conflict with the law, and other vulnerable children. The program is administered by various institutions at different levels of government in India. At the national level, the Ministry of Women and Child Development oversees the implementation of the scheme, while the Central Adoption Resource Authority regulates in-country and intercountry adoption. The Central Project Support Unit in Delhi, headed by a Mission Director, ensures effective implementation of the ICPS in states and Union Territories. The National Institute of Public Cooperation and Child Development is responsible for training personnel in child protection across the country, while Childline, a 24x7 emergency outreach service, provides emergency and long-term care and rehabilitation to children in crisis.

* 1. **Forensic Psychological Assessment and evaluation**

Forensic psychology is an interdisciplinary field that combines psychology and the law. Since 1962, when the United States Court of Appeals for the District of Columbia first established that appropriately qualified psychologists could provide testimony in court on matters related to emotional disorders (Jenkins v. United States), psychologists have increasingly become involved in legal issues. Their work encompasses a variety of legal areas such as corrections, civil commitment, police psychology, child custody, and competency, where their expertise is sought to provide insights on questions and issues related to psychological dynamics.

As a legal document the forensic psychology report is a scientific and objective document that carries specific responsibilities and those responsible for preparing it may be required to defend their conclusion in court, if necessary. Throughout the investigation, prosecution and sentencing the psychological tests are commonly employed. One key application of psychological testing is in evaluating an accused individual’s mental fitness to stand trial. As per United States, it is required that the defendant can understand the charges and the criminal behaviour being accused. The individuals suffering from severe mental illnesses or intellectual disabilities may not meet this standard, which is determined through psychological evaluation. Another application of psychological testing in determining the sanity status of defendant who pleads not guilty by reason of insanity. Psychological examiners are responsible for reporting on the defendant's mental status, whether for the defense or the government. Although "the insanity defense" is a well-known term, defendants unable to stand trial due to mental incapacity are more common than those who plead insanity. Psychological testing is frequently utilized in the legal system to assess risks posed by convicted individuals. These tests are employed to evaluate the risk of recidivism, parole suitability, and the level of danger presented by sex offenders who have served their sentences. However, their validity is limited, and they cannot predict with complete accuracy.

* 1. **Psychoeducation and Intervention for Juvenile**

It is widely believed that early-phase intervention is the best approach to prevent juvenile delinquency. The government should come with more reforms and put more emphasis on the positive approach and long term beneficial schemes with psycho-education approach and intervention that can help the juveniles to see their strength and positive wellbeing, regain their self-confidence, self-esteem and understand the difference between right and wrong. Because of the callous attitude of the society, their socialisation and the environment, the socio-economic status, their well-being is hampered and they do not understand the difference between right and wrong. Thus, as per the Juvenile act they are being treated humanely but having a psychological intervention will add value and help in addressing their life in future with positive approach. The approach of agencies involved like police in the system should be more of reformative character rather than pure penal. The objective may be to reform the delinquents, rather than to punish them. The prevention process includes involvement of individuals as well as group and organizational efforts aimed at keeping adolescents from breaking the law. Juvenile delinquency is a social disease the child or the adolescent has to be treated in such manner, so that he/she can readjust with the society.

Government are recognizing the importance of reforms and the prevention efforts such as substance abuse education and treatment, family counselling, youth mentoring, parenting education, educational support and youth sheltering. In a study by Baetz et al., 2021 reported that using Trauma informed care approach helped in reducing the violence in detention facilities. Further, it has been noted that the Structured Psychotherapy for Adolescents Responding to Chronic stress has helped deliver to more than 1900 youth in juvenile justice facilities to led to decrease in self-harm and aggression among youth across genders, ages and ethnicities.

As per study on adolescent boys conducted by Cauffman and her colleagues (2021) in Orange County, in the first randomized controlled trials of a diversion program for young adults, whose brains closely resemble those of teenagers. The Young Adult Court (YAC) guides 18- to 25-year-old men who have committed low-level felonies through a 2-year probation program. If completed, their charges are reduced to misdemeanors or dismissed. The program includes cognitive behavioral therapy, substance use treatment, mentorship, training on basic skills (how to apply for a job, how to open a bank account), and relationship and parenting workshops. YAC programming includes cognitive behavioural therapy, substance use treatment, mentorship, training on basic skills (how to apply for a job, how to open a bank account), and relationship and parenting workshops. Cauffman has also received funding to create developmentally informed programming for the Orange County Jail and will test its effectiveness through a separate randomized controlled trial. Thus, as the psychological testing have become part of the Juvenile system and the system has improved over the years with more humanely treatment, if the psychological intervention are applied it can have a significant impact on Child wellbeing and their self which will help them to be a responsible citizen and better human.

* 1. **Conclusion and Recommendation**

It is emphasised that more proper amendments and implementations should be in order to reduce juvenile delinquents. It is important to make civil society aware about the juvenile delinquent in our society and it can be controlled and stopped at an early age, provided that proper care and attention is given to child in the home and school. During their growing age the child is influenced by parents and teacher as they play a significant role in nurturing and moulding the child. The child should be given proper psychological attention and labelling should be avoided, the necessary steps should be taken to give them scope of rectification. The strict laws is necessary but along with that psychological help with proper therapeutic treatment and social support is important as they need empathy and understanding of our society and not just the heavy hand of flow.

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