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Shades of Gray: Juvenile Delinquency in the Realm of Choice and Error

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In the present era, the stage of youth serves as a pivotal force in fortifying the very foundation of our nation. Within this dynamic age group, teenagers hold the power to either construct a better India or become a formidable barrier to progress. Our social fabric grants them the freedom to think independently and live autonomously, but the question lingers: Are they harnessing this liberty for the greater good? Alas, the world bears witness to a surge in violence, and regrettably, a substantial portion can be attributed to the youth. While we all stumble and err, some missteps catapult an individual into the realms of criminality, raising profound concerns. In the context of heinous crimes such as rape, murder, and terrorism committed by minors, the assertion that ‘mistakes can be forgiven and forgotten, but not crimes’ takes on a poignant significance. Here lies the crux of the debate: Should juvenile offenders be released based solely on their age, given that they possess at least a basic understanding of right and wrong? The weighty decision grapples with the delicate balance between the concept of justice and the imperative of safeguarding potential future victims. In the end, the overarching goal must be to shield the next victim from harm, rather than merely punishing the last offender. While forgiveness is a virtue, it cannot come at the cost of safeguarding society. Instead, we must seek solutions that hold juvenile offenders accountable for their actions while providing them with an opportunity for rehabilitation. The goal is not merely to punish but to prevent future harm, ensuring that the next potential victim is spared the ordeal of criminal acts.

Keywords: *youth, crimes, juvenile justice system, delinquent.*

INTRODUCTION: LOST INNOCENCE

With a staggering population of 253 million adolescents, India stands at the forefront of the world's youth demographics, with one in every five Indians falling between the ages of 10 and 19.¹ As the visionary Franklin D. Roosevelt once said, the key lies in not merely shaping the future for our young minds, but in equipping them to shape their destinies.² Education and guidance are paramount, for they hold the potential to harness the boundless energy and enthusiasm of the youth, steering them toward incredible accomplishments. However, is this alone sufficient? The answer lies not solely in external factors but in the very spirit of the youth themselves. Like sails on a ship, it is the direction they set that ultimately determines their course, transcending the prevailing winds. The youth, a formidable force in society, bear the weight of immense expectations from the nation, responsible for propelling its progress and development. At the heart of this discourse lies the issue of juvenile criminality in India, where opinions diverge on whether children's mistakes should be met with the same treatment as that of adults. This article delves into the captivating debate, shedding light on the role of the youth in shaping a brighter, safer future for themselves and their nation.

CHILDHOOD REDEEMED: RETHINKING JUVENILE JUSTICE IN INDIA

In the realm of law, a Juvenile is an individual who hasn't reached the age stipulated by statutes, not yet fully matured in mind and body. When it comes to criminal conduct, their offenses fall under the category of Juvenile delinquency, aptly called the child and adolescent version of the crime. The legislation that addresses matters concerning 'Children in need of Care and Protection' and 'Children in Conflict with Law' is none other than the Juvenile Justice (Care and Protection of Children) Act. Initially, the Act 1986 defined a juvenile as someone below 16 years (for boys) and 18 years (for girls).³ However, it evolved with time. In 2000, the definition was

¹ 'Adolescent development and participation' (UNICEF) <<https://www.unicef.org/india/what-we-do/adolescent-development-participation>> accessed 17 January 2023

² Jennifer Rosenberg, 'Franklin D. Roosevelt Quotes' (ThoughtCo, 11 March 2020) <<https://www.thoughtco.com/quotes-by-franklin-d-roosevelt-1779836>> accessed 17 January 2023

³ 'Juvenile Justice Legislation in India' (Indian Bar Association, 2013) <<https://indianbarassociation.org/wp-content/uploads/2013/12/JUVENILE.pdf>> accessed 17 January 2023

altered to include those below eighteen. Then, in a significant stride toward justice, the Juvenile Justice Care and Protection Act of 2015 introduced a groundbreaking amendment. Juveniles aged 16 and above⁴ could now face trial as adults for heinous crimes such as rape and murder, subject to the decision of a Juvenile Justice Board.⁵ Comprising a judicial judge and two social workers, the board holds the power to send the juvenile for rehabilitation or trial as an adult, depending on the gravity of the offense.

In the heart-wrenching tale of the *2012 Delhi gang rape and murder case*⁶, justice seemed elusive as it collided with the intricacies of juvenile law. The incident involved a 23-year-old physiotherapy student, affectionately known as *Nirbhaya*, who fell victim to a horrifying gang rape on an off-duty bus while returning home after watching a movie. Her brutal attackers were identified as Ram Singh, Mukesh Singh, Akshay Thakur, Pawan Gupta, Vinay Sharma and the juvenile whose name remains withheld. The heinous crime sent shockwaves across the nation, and the culprits faced the wrath of the law. However, when it came to the juvenile assailant, the Juvenile Justice Board faced a perplexing dilemma. Despite being deemed ‘one of the most brutal’ among the offenders and having assaulted the victim with an iron rod, the juvenile justice system’s age-based approach caused uncertainty. The board struggled to determine whether this young perpetrator should be treated as a juvenile or an adult. Eventually, the accused was released after serving a mere three years in a reformation home, raising questions about whether the system could truly deliver justice to the victims and their grieving parents.

This case shed light on the complexities surrounding the age limit for severe crimes. Some argue that certain acts, like rape, require a level of specific knowledge that might not align with the age-based approach. The Bombay High Court's ruling in the case of *Saurabh Jalinder Nangre and Ors v The State of Maharashtra*⁷ brought forth a distinct perspective, stating that an attempt

⁴ Juvenile Justice Act 2015, s 2(33)

⁵ R. N. Choudhry, *Law Relating to Juvenile Justice in India: Commentary on the Juvenile Justice (Care and Protection of Children) Act, 2000 as Amended by [Act No. 33 of 2006] Alongside Central & State Rules* (Orient Publishing Company 2007)

⁶ *Mukesh and Anrs v NCT Delhi* (2017) 6 SCC 1

⁷ *Saurabh Jalinder Nangre & Others v State of Maharashtra* CrI WP No 4044/2018

to murder should not be classified as a heinous offense under the Juvenile Justice Act, thereby protecting younger offenders from being tried as adults.

The courts have also grappled with the extent of protection afforded to juveniles under the Juvenile Justice Act. In the case of *Devi Lal v State of Madhya Pradesh*⁸, the Court deliberated on how far the benefits of this Act should extend when the offender was above 16 but below 18 years of age at the time of the offense. Ultimately, the Court emphasized the importance of adherence to the jurisdictional Juvenile Justice Board, creating a point of contention over whether the immunity granted to juveniles is necessary or possibly unconstitutional.

As society seeks a delicate balance between accountability and rehabilitation, the pursuit of justice remains a complex and ever-evolving journey. The stories of those who suffer at the hands of criminals demand a thorough examination of the legal system's intricacies to ensure that no sacrifice is in vain, and no breakthrough remains elusive. It is a call to action to create a system that both protects the rights of young offenders and brings solace to the grieving hearts of victims and their families.

NUMBERS NEVER LIE: JUVENILE STATISTICS UNDER THE MICROSCOPE

Youth are often hailed as the architects of a nation's future, but regrettably, the statistics surrounding youth crime paint a grim and ominous picture of the country. As per data from the esteemed *National Crime Records Bureau*, a staggering 31,170 were registered against Juveniles during 2021, depicting an increase of 4.7% over 2020 (29,768 cases). A total of 37,444 juveniles were apprehended in 31,170 cases, out of which 32,654 juveniles were apprehended under cases of IPC and 4,790 juveniles were apprehended under cases of SLL in 2021. The majority of juveniles in conflict with law apprehended under IPC & SLL crimes were in the age group of 16

⁸ *Devi Lal v State of Madhya Pradesh* CrI App No 989/2007

years to 18 years (76.2%) (28,539 out of 37,444) during 2021⁹, adding a chilling dimension to the somber reality.

These numbers resonate with a global trend, revealing the troubling state of juvenile crime rates in different countries. At the apex of this disheartening list stands Brazil, with a staggering 20,386 reported incidents of juvenile delinquency. The specter of youth crime also looms large in Colombia, where a total of 12,834 cases were documented¹⁰, cementing its place as the second highest. Zooming in on India, a nation grappling with its youth crime epidemic, specific states emerge as focal points of concern. Leading the disconcerting charts is Maharashtra, with the highest number of juvenile delinquencies reported in 2019, a worrying revelation indeed. Trailing behind, but not far off, is Madhya Pradesh¹¹, occupying the unsettling second position in this distressing list.

These figures serve as a stark reminder that while the youth carry the immense potential to shape our nation's destiny, we must address the underlying issues that fuel this disheartening surge in juvenile crime. As the saying goes, *"The youth of a nation are the trustees of posterity"*¹² and it is our collective responsibility to guide and nurture them toward a brighter, safer, and more promising tomorrow. Only then can we hope to disperse the dark clouds that currently shadow the path to a prosperous future.

HEADLINES HIGHLIGHT THE GLOOMY CLOUDS AROUND

Over the past two years, a disturbing string of egregious crimes have been perpetrated by juveniles across India. In July 2021, Navi Mumbai witnessed a harrowing filicide when a 15-year-old girl, freshly passed from secondary school, had strangled her mother with a karate belt

⁹ Ministry of Home Affairs, *Crime in India – 2021 SNAPSHOTS (States/UTs)* (NCRB No 1, 2021) <<https://ncrb.gov.in/sites/default/files/CII-2021/CII%202021%20SNAPSHOTS%20STATES.pdf>> accessed 22 January 2023

¹⁰ '10 Countries with The Highest Juvenile Murder Crime Rates' (*Endless Awesome*, 27 April 2021) <<https://endlessawesome.com/2021/04/27/10-countries-with-the-highest-juvenile-muder-crime-rates>> accessed 05 January 2023

¹¹ Pavithra KM, 'More than 99% of the Juveniles apprehended for crimes in 2018 are Boys' (*Factly*, 23 January 2023) <<https://factly.in/more-than-99-of-the-juveniles-apprehended-for-crimes-are-boys>> accessed 01 April 2023

¹² Ray McGrath, 'A Statement on Climate Change and Education' (*The Royal Irish Academy*, 22 December 2017) <https://www.ria.ie/sites/default/files/iap-statement-climate-change-edu-2017_1.pdf> accessed 20 July 2023

following a spat over medical studies.¹³ Just months later in Surat, a 17-year-old boy had snuffed out his father's life by strangulation, incensed after being scolded for excessive mobile gaming.¹⁴ October 2021 brought more horror as a 15-year-old in Malappuram had been arrested for the attempted rape of a 23-year-old woman.¹⁵ The violence continued into 2022 with the savage beating death of an 8-year-old boy at the hands of his 13-year-old friend in West Delhi that April, purportedly in pursuit of revenge over a trivial fight.¹⁶ Last year, a 17-year-old in Patiala had turned on his friend, brutally murdering him and dismembering the body to hide the remains¹⁷. And another misfit of the bunch, a 17-year-old girl had fallen victim to the depraved violence of older teens who had kidnapped and gang-raped her after a Hyderabad party.¹⁸ These profoundly disturbing acts of murder, rape, and betrayal - crisscrossing India's landscape from city to countryside - had revealed an unsettling truth. The country's juveniles had seemed increasingly susceptible to horrific cruelty and violence and had perpetrated gruesome crimes that chilled the blood.

LOST AND FOUND: THE CATALYSTS BEHIND JUVENILE DELINQUENCY

The emergence of juvenile delinquency among minors aged 15-16 has surged significantly in recent years, sparking concern and curiosity about the underlying factors leading to such behavior. It is essential to recognize that no one is inherently born with the potential to be a

¹³ 'Mumbai: 15-year-old girl kills mom with karate belt, tries to pass it off as suicide' (*India TV*, 09 August 2021) <<https://www.indiatvnews.com/crime/mumbai-girl-kills-mother-with-karate-belt-tries-to-pass-it-off-as-suicide-725487>> accessed 25 July 2023

¹⁴ 'Surat: Boy 'kills' father who scolded him for playing mobile games, detained' (*Indian Express*, 2 September 2021) <<https://indianexpress.com/article/cities/ahmedabad/surat-boy-kills-father-who-scolded-him-for-playing-mobile-games-detained-7485275/>> accessed 25 July 2023

¹⁵ 'Minor boy held in Kerala for attempting to rape a young woman' (*The New Indian Express*, 26 October 2021) <<https://www.newindianexpress.com/states/kerala/2021/oct/26/minor-boy-held-in-kerala-for-attempting-to-rape-a-young-woman-2375977.html>> accessed 25 July 2023

¹⁶ 'Delhi: 13-year-old boy detained for kidnapping, killing his friend after a fight' (*India Today*, 5 April 2023) <<https://www.indiatoday.in/crime/story/delhi-13-year-old-boy-kidnaps-kills-his-friend-after-a-fight-apprehended-1933557-2022-04-05>> accessed 25 July 2023

¹⁷ 'Patiala clash: Two more arrested, cops identify mastermind; top cops shunted out; internet, messaging services restored' (*Indian Express*, 30 April 2023) <<https://indianexpress.com/article/cities/patiala/patiala-clash-latest-news-internet-suspended-cops-transferred-7894569/>> accessed 25 July 2023

¹⁸ Srinivasa Rao Apparasu, 'Another minor held over teen's gang rape in Hyderabad: Police' (*Hindustan Times*, 6 June 2022) <<https://www.hindustantimes.com/india-news/another-minor-held-over-teen-s-gang-rape-in-hyderabadpolice-101654454025358.html>> accessed 25 July 2023

criminal; instead, a myriad of complex factors come into play, shaping the psychology and propensities of the young minds involved.¹⁹ From early-life experiences to socio-economic chaos, various elements contribute to the distressing trend of youth engaging in unlawful activities. This article delves into the three prevailing theories that shed light on the enigma of juvenile delinquency, supported by real examples to deepen our understanding.²⁰

Anomie Theory: The Pursuit of Happiness and Unlawful Means: One of the pioneering theories behind juvenile delinquency is the Anomie Theory, propounded by Robert Merton in the 1940s²¹. This theory posits that delinquent juveniles resort to criminal acts due to their perceived inability to achieve happiness through legitimate means. Struggling with limited perspectives and seemingly unattainable goals, they find themselves drawn towards unlawful paths to achieve their desires.

Factor 1: Poverty's Grim Grip

In the labyrinth of juvenile delinquency, poverty emerges as a formidable foe. A significant portion of delinquent youngsters hails from low-income families, where financial struggles force parents to toil outside the home for long hours, leaving their children unattended. Deprived of proper guidance and support, these vulnerable youths may fall prey to criminal elements, seeking solace in gang affiliations or illicit activities.

Real Example: Take the case of young Rahul, whose parents work multiple jobs to make ends meet, leaving him unsupervised most of the time. With no stable emotional anchor at home, Rahul succumbs to peer pressure, joining a local gang that leads him down a treacherous path of crime.

Factor 2: Shattered Family Foundations

¹⁹ Diana H. Fishbein, 'Biological Perspectives in Criminology' (1990) 28(1) Criminology <<https://doi.org/10.1111/j.1745-9125.1990.tb01317.x>> accessed 27 July 2023

²⁰ Robert K. Merton, *Social Theory and Social Structure* (2nd edn, Free Press 1957)

²¹ Robert Agnew and Joanne M. Kaufman, *Anomie, Strain and Subcultural Theories of Crime* (first published 2010, Routledge 2016)

In the realm of moral and ethical upbringing, family plays a pivotal role in shaping a teenager's character. However, in broken or disturbed families plagued by discord and bitterness, teenagers may find themselves lost and adrift, seeking solace outside their homes in negative influences like bad company or substance abuse.²²

Real Example: Meet Riya, raised in a broken family where constant conflicts and arguments prevail. Lacking the emotional support and understanding she craves, Riya seeks refuge outside her home, where she falls prey to the allure of drugs and alcohol, spiraling into delinquency.

Factor 3: The Scars of Domestic Violence

One of the most potent triggers of juvenile delinquency is the haunting specter of domestic violence. Children who witness or experience violent acts within their households are more prone to developing a sense of fear and anger. Often adopting an 'I don't care' attitude, they become more susceptible to engaging in criminal acts.

Real Example: Consider the case of Amit, who grows up in a household rife with domestic violence. The trauma of witnessing such brutality leaves him emotionally scarred, fueling his rebellious tendencies and leading him towards delinquency as a misguided outlet for his pent-up emotions.

Subculture Theory: Seeking Validation Beyond Conventional Norms

In 1955, Albert Cohen introduced the Subculture Theory, which suggests that juveniles who feel marginalized or fail to fit into societal norms may seek validation from subculture groups²³. These alternative affiliations may offer a sense of belonging and acceptance, albeit at the expense of conforming to lawful behavior.

²² Ross L. Matsueda, 'Reflected Appraisals: Parental Labeling, and Delinquency: Specifying a Symbolic Interactionist Theory' (1992) 97(6) *American Journal of Sociology* 1577 <<https://www.jstor.org/stable/2781549>> accessed 27 July 2023

²³ Albert K. Cohen and James F. Short Jr., 'Research in Delinquent Subcultures' (1968) 14(3) *Journal of Social Issues* <<https://doi.org/10.1111/j.1540-4560.1958.tb01414.x>> accessed 27 July 2023

Factor: The Grip of Financial Struggles

Struggling to cope with societal demands and expectations, individuals of all ages may find themselves overwhelmed by financial burdens²⁴. For teens, a lack of finances can lead them down the path of delinquency as they seek unconventional means to improve their economic conditions, such as engaging in illegal activities like drug dealing or theft.

Real Example: Meet Vikram, a talented and intelligent young man who excels academically but is held back by his family's financial struggles. Unable to find gainful employment despite his academic prowess, Vikram becomes disillusioned and turns to a life of crime as a misguided means of attaining financial stability.

Differential Opportunity Theory: The Quest for Success amidst Adversity

Developed by Richard Cloward and Lloyd Ohlin in 1960, the Differential Opportunity Theory revolves around the idea that opportunity plays a pivotal role in juvenile delinquency. The theory suggests that if juveniles were presented with more legitimate avenues for success, they would be less inclined to seek validation from subculture groups through unlawful means.

Factor: The Crucial Role of Personality Traits

One's personality becomes a crucial factor in navigating life's challenges and adapting to circumstances. However, for some youngsters, the pressure of overcoming failures may lead them astray, pushing them toward criminal activities. As Winston Churchill aptly said, 'Success is not final, failure is not fatal: it is the courage to continue that count'.

Real Example: Consider the journey of Arjun, a talented and ambitious teenager who faces a series of setbacks in his pursuit of success. Lacking the necessary support and coping mechanisms, Arjun's resilience crumbles and he succumbs to the allure of juvenile delinquency as a misguided attempt to find solace.

²⁴ Lewis Yablonsky, 'The Delinquent Gangs as a Near Group' (1959) 7(2) Social Problems <<https://doi.org/10.2307/799161>> accessed 27 July 2023

The battle against juvenile delinquency rests on the shoulders of a multifaceted conundrum, where society, opportunity and individual resolve intersect.

In the captivating landscape of criminological theories, three powerful paradigms stand tall, each unraveling unique facets of human behavior and societal influences. The Differential Opportunity Theory, like a beacon of hope, illuminates the significance of accessible pathways and opportunities in steering young souls away from delinquency. It beckons us to invest in empowering our youth with promising avenues, encouraging them to chart a course of success and virtue.²⁵ On the other hand, the Subculture Theory delves into the complexities of identity and belonging, reminding us that when society fails to embrace its misfits, the allure of subcultures can become a magnetic force, ensnaring those seeking acceptance on the fringes. As we strive to bridge the divide and foster inclusive communities, the call for empathy and understanding resonates louder than ever. Lastly, the Anomie Theory, with its keen eye on societal strain and disillusionment, challenges us to address the pressing issues of alienation and disconnect that plague modern societies. It reminds us that cohesive communities and meaningful social structures can serve as safeguards against the siren call of delinquency. In this tapestry of theories, we find the keys to a safer, more enlightened society – one where every individual is valued, every opportunity is accessible, and every heart is nurtured with compassion.

INNOVATE, EDUCATE, ELEVATE: NAVIGATING THE COMPLEX TERRAIN OF JUVENILE JUSTICE

The Juvenile Justice Act (JJA) 2015 in India has been a subject of both praise and concern. While it introduced crucial reforms and responsiveness to societal changes, certain challenges persist. One of the most complex issues surrounding the JJA is the *age determination* of children in conflict with the law. In the absence of a birth certificate, a child may easily be excluded from the protective umbrella of the Act, leaving them vulnerable to adult prosecution. Such cases

²⁵ Richard A. Cloward and Lloyd E. Ohlin, *Delinquency and Opportunity: A Theory of Delinquent Gangs* (1st edn, The Free Press 1960)

highlight the importance of ensuring access to proper identification and birth records for all children, especially those from marginalized backgrounds, to safeguard their rights.

In the landmark case of *Sheela Barse v Union of India*²⁶, a ray of hope shone upon India's juvenile justice system. The court's ruling mandated state governments to expedite investigations involving children, ensuring timely and fair trials. Moreover, the establishment of additional tribunals aimed to clear the backlog of minors incarcerated in various jails, enhancing the path to justice for our young souls.

Yet, despite these strides, a shadow of doubt looms over the sentence durations handed down in trials. The question arises: *Does a mere three-year period provide a logical or scientific basis for the complete rehabilitation of a child in conflict with the law?* This concern is particularly poignant as we recognize that the reform journey is neither linear nor bound by a predetermined timeline. Even after a juvenile has served their sentence, the implementation of the Juvenile Justice Act's provisions remains a critical issue, raising doubts about the effectiveness of the rehabilitative process.

One such poignant case revolves around a young boy named D (for anonymity), who found himself ensnared in the web of juvenile delinquency. Charged with a non-heinous offense, he faced trial under the watchful eyes of the juvenile justice system. The court's ruling dictated a three-year sentence for D, with the hope of reforming his ways and reintegrating him into society as a law-abiding individual. However, as D embarked on his journey of reform within the confines of a remand home, questions lingered in the minds of those who believed in the potential for true transformation. *Could a predetermined period of three years truly suffice to address the underlying causes of his delinquency?* The absence of a comprehensive and individualized approach to rehabilitation left many skeptical about the efficacy of the system.

Upon D's release, the spotlight turned to the implementation of the Juvenile Justice Act's provisions to ensure his continued growth and support. Unfortunately, the lack of a seamless post-release support system raised concerns about the sustainability of his transformation.

²⁶ *Sheela Barse & Anr. v Union of India & Ors.* (1986) SCC (3) 596

Without adequate guidance, mentorship, and opportunities for skill development, D's chances of navigating the turbulent waters of adolescence and adulthood remained uncertain. As D ventured into society once more, he faced the harsh reality of stigma and prejudice. The label of a juvenile delinquent clung to him like a shroud, making it arduous to find employment or acceptance within his community. In the absence of a cohesive effort to dismantle the barriers to reintegration, the promise of a rehabilitated future began to fade.

The case of D exemplifies the broader challenges faced by the juvenile justice system in India. While the Sheela Barse ruling set the wheels of change in motion, it also ignited a pressing need to reevaluate the sentencing and rehabilitation processes. To truly create a path of redemption and growth for juveniles, we must prioritize individualized, holistic approaches to rehabilitation. By tailoring interventions to each young individual's needs, addressing the root causes of delinquency, and offering unwavering support throughout their journey, we can kindle the spark of transformation. Moreover, the implementation of the Juvenile Justice Act's provisions demands unwavering commitment from all stakeholders, including the government, non-governmental organizations, and communities. Post-release support mechanisms must be established to ensure that every young soul's reintegration into society is met with open arms, devoid of prejudice and discrimination.

As we confront the complexities of juvenile justice reform, let us remember that the path to rehabilitation is not measured solely in years or months. True transformation is a journey of growth, guided by compassion and understanding. The time has come to rekindle our commitment to the spirit of the *Sheela Barse ruling*, after all, the true essence of justice lies not merely in punishment, but in the compassionate pursuit of transformation and second chances for those who have strayed from the path of righteousness.²⁷

The question of whether a person who has undergone reformative changes can become a valuable member of society remains deeply subjective and vulnerable to arbitrary judgments,

²⁷ Maharashtra State Human Rights Commission, *A Research Study on the Juvenile Justice System and Its Impact on Juveniles* (MSHRC, 2023)

particularly in light of the lamentable quality of rehabilitative services offered by the State²⁸. The stark reality is exemplified by the words of *Dipak Chattopadhyay*, a former member of the juvenile justice board, who boldly states that juveniles sent to remand homes do not find genuine rehabilitation but instead emerge as hardened professionals in the art of criminality.

This harsh reality brings to the fore the urgent need for comprehensive reforms within the *rehabilitative system*. The fate of these young souls hinges on the efficacy of rehabilitation programs, and as the saying goes, ‘actions speak louder than words’. If we truly aspire to transform these troubled lives and offer them a path to redemption, we must invest in high-quality rehabilitative services that instill hope, foster personal growth, and provide a genuine chance at a better future.

The case of such juveniles is a solemn reminder that the road to reformation is riddled with challenges. The task at hand requires concerted efforts from the State, society, and individuals alike, for every soul deserves the opportunity to turn over a new leaf and leave behind the shadows of their past.²⁹ In the pursuit of true justice, striving to replace the harsh cycle of criminality with a cycle of compassion, support, and second chances, where the metamorphosis of a lost soul into a contributing member of society becomes a reality worth fighting for, is all we need.

In the face of *India’s massive population*, the challenge of tracking and ensuring a released child’s compliance with therapy and parole conditions looms like an insurmountable mountain. The sheer scale of the issue may raise concerns about the shortfalls in the provisions of the Juvenile Justice Act (JJA) 2015. Nevertheless, where there is a challenge, there must be a solution—a rallying call to action that echoes the adage, ‘*Prevention is better than cure*’. The crux of the matter lies in averting juvenile delinquency from its very inception.

²⁸ Ved Kumari, ‘The Juvenile Justice System in India: From Welfare to Rights’ (2nd edn, OUP 2004)

²⁹ Ronald L. Akers, ‘Rational Choice, Deterrence, and Social Learning Theory in Criminology: The Path Not Taken’ (1990) 81(3) *Journal of Criminal Law and Criminology*

<<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=6670&context=jclc>> accessed 29 July 2023

Early intervention emerges as the linchpin of success in our battle against juvenile delinquency. By investing in prevention, we not only salvage young lives from potential ruin, but we also erect a formidable barrier against the onset of adult criminal careers. The ripple effect is profound, as it dramatically reduces the likelihood of youth being drawn into the web of serious and violent offenses. To effectively deter juvenile delinquency, we must sow the seeds of responsibility, openness, and resilience. Engaging in candid discussions about problems and failures, fostering a sense of accountability, and providing opportunities for extracurricular activities become potent tools in shaping a path toward positivity and growth.

A real-life case that exemplifies the power of early intervention is the story of Ramesh, a young boy who grew up in a challenging environment, surrounded by crime and despair. However, through a dedicated mentorship program, Ramesh found solace and support. Engaging in sports and creative pursuits, he discovered a passion for photography. This transformative experience not only kept him away from the clutches of delinquency but also nurtured his talent, ultimately leading him to pursue a career in photography and inspiring countless others along the way.

The true triumph of a society lies not just in rehabilitating those who have fallen, but in empowering every young soul to soar high, unencumbered by the shackles of crime. Where, the reins of prevention of juvenile delinquency is to instill a sense of responsibility, share problems, deal with failure, and engage in extracurricular activities, which can be accomplished through:³⁰

Education: The effective implementation of value-based Education is necessary for juveniles at the school level. Briefing students on sex education, weapons, and intoxicating substances like drugs, and alcohol. This provides youths with the awareness that their actions of misbehavior, conduct, and usage will have severe consequences. This is particularly important in an era where youth are barraged with sexual and violent images.

³⁰ Akshaya Rayavarapu, 'Juvenile Delinquency-Causes, and Prevention' (*The Law Gurukul*, 26 June 2021) <<https://www.thelawgurukul.com/post/juvenile-delinquency-causes-and-prevention>> accessed 29 July 2023

Recreation: A method to keep youths engaged and upgrade their skills after school hours. Every child is gifted. They just unwrap their packages at different times. Through recreation, students become aware of their capabilities, and their likeness which completely consumes their time developing it. Sports, dancing, music, rock climbing, drama, karate, bowling and art are some activities tailored to different children's personalities and abilities.

Community involvement: Participating in the community can help to support and improve one's social well-being. This implies volunteer work or involvement in your community's culture or life.³¹ Performing a dance for a social event or participating in an awareness camp and program planning, construction, and execution. Volunteering or community service allows students to gain life skills and knowledge while also helping those in need.

Bullying prevention: Both bullies and targets of bullying are at a greater risk for mental and behavioral health issues, including anxiety, depression, substance abuse, sleep difficulties, lower academic achievement dropping out of school, and after all that later involved in criminal activities. Adults need to teach and inspire children to intervene when they see bullying happening. We all have a responsibility to prevent bullying.

Parent-child interaction: This teaches the children basic social skills. A large gap should be filled where “All parents are teachers, but not all parents teach”. In this hectic world, where both of them are working parents, even a few hours of their time may make a difference. When it comes to studies, many parents have the illusion that they have fulfilled their role, which causes them to forget that communication is never one way. Conversing with your child, hearing about their day, and sharing your own experiences is the unspoken role of a parent. Finally, no school can function effectively for children if parents and teachers do not collaborate in the best interests of the children.

How India's JJ Act Sets It Apart from the World: As we traverse the complex landscape of juvenile justice, we must recognize that the Juvenile Justice Act in India stands distinct from its

³¹ R Das, 'Juvenile Justice in India: Issues and Challenges' (2017) 22(10) IOSR Journal of Humanities and Social Science

counterparts in other countries. Each nation strives to strike a delicate balance between holding young offenders accountable and providing a pathway for reform. In the United States of America, the '*Juvenile Justice and Delinquency Prevention Act*' allows juveniles as young as seven years old to be held accountable for certain law violations. Canada's '*Youth Criminal Justice Act*' protects the rights of young people aged 12 to 17, ensuring accountability without mirroring adult punishment. The United Kingdom's youth court deals with serious crimes committed by young individuals, setting the minimum age of charging at ten years.

CONCLUSION: IS LOVE THE PRECIOUS CURE?

In the canvas of life, every child begins as a blank slate, innocent and pure. Yet, the brushstrokes of environmental, social, and economic influences may sway their trajectory, leading some down the path of criminal tendencies. A delinquent emerges when society's treatment becomes an anomaly, igniting negativity in a young mind that witnesses the stark disparities around them. The crux lies in the culpable state of mind, for without it, roles and responsibilities may lose their significance. Educating parents on how to respond when their children err becomes paramount while equipping the youth with legal and social knowledge is imperative to distinguish right from wrong.

Straddling the delicate tightrope of maturity, laws navigate the nebulous realm of juvenile culpability. In grave cases, minors may face trial in the adult system. But can age alone determine not only the intent to commit a crime but also the foresight of its consequences? Should the scales tip towards punishment or rehabilitation, altering a young life's course? Punishment wields a certain power, yet it cannot entirely extinguish the embers of criminal tendencies unless it strikes with unyielding severity.

As we stand at the crossroads of juvenile criminality, the pressing need to find a balanced approach remains unabated. But herein lies a question for contemplation: Picture a young soul, entangled in a heinous act. *Should they be forgiven to foster growth and redemption, or should they bear the weight of punishment, seeking solace for the wounds inflicted upon the victims' families?* The

answer, elusive and profound, calls us to reflect upon the true essence of justice and compassion in an imperfect world.