

CHILDREN IN CONFLICT WITH LAW- SOCIO LEGAL STUDY

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Abstract

India has 1.21 billion populations, of which children constitute about 38 to 40% of total population (Ministry of Statistics and program implementation, Govt of India,2012). Children legal issues need to be focused in order to provide care and protection of children. To understand various psycho-social factors of children in conflict with law, Social workers responsibility is magnificent. Juvenile delinquency is one of the social problem and few recent incidents occurred in India highlight the necessity of the in-depth work with this population. Children who had committed crimes shall face trail and they will be in Child Home till the completion of such cases.

,Juvenile Delinquency, psycho-social issues, intervention like on. The researcher found about 80 studies which discussed on various aspects of children with conflict with law.

There viewer had chosen important studies for the review purpose.

The juvenile justice act 2015 (care and protection) came into force to strengthen and for protection of children. With or without intention children may involve in legal issues, thereafter such children will be produced before child welfare committee or juvenile justice board. Psychiatric Nursing personal focuses on psychosocial

factors which contributed children to involve in such kind of acts. Review shows that psychosocial factors like lack of parenting style, poor social support, financial problem, peer pressure, lack of supervision in school, environmental issues, marital problems, broken home, poor academic performance, substance use in the family and other factors may contribute for children to involve in legal issues. According to National Crime and in other cases. Various psychosocial interventions have been tried and tested with these populations and psychiatric nursing personal need to use them

effectively.

Keywords: Children in conflict with law, Psycho-Social issues

INTRODUCTION

A child is born with purity and innocence. Nurturing a child is crucial in every child's life if proper care and attention given in right way the child grows in constructive manner. Children show good performance when children's surrounding environment

is positive and supportive towards them. Child's physical, psychological, moral and spiritual development builds them competent of become conscious to understand their capabilities. On the other side, detrimental environment, lack of basic needs, poor parenting supervision, other factors may turn a child to a delinquent i.e. a juvenile delinquent. In India, juvenile delinquency is one of social problems affecting not only on children with conflict with law but families, communities, and society. Child's criminal behavior makes family suffer and face problems in the society.

Children represent about 38 to 40% of India's total population and India has highest children in the world (Ministry of Statistics and program implementation, Govt of India, 2012). National Policy for Children in India proclaims children to be a national asset. Yet, India's children continue to be in difficult circumstances.

According to National Crimes Records Bureau report of 2015, a rate of crime under cases of juveniles in conflict with law has been increased from 1.7 to 2.5% since 2005 to 2015. There has been 0.8% increase in cases registered under Indian Penal Code (IPC) against Juveniles in conflict with law during 2015. In 2015 cases registered against Juveniles in conflict with law were 33,526. In 2005, the number of cases was 18,939 (NCRB, 2015). These figures drawn the attention to focus on psychosocial issues of Children with Conflict with law in India.

Juvenile Justice Act (2000)

Section 2 (1) of the Juvenile Justice Act, 2000 has defined-“juvenile in conflict with law” as a juvenile who is alleged to have committed an offence and has not completed eighteenth year of age as on the date of commission of such offence”

Juvenile Justice Act (2015)

Section 2 (12) “**child**” means a person who has not completed eighteen years of age.

Section 2(13) “**child in conflict with law**” means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence;

Section 2 (21) “**child care institution**” means Children Home, open shelter, observation home, special home, place of safety, Specialized Adoption Agency and a fit facility recognized under this Act for providing care and protection to children, who are in need of such services; Section 2 (35) “**juvenile**” means a child below the age of eighteen years;

Aim and objectives of the study

- To study children in conflict with law
- To study various causes of juvenile delinquents
- To study psycho-social issues of children in conflict with law at child care institutions in India
- To know factors associated with juvenile delinquents

Types of Juvenile Delinquency

3 major categories of juvenile delinquency

Violent crimes which result in bodily injury, such as assault, rape, murder; property crimes are committed when a juvenile uses force or threat of force to obtain the property of others and Drug-related crimes involve the possession or sale of illegal narcotics.

Other categories

i) Minor violations which include minor traffic violation,

- ii) Property violations,
- iii) Major traffic violations which include automobile theft
- iv) Human addiction which include alcohol and drug addiction
- v) Bodily harm which include homicide offences.

Recent issues of crimes by children in India

A lot of debate happened at Government, NGO's, media and public level regarding crimes done by children under 18 years. Few major incidents were October, 2012: A 16 year old Delhi boy killed a 4 year old boy. December, 2012: A 23 year old medical student was raped by six men, one of whom as juvenile. August, 2013: A 22 year old photo/journalist is raped by five men at Shakti Mills in Mumbai. One of the suspects was under 18. September, 2013: A 12 year old girl was raped by five boys" ages between 12-16 years (The Times of India, Delhi, September 22, 2013. One of the six men involved in the Nirbhaya gang-rape in Delhi, was a juvenile at the time of committing the crime. Crimes have been increasing in spite of many efforts investing from different stakeholders in order to improve education, health, economic, policy and programmes of children in India. Professional social workers need to focus on psychosocial issues of juvenile delinquency in this context.

Causes of juvenile delinquency

Childhood incidents and experiences are significant in the development of criminality; on the other hand, it does not mean criminals expose their criminality early in life Causes of Juvenile delinquency required to understand from sociological theories of juvenile delinquency. These theories put prominence on the environment, social structures and the learning process. Yet, many factors that take part in vital part in a youngster's delinquent behavior.

Individual Factors

Individual factors cause for Juvenile delinquency. Individual factors are personality traits like submissiveness, defiance, hostility, impulsiveness, feeling of insecurity, fear, lack of

self-control and emotional conflicts whereas situational factors are family, companions, movies, school environment, work environment etc.

Family factors

Commonly, children need support, love, affection, keen parenting support and involvement of family members to grow prosocial. When these basic needs are missing which may affect child's personality. Broken homes, lack of love, lack of parental affection, gang subculture, poverty, negative influence of movie and media, urbanization, adolescent instability, lack of recreation, negative environment, low-socio economic, poor parental violence, availability of weapons, association with deviant peers, parental substance use, peer pressure, television violence, parental antisocial behaviour, poor academic performance, large family size, low educational attainment, drug or alcohol use of child, poor monitoring of children in school and criminal behavior of siblings are the causes for juvenile delinquency.

Community factors

One study shows that causes of Juvenile crime due to bad company, extra-pocket money, revenge factor, poor literacy rate, over exposure to media, lack of values, cheap literature, love of adventures, early sex experience and mental conflicts etc. Juveniles are apprehended due to many reasons. Financial problem is not a single factor for juvenile delinquency, other factors increases the likelihood of juvenile delinquency.

System factors

Children involve in crimes and soon after such children apprehended by police officers as per law in India. Police officers register cases against children who make offenses of using forged or counterfeit currency/bank notes, grievous hurt, acid attack, attempt to acid attack, assault on women with intent to outrage her modesty, sexual harassment, assault on women, importation of girls from foreign country, causing death by negligence, industrial,

political, caste conflict -SC/STs Vs. Non- SCs/STs, other caste riots, agrarian, other riots, criminal breach of trust and cheating forgery, murder, attempt to commit murder, rape, dacoity, robbery, theft riots, breaking unlawful assembly, making preparation and assembly for committing, attempt to commit rape, kidnapping & abduction, communal, deaths due to negligent driving/act, deaths due to other causes, offences against State, sedition, other offences against State, offences promoting enmity between different Groups, promoting enmity on ground of religion race and place of birth causing injuries under rash driving / road rage, human trafficking (Section 370 & 370A IPC), unnatural offences and Other IPC crimes cases. (NCRB, 2015)

Juvenile offenders

There is no single profile or adequate characterization of the diverse group of youth who come to be identified as juvenile offenders. Most youths who commit crimes as juveniles desist in early adulthood, and most who come to juvenile court never return on a new referral. However, a small group of juveniles is prone to continued offending.

Risk factors

The study by Kazdin and colleagues (1997) indicates that a risk factor predicts an increased probability of later offending. Shader, M. (2001) noted that some risk factors for juvenile delinquency at individual level in the early onset (6-11 years) are general offenses, substance use being male aggression, hyperactivity problem (antisocial) behaviour, exposure to television violence, medical, physical problems, low IQ, antisocial attitudes, beliefs Dishonesty. At late onset (12-14 years) are general offenses, restlessness, difficulty in concentrating, risk taking aggression, being male, physical violence, antisocial attitudes, beliefs, Crimes against persons, problem (antisocial) behaviour, low IQ and substance use. Risk factors at family level associated with juvenile delinquency. These risk factors in early

onset in age group of 6-11 years are low socioeconomic status/poverty antisocial parents, poor parent-child relationship, harsh, negligent, or inconsistent discipline, broken home, separation from parents. In late onset (12-14 years) are poor parent child relationship, harsh or lax discipline, poor monitoring, supervision, low parental involvement, antisocial parents, broken home, low socioeconomic status, poverty, abusive parents, and family conflict. School environment impacts on child's behaviour. Certain risk factors at school level are associated with juvenile delinquency. Such risk factors are poor attitude, poor academic.

Conclusion

From the above discussion why should work towards non institutional care than institutional care community based rehabilitation is an instrument for this Juvenile crimes cannot be stopped only through the proper implementation and amendments of Juvenile Justice Act. It is important to make aware about different reasons for involving crimes by parents and guardians. Juveniles involved in crimes are not criminals; in fact, they are victims of society in some cases. Juvenile delinquency can be stopped at an early stage, provided special care is taken both at home and in school. Parents and teachers play a major role in fostering the mind of a child. Instead of labeling them as criminals or delinquents, importance to be given on understanding needs of children and give them a scope of modification. The problem of child crime like many other social problems is linked up with the imperfections and maladjustment of our society.