

JUVENILES AND HEINOUS CRIMES IN INDIA -- WITH REFERENCE TO RECENT TRENDS.

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ABSTRACT

The incidence of juveniles being booked for heinous crimes, including murder and rape, in TamilNadu is growing and the law enforcement agencies are not very much concerned about the issue. Counsellors working in the field and other experts say one probable reason why many juveniles end up committing serious offences could be that they are not capable of accepting failure. This paper tries to review the present conditions with regard to Juveniles Crimes in Tamilnadu one of the states of India and measures to be taken immediately for the welfare of the Juveniles as well as the Society as a whole.

KEY WORDS: JUVENILES, SERIOUS CRIMES, INDIA, ESCAPE, JUVENILES BOARD, NBCR BREAROCRATES, POLITICIANS IN INDIA.

INTRODUCTION

Human beings often act as social agents for reinforcers such as food, sex gratification, employment, medical aid, housing, trips, entertainment, and the like. In the case of criminal activity, other people can reinforce the behavior in several ways. They can use verbal praise to strengthen criminal behavior, which is what is meant by a reputation in a criminal or delinquent gang. Delinquents talk a great deal about their exploits and conquests in order to be praised. Another person can also act as a confederate in the commission of a criminal act, or can be an accessory after the fact: hiding the criminal, "fencing" stolen goods, and so forth. People also apply aversive consequences to criminal behavior by verbally reprimanding, arresting, or shooting the criminal. These behaviors constitute what Sutherland calls "attitudes" favorable or unfavorable to the commission of a criminal act.

Punishment will reduce a response rate but, unless it is severe, punishment will not eliminate a response rate. Once the punishment is discontinued, the rate of response will return to its normal pattern. Some authors have stated that punishment is not the opposite of reinforcement, since the withdrawal of punishment results in an increase in the response that was formerly punished. However, it should be remembered that the withdrawal of a positive reinforcer results in a decrease in a response that was formerly reinforced.

Historically, children in criminal justice proceedings were treated much the same as adults and subject to the same criminal justice processes as adults. Until the early twentieth century, children in Australia were even subjected to the same penalties as adults, including hard labour and corporal and capital punishment (Carrington & Pereira 2009).

S NO	Main juvenile justice legislation in India and State of Tamil nadu
1	The juvenile Justice (Care and Protection of Children) Act,2000
2	The Tamil Nadu Juvenile justice(Care and Protection of Children) Rules,2001
3	
4	List of Institutions under the Department of Social Defence
5	The Tamil Nadu Borstal Schools Act,1925
6	
7	The Tamil Nadu Borstal Schools Rules,1938
8	The Probation of Offenders Act,1958
	The Tamil Nadu Probation of Offenders Rules,1962
	Relevant provisions from Cr.P.C. Ss.360 & 361

In each Australian jurisdiction, except Queensland, a juvenile is defined as a person aged between 10 and 17 years of age, inclusive. In Queensland, a juvenile is defined as a person aged between 10 and 16 years, inclusive. In all jurisdictions, the minimum age of criminal responsibility is 10 years. That is, children under 10 years of age cannot be held legally responsible for their actions.

It is also important to note that broad legislative or policy changes can disproportionately impact upon juveniles and increase their contact with the police. Farrell's (2009) analysis of police 'move on' powers clearly demonstrates, for example, that the introduction of these powers has disproportionately affected particular groups of citizens, including juveniles

Although juvenile crime is typically less serious and less costly in economic terms than adult offending (Cunneen & White 2007), juvenile offenders often require more intensive and more costly interventions than adult offenders, for a range of reasons.

Underpinned by the welfare philosophy, many juvenile justice measures in Australia and other Western countries are designed to address juveniles' criminogenic needs. Outcomes of juveniles' contacts with the police, youth justice conferencing and/or the children's courts often aim to address needs related to juveniles' drug use, mental health problems and/or educational, employment or family problems. Youth policing programs, for example, often focus on increasing juvenile offenders' engagement with education, family or leisure pursuits. Specialty courts, such as youth drug and alcohol courts (see Payne 2005 for an overview), are informed by therapeutic jurisprudence and seek to address specific needs of juvenile offenders, rather than punish juveniles for their crimes.

Table1

Procedure to be followed at the first stage of production

1.The child shall be informed promptly and directly of the charges against him in a language and manner that he understands so as to ensure full comprehension of the same.

2.The child shall not be compelled to confess or give testimony. No form of torture or harassment shall be used in order to extract information from the child.

3.The inquires conducted prior to the decision being taken by the board shall take into account the heterogeneity of children and thereby provide individualized attention and due regard to the circumstances of the case of each child. A quick assessment will be made at the place of first contact and the details of this shall be recorded.

Escape

In the event of an escape, the officer-in-charge of Observation Home/Special Home shall adopt the following proceedings:-

1. The staff of the institution can make search of the child at places like Railway stations, Bus stand, Other places etc. Staff need not wait for the formal orders/instructions to be issued. The available immediate Superior Officer shall direct such action in the absence of the Officer-in-charge of the institutions.
2. Search parties should report the fact immediately on return from search operation.
3. The Officer-in-Charge of the institution shall specify the security lapses, if any, noticed at the time of enquiry.
4. The Officer-in-Charge of the institution shall initiate suitable action against the staff if lapses on their part while discharging their duties have been established.
5. All the staff who are dealing with children are accountable for the safety of children.

Barely 15% of juvenile criminals were sent to special homes in 2014

New Delhi: As the juvenile convicted in Nirbhaya rape cum-murder case awaits release after spending three years at a special reform home, data maintained by the National Crime Records Bureau (NCRB) on juveniles in conflict with the law shows that a majority of them are either sent home after admonition, released on probation under the

care of parents/institutions, merely fined or acquitted. In fact, only 14.4% (8700) of the 60,539 juveniles apprehended and produced before various juvenile boards in 2014, including ones whose cases were pending at the beginning of the year, were sent to special homes. Final orders were passed in cases of 42,567 juveniles produced before the juvenile boards last year, even as 17,972 (29.7%) cases remained pending for disposal. While 12.1% juveniles were sent home after advice or admonition, 13.5% were released on probation and placed under the care of parents/guardians and 3.8% placed under the care of institutions. Cases against 3.1% juveniles apprehended and produced before various juvenile boards in 2014 were disposed of with fine, while 5.8% were acquitted. No more than 14.4% were sent to special homes last year. Interestingly, the low figure is despite the fact that 73.7% of the juvenile offenders arrested under IPC last year were aged between 16 and 18 years. According to NCRB statistics, the share of IPC crimes registered against juveniles in total IPC crimes has risen from 1% in 2005 to 1.2% in 2014. The major crime-heads against juveniles during 2014 were theft (20%), rape (5.9%), grievous hurt (4.7%) and assault on a woman with intent to outrage her modesty (4.7%). A look at state/UT-wise figures of crimes against juveniles shows Madhya Pradesh at the top of the table last year, followed by Maharashtra, Bihar, Rajasthan and Delhi. As many as 48,230 juveniles were apprehended across the country in 2014. This marks a 10.9% rise over the number of juveniles apprehended in 2013. Among those apprehended in 2014, 1,592 were girls. Around 52.9% of the juveniles apprehended last year were either illiterate (10,530) or educated up to primary level (15,004).

OVER 50% OF JUVENILE CRIMES ARE SEX OFFENCES

From 2012 to 2014, there were 8,676 cases of rape or assault on women committed by juveniles. Rape by juveniles rose by 70% in this period, while assault cases shot up 160%. Non-adults are now a big threat to the safety of women
0.52% are other including acid attack

Crimes	2013	2012	2011
Murder	65	62	48
Attempt to murder	62	70	33
Rape	32	27	14
Theft	453	338	499
Robbery	48	48	30
Burglary	162	173	154

Table-2

A comparative data on the number of juveniles being booked for crimes in Tamil Nadu over the past three years

(Source: NCRB)

TRACKING JUVENILE REHAB

Under the Juvenile Justice Amendment Act, 2006, each state should have JJB and CWCs to protect the interests of children

Juvenile Justice Board

Juveniles accused of a crime or detained for a crime are brought before JJB It is to hold a child culpable for criminal activity, not through punishment, but counselling. Functions of JJB include adjudication and disposal of cases, monitoring institutions, facilitation of psychological counselling and speedy inquiry

Child Welfare Committee

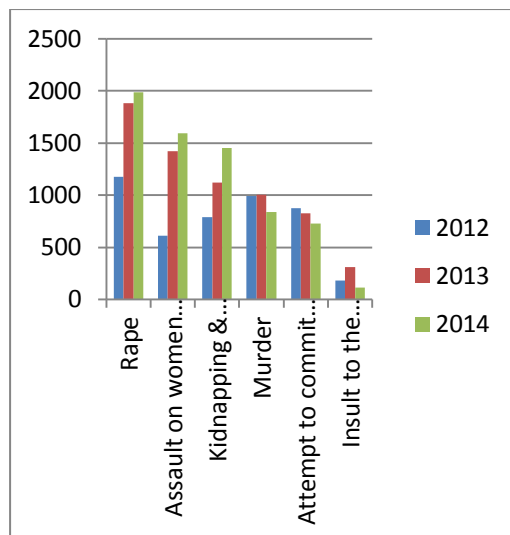
It has the final authority to dispose of cases for the care, protection, treatment, and rehabilitation of children Consists of a chairperson and four other members, of which at least one should be a woman CWC is responsible for providing children’s basic needs and protection of human rights.

STATISTICS

- Rape
- Assault on women with intent to outrage her modesty
- Kidnapping & abduction
- Murder
- Attempt to commit murder
- Insult to the modesty of women

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Government psychologists for juvenile homes

Just one Government psychologist for juvenile homes in Tamil Nadu. It's been over a year, but CWC remains headless. More teens held for serious crimes TN Stands Second Among Southern States In The Number Of Juveniles Involved In Heinous Offences. For around 1,000 juveniles in correctional facilities in the state, there is only one government-appointed psychologist. This number falls awfully short considering that these justice centres have been established to provide for rehabilitation of juveniles in conflict with law and children in need of care and protection. These homes are failing not only on this front, they are also struggling with poor infrastructure and dismal living conditions. Sadly, the government is lacking the initiative to provide a more positive environment for these children to get rehabilitated.

CWC remains headless

One chair, two names and no face. The website of the state department of social defence shows two former members of the Child Welfare Committee (CWC) as the chairperson on different pages, even as the position continues to be vacant for over a year now. This is just one of a host of issues CWC is grappling with, even as chilling reports of crimes against children, including rape and sexual abuse, are being reported daily. The CWC, which consists of a chairperson and four members, has the same power as a metropolitan magistrate or a judicial magistrate. The committee is in charge of protecting the child while an inquiry into a case is being conducted. "It has been three years since I left the committee, but my name is still mentioned as the chairperson in the department's website. The fact that the post has been vacant for over a year now

clearly shows that no serious thought is being given to the upkeep of the body," said former chairperson P Manorama. CWC receives between 50 and 70 cases related to children every month, ranging from abuse and child labour to issues adoption. "The chairperson is the one who has the final word on a case, what the best interest of the child is, and how to proceed with it. The post needs to be filled at the earliest, considering the number of cases that are coming up," she said. National Crime Records Bureau data shows 1,188 incidents of crime — including 419 cases of rape — against children in the state in 2013. Two per cent of these incidents were reported in TN. The state has a child population of around 190 lakh. Even as the top position remains vacant, experts and activists are also questioning the selection process of CWC members at the district level. "Applications from people with dubious track record or criminal cases, and those having conflict of interest have to be eliminated during the selection process," said A Narayanan, director of ChangeIndia. He recently made a representation to the Madras high court to keep out people with unclean records or with kin running adoption homes or other NGOs from being appointed as members of CWCs. The process to appoint members for CWC in all 32 districts in Tamil Nadu is underway. "In 2011-12, many members were selected in some districts without even personal interviews. Now although the interviews are underway, there are discrepancies as many of the candidates run children's homes themselves," said Narayanan. "Ultimately, the rights of children need to be protected and this can't be compromised because of corruption in the selection of people to crucial statutory positions."

Conclusion

Demands for accountability within juvenile justice will undoubtedly continue to grow as governments become accustomed to increased information and as fiscal concerns mount. Many CJCA members have struggled with the issue of presenting data to policy makers that are appropriate and fairly represent the outcomes of their agency's work.

1. Government should create a positive environment for rehabilitation of Juveniles.
2. Juvenile Justice Board members and the Chairperson should be appointed at regular intervals and should be monitored by a Committee .
3. The juvenile age should be revisited and be fixed at below 16 years, as in the case of many western countries.
4. Separate Courts dealing with Juveniles crimes should be formed throughout the country.

5. There should be corruption free mechanism in selection of people for the statutory position like CWC chairperson.
6. The duty and responsibility of Police personnel in case of escape of Juveniles from the home should be strictly adhered.
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