



**INTERNATIONAL JOURNAL OF HUMAN RIGHTS LAW REVIEW**

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Volume 3 | Issue 6

Art. 4

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**2024**

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**Recommended Citation**

Bhavani. R, *Juvenile Delinquency System: A Comparative Analysis of India and United States of America*, 3 IJHRLR 43-51 (2024).  
Available at [www.humanrightlawreview.in/archives/](http://www.humanrightlawreview.in/archives/).

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# Juvenile Delinquency System: A Comparative Analysis of India and United States of America

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**Manuscript Received**  
05 Dec. 2024

**Manuscript Accepted**  
12 Dec. 2024

**Manuscript Published**  
14 Dec. 2024

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## ABSTRACT

*Crime is a crime, it doesn't matter if a major commits it or a minor. Juvenile delinquency which has become a major concern in India, and where the crimes done by the minor that is children below the age of 18 have been increased drastically during the years. The criminal acts done by the minors have become a major problem and are becoming a serious concern day by day. The children's are seen as the future generation of the society, and there is a notion that the minds of these children are not aware as to what act amounts to criminal act and thus the punishments given to the offense committed by the children is comparatively less than to that of a major. The children are used as a tool to meet the criminal needs as they are being not given very harsh punishment. The Indian justice system has been kind towards these minors as giving them harsh punishment may destroy their lives. This article seeks to draw a comparison between the juvenile justice system of India and the juvenile justice system of United states of America. The comparison mainly focuses on the development of the juvenile justice system in United states of America and how India has to come a long way in its developments, and how the system has to make improvements in order to not see this kind of crimes. This article seeks to present the level of punishment that are been awarded to the criminals and also seeks to present the various measures taken by the judges, law committees, and the Government in order to tackle this issue and so see as to how this can be reduced. Nevertheless, why juvenile delinquency should be considered as a very serious topic has been said through this article, which will have a better country.*

## **KEYWORDS**

*Minor, Justice, United States of America, Comparison, Offenses.*

## **STATEMENT OF PROBLEM**

This paper aims to analyze the need to make more strict laws in order to curb juvenile delinquency and further looks into the history of the juvenile system in both India and the United States of America and how is the current system. This research paper also makes a analysis on the level of punishment faced by the minor in india and that faced by the minor in United state of America, and also see as to what is the reason for the increasing growth of juvenile crimes over the years in both the countries.

## **METHODOLOGY**

This research paper is adopting a doctrinal and a qualitative approach ,which is using primary sources like working papers and the statutes for analyzing it deeply and also where this papers has secondary sources as references such as book, reports, the Juvenile Justice and Delinquency Prevention statute of United States of America has also been used in this paper to analyze laws which are more strict than compared to that of the Indian laws, the and legislations ,and also the Indian precedents are used to look into how they are been used to criminalize juvenile for their criminal act.

## **INTRODUCTION**

Juvenile delinquency in India has become a rising problem. Juvenile Delinquency is basically where the minor has indulge in commission of a criminal act which does not come under the same category of crimes when it is been committed by an adult, but they are called delinquent acts, the statistical data has shown an increasing growth in the level of crimes that have been committed by the minors. Criminal act done by any person should be punished as he is going against the law as well as destroying the right of the other person in some other way. The unlawful act committed by the juvenile is not only affecting the other person but himself or herself also, the commission of such unlawful acts may be due to various reasons where they end up committing to meet their ends. The person who has to tackle this issue has to not only look in a legal approach but also has to see it through a psychological view as they have to all the aspects before committing into a decision, over the years we have seen that the juvenile crimes have been become so common where the juvenile is not aware as to what are the consequences that he would face as a minor. The laws are mostly favoring the child as the society ,

government etc. thinks that the child has committed the offense without his/her knowledge and has no sense as to what acts constitute a crime they have taken into consideration as to how the lives of the juvenile effects if harsher punishments are being posed on the child and where he is mentally and physically disturbed.

Even from the historical evolution both in India and United States of America, the laws has nowhere been against the juvenile but both of the countries have believed, that punishment, life imprisonment or death sentence as a remedy but has indulged in rehabilitation centers, skill development classes etc. The only notion that the crime is not being harsh is that it is believed that the children will change and a second chance must be given for the same .The hope that the society is moving forward is that the rate of juvenile delinquency will reduce over the years there are various measures that are taken by the officials in order to curb juvenile delinquency ,and also hope for a better nation where people respect for who they are and not indulge in unlawful activities to meet their needs , the petty crimes that are committed by the juveniles are seen in a even more lenient manner ,and where this leniency should not be used as an advantage but use as a opportunity as protect the integrity.

- ***The History and the Evolution of Juvenile Delinquency in India***

The Apprentices Act, 1850<sup>1</sup> was the first legislation that was passed in India during the colonial period for the children who had forbidden the law. This act basically had laws that did not punish the petty offenses committed by the minor in a sense where for the commission of a small offense or crime the minor was not sent to prison but was treated in a way where the minor shall get some sort of training where it helps in development of skill later in the year 1876 the reformatory schools act<sup>2</sup> where certain rules and guidelines were laid down to deal with the juvenile delinquency , the main aim of this act was to make laws for the youthful offenders, it basically allowed the courts to send the offenders to this school and the main reason for this act to not exists for a long time because it was applied only to the boys who committed the crime but not the girls. Further in the Indian Jails Committee 1920<sup>3</sup>, also has laws that was been relating to the children's who had been

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<sup>1</sup> The Apprentices Act,1850 (April 11,1850).

<sup>2</sup> The Reformatory Schools Act,1876 (February 29,1876).

<sup>3</sup> The Indian Jails Committee,1919-1920.

against the law.

In the year 1960 the children's act<sup>4</sup> came into force where the main objective of this act was to provide basic needed facilities for the children who are not treated as normal and are neglected for their delinquent act. The act that the Indian Government made for the first time was the Juvenile justice Act, 1986<sup>5</sup>, where under this act for the first time there was a uniform law throughout the whole of India, with regard to dealing with the juvenile justice operations. The United Nations Convention with regards to the right of the children had made it compulsory to have a law that had to match the standard of the convention where the Indian Government had ratified it in the year 1992, after this the Juvenile Justice Act, 1986<sup>6</sup> was withdrawn and the Juvenile Justice (care and protection of children) 2000<sup>7</sup> had come into force, again in 2015 the juvenile justice act 2015 came into picture where it made changes to the law that was existing before in order to have laws that were relating to the present situation of the society, in this act the person was not being punished by putting him under the bars but he was being given counseling, the act was being made in a way where many circumstances, and where the act also provided proper information about the powers and functions of the juvenile justice boards and the children welfare commission. There are many amendment that were made and the latest was in the year 2021 the juvenile justice act was again amended, Juvenile Justice (care and protection of children) 2021.

- ***The History and Evolution of Juvenile Justice Act in United States of America***

Prior to the early 18<sup>th</sup> century, in the United State of America, if a child of 7 years old has committed any crime he would have been taken to the criminal court and if he was found guilty by the court then he would be given life imprisonment or even death sentence, below the age of 7 if committed crime was not punished. Special courts was a part of the progressive era reforms, they did not believe in the concept of treating adolescence as adults and giving such harsh punishment was not necessary. The house of refuge basically focused on reducing intermediate sentencing etc. Historians believe that the need for the juvenile court not only distanced from

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<sup>4</sup> The Children's Act, 1960 (December 26, 1960).

<sup>5</sup> The Juvenile Justice Act, 1986 (October 2, 1987).

<sup>6</sup> *Id.*

<sup>7</sup> The Juvenile Justice (Care and Protection of Children) Act, 2000.

children's entering criminal courts but also increased the scope of control over the juveniles socially. Illinois Juvenile Court Act, 1899<sup>8</sup> in Chicago was the first juvenile court that was established in the United States of America, in this court basically the court rather than punishing the juvenile seemed way of rehabilitation. Around 1950s and 1960s there was a huge concern from the public on the effectiveness of the juvenile justice system ,as it was wholly based on the discretion of the judges ,then in the 1960s the supreme court gave judgments and where they formalized the juvenile courts , by the 1980s the people of the state felt that the laws against the juvenile is too lenient and should be made stricter, in the 1990s the laws were applied more strictly and they were taken to the criminal courts. In the *In re: gault*<sup>9</sup>, case where the US Supreme court has given judgment stating few rights of the juvenile.

- ***Extent of Punishment in India***

The Indian Juvenile laws that are there are being favorable to the juveniles as they are the future youth of the country, the juveniles over the years are seen in committing offences like gang rape as well as murder which is considered as a heinous crime under the *Bhartiya Nyaya Sanhitha (BNS)*<sup>10</sup> and where the extent of punishment goes to death sentence or life imprisonment but whereas on the other hand is a juvenile has been committed a gang rape of rape for that ,atter he shall be treated differently as there is a notion that the juvenile that is the minors are not aware as to what constitutes a crime. In *Mukesh & Anr. v. State*<sup>11</sup> which is famously known as the Nirbhaya case or the Delhi gang rape and murder case ,where the judgment was passed on 13th march 2014 where in this case a minor was also a part of the gang rape and where he was acquitted after 3 years ,but the other 4 members who were major where their age was ranging from 25 to 32 , were all convicted ,here in this case we can see how the judiciary had shown a softer side to the juvenile but the rest were been convicted. The courts in various cases have been favoring the juveniles even though they will be turning major in a few months similarly in the case of *Pratap Singh v State of Jharkhand (2005)* <sup>12</sup>where the appellatant was a boy where he had involved in the act of giving poison to the deceased , and

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<sup>8</sup> The Illinois Juvenile Court Act, 1899 (July 3, 1899).

<sup>9</sup> *In re: Gault*, 387 U.S. 1 (1967) (U.S.A.).

<sup>10</sup> *The Bharatiya Nyaya Sanhita 2024*, (July 1, 2024).

<sup>11</sup> *Mukesh & Anr v. State For NCT Of Delhi & Ors.*, 2017 AIR 2017 SC 2161.

<sup>12</sup> *Pratap Singh v. State of Jharkhand (2005) AIR (3) SCC 551.*

he was arrested for causing death of the deceased person ,during this time his age was 18 years , and he was said to come under the category of juvenile ,and where the juvenile court had to deal with the case, the judgment given in this case was that at the time of commission of the offense he was a minor and hence he was given bail and released ,later the case went on an appeal to the additional sessions court where the court held that the date of presence or hearing in the court should be considered rather than considering the date when the crime was committed, the high court of Jharkhand later affirmed it that the school certificate of the child's acts as a best evidence for the case, later the supreme court held that the date of commission of the crime should be considered to determine the age of the juvenile .Similar even in sexual offense cases even if the minor forcefully does sexual intercourse he will not be given rigorous punishment as that given to the adult when the same act is done.

- ***Extent of Punishment in United States of America***

The United States of America has a different approach when compared to that of that in India, and where they see it in a very different way. Juvenile cases can be heard in trial courts also in few circumstances. In the case of *Kent v United States*<sup>13</sup> where the US Supreme Court held that the court should provide the essentials of due process in transferring a particular case of the juveniles to the criminal courts of adults. Further in the case of *Eddings v. Oklahoma*,<sup>14</sup> where in this case the court held that the respondents youthful age must be taken into consideration as a mitigating factor as to whether to give a death penalty to a juvenile. In the case of *Harmelin v Michigan (1991)*<sup>15</sup>, where the US Supreme court held that a death sentence without allowing the defendant to speak where he had been convicted for possessing more than 650 grams of cocaine. The court held that the death sentence is usually constitutional if it serves the following purposes such as deterrence, retribution, rehabilitation or incapacitation.

- ***Growth of Juvenile Delinquency in India***

The commission of crime by the juvenile had been increased in the year 2013 but has been drastically decreased over the years, in 2012 the number of crimes committed by juvenile is 43,506 but when compared to that of the crimes committed by

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<sup>13</sup> *Kent v. United States* 383 U.S. 541 (1966) (U.S.A).

<sup>14</sup> *Eddings v. Oklahoma* 455 U.S.104,1982 (U.S.A).

<sup>15</sup> *Harmelin v. Michigan* 501 U.S. 957 (1991) (U.S.A).

juvenile in 2022 it is sloping down to 30555 which is explicitly stated in the NCRB report<sup>16</sup>. The NCRB has divided the juvenile crime into 2 parts firstly the crimes committed in violation of the IPC,1860<sup>17</sup> and secondly those crimes that are committed under the special and the local laws. Within India the states that has reports that have been committed high juvenile crime is Madhya Pradesh and Maharashtra which has reported over 50,000 crimes in 10 years. The report has shown that India has reported a total number of 340168 crimes by juveniles between 2013-2022.

- ***Growth of Juvenile Delinquency in United States of America***

Young youths risk their life by stepping in the prison for committing crime in the USA.As per the data that was shown by the Bureau of Justice Statistics (BJS)<sup>18</sup>. By the end of 2018, there were approximately 1.5 million people who were under the bars of prison in the USA. From 1978-2018 the peoples population in prison increased to more than 375%, but in the recent years it has drastically come down from 2010 and in the 2017 to 2018 there has been a decrease of 1.6%. As per the NCJJ Report<sup>19</sup> the cases handled by the juvenile courts from 2009-2018 had been reduced by 48% in USA. The Juvenile crime has been reduced down from the past 30 years. But where as in the year 2021 the reported crime has risen up to 123000 which is committed by the age group of 12-17, which has seen an increase from the previous year.

## **CONCLUSION**

As juvenile delinquency is not seen as a heinous crime but has had an increase in the commission of the crime over the past few years, the juvenile delinquency in India as compared to that of United States of America has no much difference but both of the countries see this system in very different manner, though both the country does not serve harsh punishment for the crime committed by the juveniles but they have various other measures that help the juvenile to realize his or her mistake. But in the present generation children at the age of 12 or 14 are aware as to what act constitutes a wrongful act and what act constitutes a rightful act and as the education system has created an awareness about the same the crime done by juveniles has increased. The juveniles may end up committing crime to meet

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<sup>16</sup> National Crime Records Bureau (NCRB).

<sup>17</sup> The Indian Penal Code,1860 (October 6,1860).

<sup>18</sup> The Bureau of Justice Statistics (BJS), December 27, 1979.

<sup>19</sup> National Center for Juvenile Justice (NCJJ).



various basic needs where they are influenced by the few sector of people who are indulged in criminal activities. A Crime is considered as a crime no matter who commits it and they should be punished for the same .In the recent incident where a major boy drove a car and hit a techie couple where he was not given harsh punishment but was asked to write a essay , here we have to understand that if a minor boy is having sense as to how to drive a car then he will surely have knowledge as to what act constitutes a crime hence the punishment should be given in a more harsh manner , the Juvenile justice act is favoring the child but on the other hand the commission of crime done by the juvenile is becoming so casual and where they are not aware as to what high level of crime is that as the punishment is not that harsh and they are not aware of the consequences for the same. There should be a awareness that has to be created so that the rate of juvenile crimes reduces over the years.

### **BIBLIOGRAPHY**

1. <https://docs.manupatra.in/newsline/articles/Upload/B4443CDC-5144-4816-946C-7C5EBE5122FC.pdf>
2. <https://stratfordjournals.org/journals/index.php/Journal-of-Sociology-Psychology/article/view/918>
3. [https://epgp.inflibnet.ac.in/epgpdata/uploads/epgp\\_content/S001608/P001809/M027675/ET/1520851620JJMODULE2CONTENTS.pdf](https://epgp.inflibnet.ac.in/epgpdata/uploads/epgp_content/S001608/P001809/M027675/ET/1520851620JJMODULE2CONTENTS.pdf)
4. <https://nap.nationalacademies.org/read/9747/chapter/7#158>
5. <https://www.juscorpus.com/juvenile-justice-system-a-comparative-study-of-india-the-usa-and-uk/>
6. <https://www.britannica.com/topic/juvenile-justice/United-States>
7. <https://online.maryville.edu/blog/juvenile-delinquency-statistics/>
8. [https://factly.in/data-ncrb-data-indicates-that-crimes-committed-by-juveniles-down-30-between-2013-2022/.](https://factly.in/data-ncrb-data-indicates-that-crimes-committed-by-juveniles-down-30-between-2013-2022/)