



A STUDY ON CHILDREN IN CONFLICT WITH THE LAW

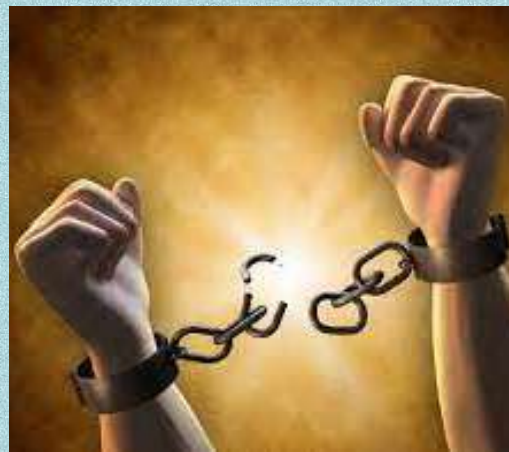
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CHILDREN IN CONFLICT WITH THE LAW

INTRODUCTION

The study aims to illuminate the Juvenile Justice Act system concerning Children in conflict with the law, covering the approach to handling children, reasons / circumstances for their shortcomings, and preventive measures against social evils. The term "Children in Conflict with the Law" refers to individuals below 18 years of age who come into contact with the justice system due to suspicion or accusation of committing an offense. The child can be brought into conflict with the law by committing petty offenses or serious / heinous offenses. The Juvenile Justice Act aims to protect the child from violence, abuse, and exploitation, ensuring they are not tried in the same manner as adults when committing an offense.



BACKGROUND OF JUVENILE JUSTICE ACT

The Government of India enacted the Juvenile Justice Act in 1986. In 1989 the General Assembly of the United Nations adopted the convention on the Rights of a Child. India ratified the UNCRC in 1992. The convention outlines the right of the child to reintegration into society without judicial proceedings where avoidable. Hence the Government, to fulfil the standards of the way, felt a need to re-write the law. Thus in 2000, the old law was replaced by the Juvenile Justice (Care & Protection of children) Act. Presently we are following Juvenile Justice Act, 2015. (*childlineindia.org/a/issues/conflict-with-law)

PROCEDURE FOR JUVENILES

On apprehension of a juvenile in conflict with the law, they are to be placed under the charge of the Special Juvenile Police unit or a designated police officer. The juvenile must be promptly presented before the JJ board within twenty-four hours, excluding travel time. It is crucial to note that juveniles should never be held in police lockups or jails. (*The Juvenile Justice (Care and Protection of Children) Act, 2000)



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FLOW DIAGRAM OF PROCEEDINGS AT THE STAGE OF POLICE / SJPU SPECIAL JUVENILE POLICE UNITY



Note: Full forms

SJPU – Special Juvenile Police Unit

CWO - Child Welfare officer

JJB – Juvenile Justice Board

PO – Probation Officer

OH – Observation Home

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“Petty offences” are those for which the maximum punishment under the IPC or any other law in force is imprisonment for up to three years. Petty cases will be released on Principal Division / Direct Home Placement.

“Serious offences” as those for which punishment under the IPC, or any other law in force, is imprisonment between three to seven years. For Serious and heinous offenses children will be produced before Juvenile Justice Board and placed in Observation Home.

"Heinous offences" include, the offence for which the minimum punishment under the Indian Penal Code (45 of 1860) or any other law for the time being in force is imprisonment for seven years or more.

SERIOUS / HEINOUS OFFENCE, IN JUVENILE JUSTICE ACT, 2015

Under the Section 15 of the JJ Act, 2015 provides that if the child offender has committed a serious / heinous offence, the Juvenile Justice Board shall conduct a preliminary assessment with regard to the mental and physical capacity of the child to commit such offence, the ability of the child to understand the consequence of the offence and the circumstances in which it was allegedly committed. Section 19 of the JJ Act empowers the Children's Court to reassess the preliminary assessment of the Board. Under sub-section (2) of Section 19, a child must be kept in a place of safety and cannot be sent to jail till the child attains the age of 18 years, even if such a child has to be tried as an adult. The data on Juveniles in conflict with the law is based on Police recorded First Information Report (FIR).

(*Juvenile Justice Act Act 2015)

PETTY OFFENCES



Such as vagrancy, truancy, begging or alcohol use

SERIOUS OFFENCES



Such as attempt to murder, manslaughter, murder or sexual assault.

HEINOUS OFFENCES



Such as murder, assault, kidnapping, arson, burglary, robbery, rape or other sexual offense.

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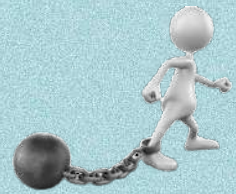
DATA & STATISTICS



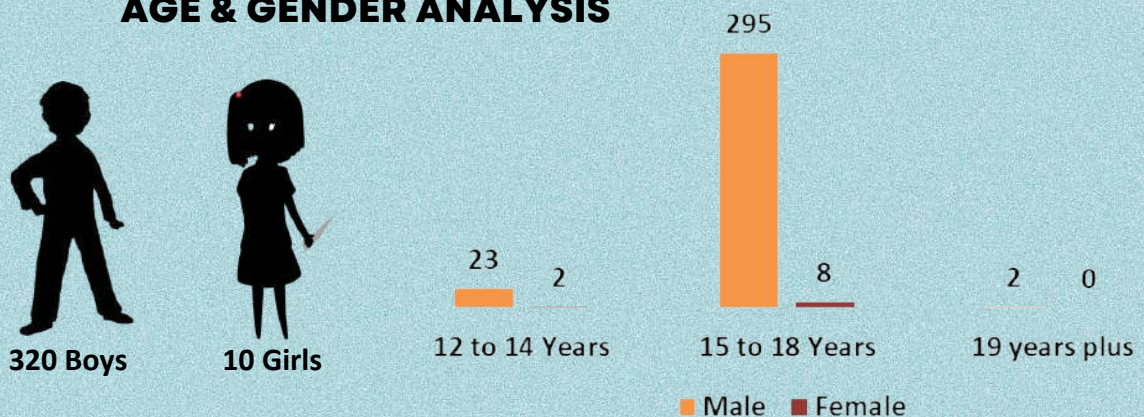
The data for the study on Children in conflict with the law has been collected from Homelink Child MISS (Child Management Information, System, and Service) tool for the period 2020 to 2022. The total sample size is 330, sourced from Homelink Network Bangalore Hub (INK, DB Bangalore Province). Specifically, it represents the end result of SJPU department (Special Juvenile Police Unit) BOSCO, Bangalore Node.

LIMITATION OF STUDY

The study has several limitations, including the potential for sampling bias, incomplete or missing data, and constraints related to resources and unshared information. Additionally, not all relevant variables that may impact the study could be controlled. However, despite these limitations, the study endeavors to emphasize significant findings essential for understanding children in conflict with the law.

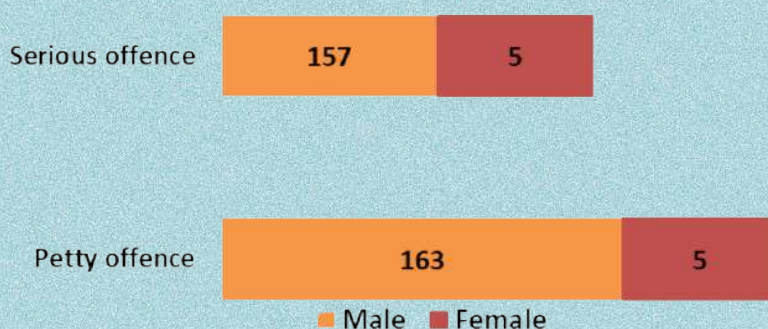


AGE & GENDER ANALYSIS



Among the 330 children rescued under "In conflict with the law," the male ratio was 97%, with females accounting for only 3%. The study's analysis by age group revealed that 8% of the children fell within the age range of 12 to 14 years, while the majority, 91%, were between 15 to 18 years of age. Notably, no children below the age of 11 years were found in this study.

TYPES OF CASES



The punishment for petty offenders is below 3 years, while serious offenses may lead to imprisonment for up to 7 years. Heinous offenses may result in imprisonment for more than 7 years without the possibility of bail.

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NATURE OF OFFENCE



Planned offence: The study reveals 33% of children of both genders had some or the other kind of intention in committing the offence.



Not planned: The other 4% of children had no intention to commit any crime but did the offence without knowing the consequences.

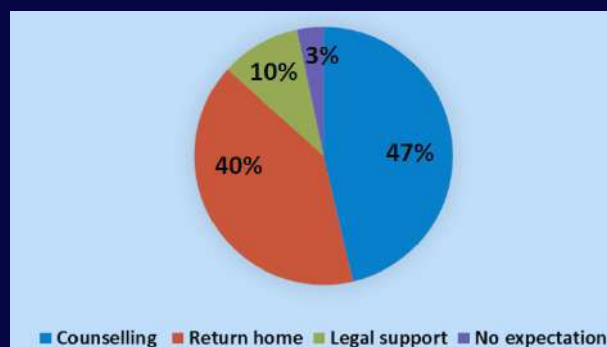


No answer: On the other hand, 63% of children of both genders who were involved in the offence have not given any reply.

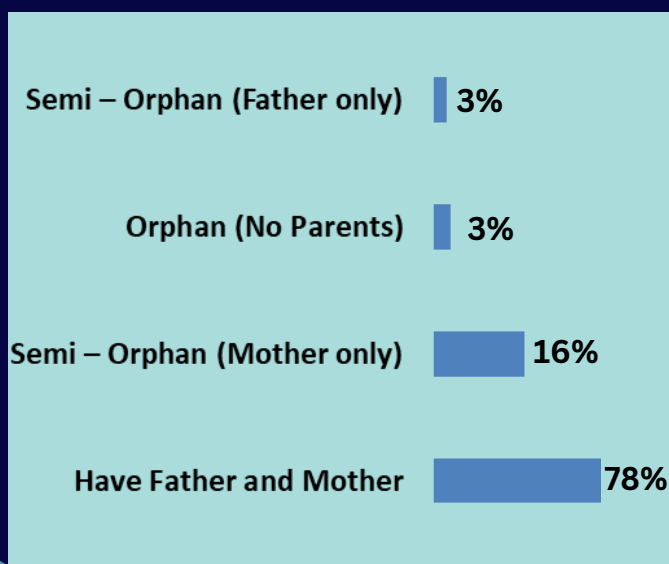
FEELINGS EXPRESS AFTER THE OFFENCE



EXPECTATION OF CHILDREN



PARENTAL STATUS

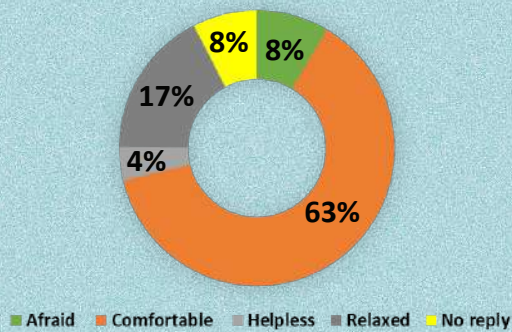


The study highlights the significance of parental care and attention, which could have prevented 78% of children from engaging in offenses. The subsequent group, constituting 19% of children having single parents, raises awareness about the essential role of both parents in a child's upbringing. The remaining 3% of orphan children underscore the state's role in providing care and ensuring a better future for children.

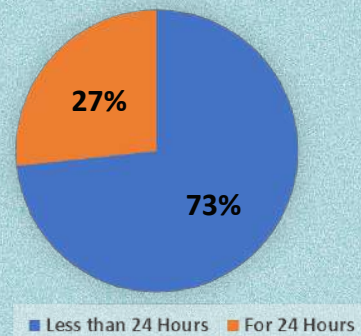
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CHILD'S SITUATION AT THE POLICE STATION

EMOTION SITUATION



HOURS IN THE POLICE STATION



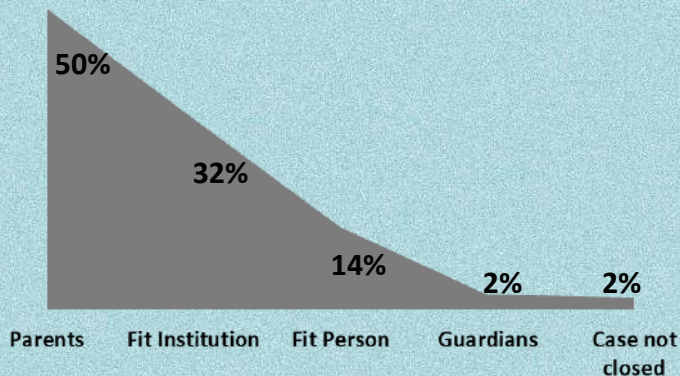
THE POLICE OFFICER'S DRESS



In 97% of the cases, children have said that police officials were in colour dress (Mufti/ Un uniform) while inquiry & only in 3% of cases the police have been in Police uniform.



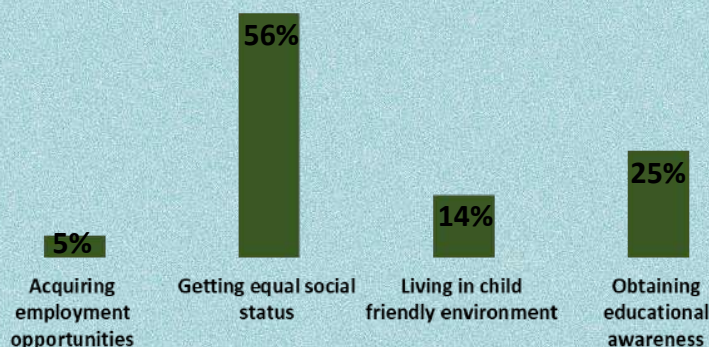
FINAL ACTION OF THE CASE



The study reveals that half of the rescued children have been repatriated with their parents, while 32% are undergoing rehabilitation in fit institutions. Additionally, 14% are placed under the guidance of the Fit Persons, as ordered by the JJ board, for counselling and support.

Two percent of the children have been reunited with their guardians for care, while the remaining 2% are still undergoing the process of social reintegration.

HOW CAN SOCIAL EVIL BE AVOIDED



The study shows that 56% of children seek equal social status in society without discrimination, followed by 25% who aim to access educational awareness. Additionally, 14% desire a friendly environment, while the remaining 5% look forward to careers and opportunities.

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RECOMMENDATIONS

- Keep a close watch on the behavioral changes of children during the adolescent period.
- Parents/caregivers should maintain a close relationship with children, providing a space where they can discuss their problems.
- Be mindful of peer influences.
- Parents, teachers, schools, and the community should work together to prevent and reduce risk factors that may lead children toward social evils.
- Raise awareness about the importance of education. Children should be given respect and recognition in society without any discrimination.
- Provide healthy rehabilitation and counseling to help children transition into maturity and adulthood.



CONCLUSION



The Juvenile Justice Act and its procedures for children in conflict with the law are established to ensure that the justice or punishment given to a child is not defined as that of an adult. Instead, it focuses on the rehabilitation and reintegration of the child into society in the future. However, in heinous offenses, he/she can undergo the same trial as an adult to maintain the integrity of the justice system. Nonetheless, the provisions and procedures of the JJ Act ensure that child rights and human rights are not violated but dealt with in a child-friendly manner.



SUPPORTED BY

Don Bosco National Forum for the Young at Risk



THANKS TO ALL THE NODES IN BANGALORE HUB, HOMELINK NETWORK

Special thanks to BOSCO, Bangalore node for the tremendous work among the children in conflict with the law.

