

# STATUS OF CHILDREN IN CONFLICT WITH LAW IN KARNATAKA

**Panduranga B\* and Dr. Pavitra R Alur\*\***

\* Research Scholar, Dept. of Social Work, Vijayanagara Sri Krishnadevaraya University, P.G.Centre, Nandihalli-Sandur(Tq) Ballari Dist – Karnataka, India

\*\*Assistant Professor, Dept. of Social Work, Vijayanagara Sri Krishnadevaraya University, P.G.Centre, Nandihalli-Sandur(Tq) Ballari Dist – Karnataka, India

**Abstract:** *An Act to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided and institutions and bodies established. Objectives of the study are understanding the causation, nature, extent children in conflict with law, study the significance of law while control the offence and know the trends and patterns of juvenile delinquency in Karnataka. In this paper the analyzed details of the univariate tables are presented from the secondary data collected from various source in Karnataka state. The state will protect the legal rights of all children throughout the State and take necessary steps to ensure their safety, including meeting their physical, psychological and social needs.*

**Keywords:** *Juveniles in Conflict with Law, Indian Penal code(IPC), JJ Act, 2015*

## Introduction

Every child in Karnataka will grow in a safe, protected and enabling environment, that fosters positive all round development of the child and creates opportunities for every child to reach her/his potential. An environment where all stakeholders of the State, including parents, care providers and the community, work in partnership to make children's rights a reality by eliminating discrimination, bringing respect in its interactions with children, valuing children's opinions and participation, and upholding dignity of the child.

An Act to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided and institutions and bodies established.

The changing institutional arrangements, growing tendency of family centeredness among parents, changing socio-economic political and cultural conditions have affected the incidence of juvenile delinquency in Indian society. Karnataka is no exception.

## Objectives of the study

1. To understand the causation, nature, extent children in conflict with law
2. To study the significance of law while control the offences
3. To know the trends and patterns of children in conflict with law in Karnataka

## Review of literature

**District Child Protection Unit (DCPU):** is set up at all districts of the state under the Integrated Child Protection System Scheme of the Ministry of Women and Child Development, for overseeing, coordinating and implementing all child protection related services, schemes, facilities and legislation. In Karnataka the DCPU's have been established in all the districts with the District Child Protection Officer heading the Unit and

**Karnataka State Child Protection Policy (2016):** Child protection refers to the fundamental right of every child to be protected from neglect, discrimination, violence (verbal and physical), abuse (mental and physical), economic and sexual exploitation while in the care of any individual, institution, system, or authority. The rights of children to such protection is recognized by the United Nations Convention on the Rights of the Child, 1989 ("UNCRC"), the Constitution of India and numerous central and state legislations including, the National Policy for Children 2013.

**Meghna Dasgupta (2010)** The Juvenile Justice (Care and Protection of Children) Act is the governing legislation for 'Juveniles in Conflict with law' in India. The main objective of this act was to set up an alternative justice system for their rehabilitation. The onus of its implementation is on the Department of Women and Child Development and the Juvenile Justice Boards. Though the necessary infrastructure has been set up under the 'Programme for Juvenile Justice', the delivery mechanism in the form of both institutional and non-institutional services is severely lacking. The aim of this paper has been to examine the the provisions for rehabilitation that have been provided for 'Juveniles in Conflict with law', as per the Juvenile Justice Act, 2000 and Model Rules, 2007, the provisions are actually in place , the monitoring mechanism in place to assess and improve the effectiveness of whole process, while addressing the flaws in both the legislation and

the present system, make recommendations for improvements by drawing from both indigenous and international success stories. Keeping in mind the multidimensional nature of this issue, the limitations of this paper must also be highlighted. The scope of this paper while addressing the issue of rehabilitation through education will deal only with the provisions of formal education, vocational training and counseling (and a little on community services) available to these juveniles. Also the observations made in this paper pertain mostly to the juvenile justice system in Delhi.

**NIPCCD (2007)** conducted a study on Juvenile Justice Institution in India. The objectives of the assessment were to: assess the existing status of implementation of Juvenile Justice Act and to create national database of infrastructure and services under the Juvenile Justice Act. The main thing was to assess adequacy of infrastructure vis-à-vis standards prescribed in the act and rules framed under the Act by respective states. Data was collected from 25 states and one UT out of 35 States. Two types of questionnaire were used part-I deals with the information related to statutory bodies (CWCs, JJBs, SJPU's etc) where as part-II deals with details of information related to different types of homes created under JJA and also related to minimum. Interview and observation method was used for collecting information. Out of a total of 1135 children homes created under the Juvenile Justice Act, 69.25% were covered. Besides that observation homes, after care homes and special homes were also covered under this study. The finding indicates that a substantial number of children's institutions were having classrooms, dormitories, kitchens, and recreational rooms etc as per the norms in rules of JJ Act. It has been observed shishu greh and other homes were more crowded in terms of lack of space in dormitories, classrooms, recreation rooms, number of toilets and bathrooms were found to be inadequate and not as per the norms. Most of the homes engaged medical doctors on part time/ contract basis and around 80 percent homes were having Para-medical staff. Age structure of inmates on different homes was observed to be young as 57 percent children were between age-group 6 to 14 yrs and about one – third children were from the age group 14-18 years. Maximum number of children was staying up to 3 years as compared to 3-5 years and more than 5 years. It has been found that children were imparted vocational training in 14 different trades at different homes. The most common among them were electrical trade, teaching, printing and filter job. It was also pointed out that lack of equipments and lack of space were other constraints and thus 62 percent homes had shown their inability to offer vocational training. Children staying in different homes were suffering different types of illnesses. The most common diseases among children were tuberculosis and sexually transmitted diseases. The most common homes which were having television and radio facilities were shelter homes, after care homes and children homes. Cultural activities were found to be another entertainment effort made by different homes. About 53 percent homes were organizing cultural programmes inside the homes and 34 percent were organizing the same outside the homes.

**Panduranga B (2018)** The study explore that India is home to almost 19% of the world's children. More than one third of the country's population, around 440 million, is below 18 years. India's children are India's future as strength of the nation lies in a healthy, protected, educated and well-developed child population that will grow up to be productive citizens of the country. All Children have a right to protection against abuse, neglect, exploitation or any kind of suffering. The author is used the secondary data for the research.

**Shaw (1931)** studied 5480 offenders and found that only 18 percent of offenders had committed delinquency alone that is individually, while 30 percent had a single companion. About 27 percent of offenders had two companions and the remaining had three or more. Nearly 89 percent of those charged with delinquent actions had at least one accomplice. They further stated that juvenile gangs recruit, stimulate and teach the delinquents. These findings are brought out in their report entitled "Social Factors in Juvenile Delinquency: A Study of the Community, the Family and Gang in Relation to Deviant Behavior". They found that the juveniles had close contacts with criminals, professional gamblers and habitual drunkards. As far as the spatial aspect of delinquency is concerned, the authors examined the social and economic characteristics of high delinquency area and found various traits like prevalence of physical deterioration, poverty, residence mixed with industry and commerce, high residential mobility, dearth of facilities and high incidence of adult crime being the main features. The lower socio-economic classes living in slums are more delinquency prone as found out by them.

**Special Juvenile Police Unit:** The Special Juvenile Police Units have been set up by the Karnataka State Police across the state as mandated by the Juvenile Justice Act 2000 and Amendment Act of 2006, (now replaced as Juvenile Justice (Care & Protection of Children) Act 2015 Sections 106 & 107) for dealing and responding with sensitivity to all issues related to children. There is one such unit in all 30 districts, 4 city Commissionerates of Mysore, Mangalore, Hubli -Dharwad, Kalaburgi, and 7 Zones of Bengaluru city. The Sr. Child Welfare Officer will be the Additional SP for districts and Assistant Commissioner of Police for in cities in charge of all crimes and issues related to children. Two police officers are designated as Child Welfare Officers in every Police Station and trained to deal with child related cases, especially child abuse with sensitivity.

### Method of research

The present study is based on secondary data which is collected from the report of Crime in India, Ministry of women and child development, Government of Karnataka, State crime records bureau, Bangalore other published articles. In this paper the analyzed details of the univariate tables are presented from the secondary data collected from various source in Karnataka state.

### General Information about The Karnataka

Karnataka State is located in South West region of India. Karnataka has Arabian Sea in the West and borders Goa in the Northwest, Maharashtra in the North, Telangana in North-East, Andhra Pradesh in the East, Tamil Nadu in South and Southeast and Kerala in the Southwest. The state covers an area of 1,91,976 sq kms (74,122 Sq miles) i.e., 5.83% of the total geographical area of India. It is the eighth largest Indian State by area with over 61 million inhabitants as of 2011 census. Karnataka is the ninth largest State by population, comprising 30 Districts. Kannada is the most widely spoken and is the official language of the State.

## Definitions

- a. **“Child”**: is any person under the age of 18 years, or one who has not completed eighteen years of age as per Section 2 (k) of the Juvenile Justice (Care & Protection of Children) Act 2000.
- b. **“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;

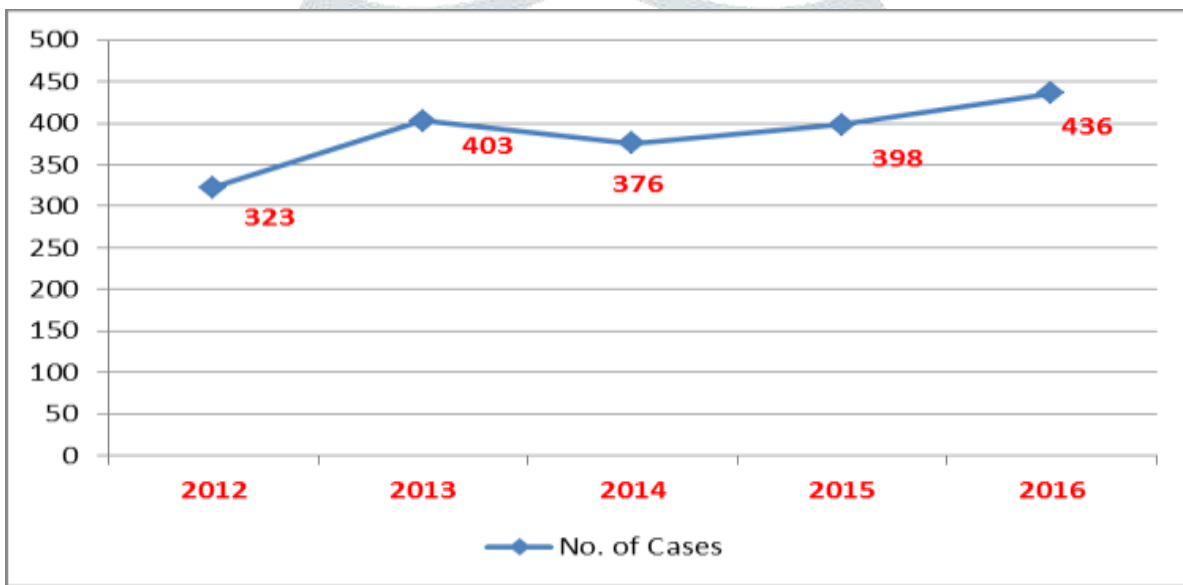
## Share of Crimes

The Indian Penal Code (IPC) is the general penal code for the country. It identifies the acts of commission and omission that constitute the offences punishable under this Act. It provides punishments for offences committed within India and punishment for offences committed outside India, which by law, may be tried within India. The applicability of the Act also extends to extraterritorial offences. Over the years, the scope of the Act has been enlarged by amendments and the insertion of specific provisions, as extensions.

**Special and Local Laws (SLL)** which have been enacted from time to time to meet new challenges to the criminal justice system in specific areas. They are broadly categorised as,

- 1) Special Laws (vide section 41 of IPC) which is applicable to a particular subject.
- 2) Local Laws (vide section 42 of IPC) which is applicable to particular parts of India.

Incidence of Juvenile Crimes under IPC



Source: Crime in Karnataka – 2016

During 2012, the percentage of Juvenile crimes to total IPC crimes was 0.24, 2013 – 0.29, 2014 – 0.27, 2015 – 0.29 and in the year 2016 – the percentage of juvenile crimes to total IPC crimes is 0.17.

## Unit wise distribution of Juvenile Delinquency: - IPC

Information regarding offences registered against juveniles is given Unit wise and head wise. Cases Registered against Juveniles in Conflict with Laws under Different Crime Heads of IPC in Karnataka During 2016

## IPC Crimes

| S.no | District         | Total Cognizable IPC Crimes |
|------|------------------|-----------------------------|
| 1    | Bagalkot         | 0                           |
| 2    | Bengaluru        | 201                         |
| 3    | Belagavi         | 57                          |
| 4    | Ballari          | 6                           |
| 5    | Bidar            | 3                           |
| 6    | Vijayapura       | 0                           |
| 7    | Chikkaballapura  | 4                           |
| 8    | Chamarajnar      | 0                           |
| 9    | Chikkamagaluru   | 7                           |
| 10   | Chitradurga      | 0                           |
| 11   | Dakshina Kannada | 8                           |

|       |                  |     |
|-------|------------------|-----|
| 12    | Davanagere       | 20  |
| 13    | Bangalore rural  | 0   |
| 14    | Gadag            | 7   |
| 15    | Kalaburgi        | 0   |
| 16    | Hassan           | 0   |
| 17    | Haveri           | 8   |
| 18    | Hubballi Dharwad | 13  |
| 19    | Kodagu           | 0   |
| 20    | Kolar            | 6   |
| 21    | Koppal           | 0   |
| 22    | Mandya           | 17  |
| 23    | Mysuru           | 11  |
| 24    | Raichur          | 0   |
| 25    | Ramanagara       | 4   |
| 26    | Shimoga          | 28  |
| 27    | Tumakuru         | 15  |
| 28    | Udupi            | 5   |
| 29    | Uttara Kannada   | 8   |
| 30    | Yadgiri          | 8   |
| Total |                  | 436 |

A total of 436 IPC Cases were registered against juveniles during 2016, showing an increase compared to 2015 during which 398 cases were registered. Bangalore City recorded the highest number of crimes (201) by juveniles followed by Belagavi City(57), Shivamogga(28) ,Davanagere (20), Mandya (17), Tumkur (15), Hubli Dharwad City (11), Uttar Kannada, Haveri And Dakshin Kannada (Each 8), Gadag And Chikkamagaluru (Each 7), Kolar& Ballari (Each 6), Uduopi (5), Ramanagar And Chikkabalapur (Each 4) And Bidar (3).

#### Unit wise distribution of Juvenile Delinquency - Special and Local Laws (SLL)

When compared to 2015, there is a decrease in the number of SLL cases registered against Juveniles in 2016. In 2016 there were 17 cases registered as against 48 in 2015.

| S.no | District         | Total Cognizable SLL Crimes |
|------|------------------|-----------------------------|
| 1    | Bagalkot         | 0                           |
| 2    | Bengaluru        | 4                           |
| 3    | Belagavi         | 3                           |
| 4    | Ballari          | 0                           |
| 5    | Bidar            | 0                           |
| 6    | Vijayapura       | 0                           |
| 7    | Chikkaballapura  | 0                           |
| 8    | Chamarajnar      | 1                           |
| 9    | Chikkamagaluru   | 0                           |
| 10   | Chitradurga      | 0                           |
| 11   | Dakshina Kannada | 0                           |
| 12   | Davanagere       | 0                           |
| 13   | Bangalore rural  | 0                           |
| 14   | Gadag            | 1                           |
| 15   | Kalaburgi        | 0                           |
| 16   | Hassan           | 0                           |
| 17   | Haveri           | 0                           |
| 18   | Hubballi Dharwad | 1                           |
| 19   | Kodagu           | 0                           |
| 20   | Kolar            | 1                           |
| 21   | Koppal           | 0                           |
| 22   | Mandya           | 0                           |
| 23   | Mysuru           | 1                           |
| 24   | Raichur          | 0                           |

|              |                |           |
|--------------|----------------|-----------|
| 25           | Ramanagara     | 0         |
| 26           | Shimoga        | 4         |
| 27           | Tumakuru       | 0         |
| 28           | Udupi          | 0         |
| 29           | Uttara Kannada | 0         |
| 30           | Yadgiri        | 1         |
| <b>Total</b> |                | <b>17</b> |

The reporting pattern were as follows: - Bengaluru City and Shivamogga (each 4), Belagavi (3), Chamarajanagara, Gadag, Hubli Dharwad , Kolar, Mysuru and Yadagiri (each 1 Case).

### Juveniles apprehended

Below table gives details of Juveniles apprehended under IPC and SLL crimes on the basis of age group and sex during 2016. Below Table gives detailed information as to the number of juveniles apprehended under various IPC & SLL crimes.

| IPC | Below 12 Years |      |       | 12 Years & Above –<br>Below 16 Years |      |       | 16 Years & Above –<br>Below 18 Years |      |       | Overall age group |       |       |
|-----|----------------|------|-------|--------------------------------------|------|-------|--------------------------------------|------|-------|-------------------|-------|-------|
|     | boy            | girl | total | boy                                  | girl | total | boy                                  | girl | total | boys              | girls | total |
|     | 1              | 1    | 2     | 162                                  | 1    | 163   | 433                                  | 3    | 436   | 596               | 5     | 601   |
| SLL | 1              | 0    | 1     | 10                                   | 1    | 11    | 13                                   | 1    | 14    | 24                | 2     | 26    |
|     |                |      |       |                                      |      |       |                                      |      |       |                   |       | 627   |

Table presents the unit-wise distribution of juveniles apprehended under the various crime heads of IPC. Of the 627 juveniles arrested in 2016, 601 were arrested under IPC sections and 26 were arrested under SLL crimes. 596 boys & 5 girls juveniles were apprehended under IPC sections and 24 boys juveniles and 2 girls juveniles were apprehended under SLL sections.

### Disposals of juveniles arrested

Disposal of Juveniles Arrested (under IPC and SLL Crimes) and Sent to Courts in Karnataka During 2016

| Types of Disposals  | Total |
|---|-------|
| Number of Juveniles whose Cases pending disposal at the beginning of the year | 312   |
| Juveniles Apprehended During the Year   | 627   |
| Total Number of Juveniles Apprehended   | 939   |
| Sent To Home After Advice Or Admonition                                       | 143   |
| Released On Probation And Placed Under Care of Parents / Guardians            | 262   |
| Released On Probation And Placed Under Care of Fit Instt.                     | 20    |
| Sent To Special Homes   | 209   |
| Dealt With Fine   | 18    |
| Acquitted or Otherwise Disposed of  | 39    |
| Pending Disposal  | 248   |

The information on disposal of Juveniles arrested is available in the above table during the year 2016, 627 Juveniles were apprehended under different IPC & SLL sections and sent to courts (312 juveniles were under pending disposal from previous year). Out of them, 248 Juveniles were awaiting disposal at the end of the year.

### Classification of Juveniles by Attributes

Classification of Juveniles Arrested (under IPC and SLL) by Attributes in Karnataka During 2016

| Education  |         |                                       |                         |       |
|------------|---------|---------------------------------------|-------------------------|-------|
| Illiterate | Primary | Above Primary But Below Matric/H.Sec. | Matric / H.Sec. & Above | total |
| 18         | 163     | 369                                   | 77                      | 627   |

18 were illiterate and 163 were not educated beyond the primary level. Most of the juveniles studied the higher primary school education.

| Family Background   |                       |          |       |
|---------------------|-----------------------|----------|-------|
| Living With Parents | Living With Guardians | Homeless | total |
| 604                 | 20                    | 3        | 627   |

604 children were living with parents, 20 children were living with guardians and 3 children who were homeless, were involved in the juvenile crimes.

| Economic Status                 |  |  |  |  |                                   |       |
|---------------------------------|--|--|--|--|-----------------------------------|-------|
| Annual Income (Upto Rs. 25,000) | Annual Income (Rs. 25,001 To Rs. 50,000) | Middle Income (Rs. 50,001 To Rs. 1,00,000) | Middle Income (Rs. 1,00,001 To Rs. 2,00,000) | Upper Middle Income (Rs. 2,00,001 To Rs. 3,00,000) | Upper Income (Above Rs. 3,00,000) | total |
| 233                             | 215                                      | 123  | 51   | 5  | 0                                 | 627   |

233 and 215 children's families' income were very low and only 5 children who had high level income in the family committed crimes. socio-economic attributes of juveniles apprehended during 2016. As expected, low education and poor economic status are common attributes of juvenile in conflict with law.

| Recidivism                           |   |                             |
|--------------------------------------|---|-----------------------------|
| Juveniles Apprehended for First Time | Apprehended Juveniles Convicted in Past | Total Juveniles Apprehended |
| 606                                  | 21                                      | 627                         |

606 Juveniles Apprehended for First Time whereas 21 children were second time Convicted in Past. no proper rehabilitation to the children were made a mistakes. So effective counselling is needed to the children in conflict with law.

### Findings

- ✓ Children crimes are increasing year to year
- ✓ More Cases Registered against Juveniles in Conflict with Laws under Different Crime Heads of IPC compared to Special and Local Laws (SLL) in Karnataka During 2016
- ✓ More juveniles arrested in the age group of 16 to 18
- ✓ 248 Juveniles were awaiting disposal at the end of the year.
- ✓ 18 were illiterate and 163 were not educated beyond the primary level. Most of the juveniles studied the higher primary school education.
- ✓ 604 children were living with parents, 20 children were living with guardians and 3 children who were homeless, were involved in the juvenile crimes.
- ✓ As expected, low education and poor economic status are common attributes of juvenile in conflict with law.
- ✓ 606 Juveniles Apprehended for First Time whereas 21 children were second time Convicted in Past.

### Suggestions

1. Children crimes should be decreased year by year
2. More juveniles arrested in the age group of 16 to 18 hence be careful about children at same
3. Juveniles disposal should be soon as early as possible.
4. Social value and ethics should be inculcated among the students at school education.
5. Parents and family members have to take care of their kids or children to avoid the juvenile in conflict with law.
6. Family education and economic status should be improved by the government and the governance.
7. Effective counselling and good guidance are needed to juvenile to avoid the recidivism
8. Qualified staff are required for take care of children during the observation homes and special homes.

### Conclusion

The State will implement both preventive and corrective measures to ensure that no child is exposed or subjected to any form of physical or mental violence, abuse, neglect or exploitation. And also protect the legal rights of all children throughout the State and take necessary steps to ensure their safety, including meeting their physical, psychological and social needs.

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