

Juvenile Justice legal framework & rehabilitation

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Susceptibility of Children

- Young children are victims of heinous offences including gang rape, rape, kidnapping, murders, maiming for begging, radicalisation, child-soldiers by insurgent elements
- These children are so helpless that they cannot even narrate their sufferings
- Many of them belong to scheduled caste or scheduled tribe
- Offenders in these instances include close family members such as grand parents, step-fathers, cousins, relatives, security guards, drivers, conductors, cleaners, house-keeping staff in societies, schools, school buses or fundamentalists/insurgents

Children as perpetrators

- In many of these offences, young children have been noticed perpetrating these heinous offences.
- Children in the age group of 16-18 have been detected in committing crimes including gang-rapes, rapes, dacoities, thefts.
- Increasingly children from affluent families are indulging in drunken driving in a rash and negligent manner and killing or injuring several innocent persons
- Most of these are under the influence of excessive drinking or drugs
- NCRB data suggests number of such children in age group of 16-18 is on rise

Legal provisions of Juvenile Justice Act 2015

- A person below the age of 18 committing an offence is to be treated as juvenile.
- JJA further mentions Minors in the age group of 16-18 years to be treated as adults in the case of heinous crimes
- Heinous crimes are those offences where punishment is more than seven years
- Decision regarding whether a crime is heinous or else is to be taken by Juvenile Justice Board which consists of one first class judicial magistrate and two social workers one of whom is woman.

Why children become juvenile

- Absence of care and affection from parents because of divided family, large family, poverty. Lack of education/vocational skills. Sudden crisis like death or desertion.
- Easy accessibility to internet enables children to watch videos containing porn /violence .
- Addiction to online games which prompt them to commit murders/shootings/suicides
- Social platforms lead them to darknet which is full of falsehoods, radicalisation, trade in drugs, invest in bitcoins
- Falling prey to these many children including girls have left their homes towards war-zones in Syria or ended in brothels. May others are addicts.

Rehabilitation measures

- Though these children might have come in conflict with law, it is necessary that police officers remain sensitive to their plight.
- Police should move the JJB for action against their parents
- Efforts should be to protect these children from adult offenders
- Assistance be taken from voluntary organisations, child psychiatrists, child guidance clinics, social care workers, probation officers to cure the cause behind such incidents
- Attempts be made to detect such children at pre-delinquent situation and isolate destitute and neglected children by regular patrolling of breeding grounds

Case studies

- As Commissioner of Police, I identified juveniles and provided them school education/vocational skills with the help of counsellors and businessmen.
- Many of them were provided training in driving. More than 75% of them became responsible persons and are contributing to the welfare of their families.
- As DGP, we initiated regular interaction with radicalised youth including girls
- Assistance was taken from seniors in the community and prevented them from joining ISIS. These efforts succeeded to a large extent.

Conclusion

- Holistic approach , combining enforcement with compassion and proactive intervention, can help rehabilitate at-risk youth and prevent them from becoming entangled in criminal activities.