

ATTITUDE OF POLICE TOWARDS CHILDREN IN CONFLICT WITH LAW**Alfred J George, Dr. George David M**

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Introduction

A child is born with purity and innocence. Nurturing a child is crucial for its growth and development as responsible individual. Positive and supportive environment ensures acceptable behaviours from children. Good physical, psychological, social, moral and spiritual environment make the child a competent person. On the other hand, lack of basic needs, poor parenting supervision, poor educational and social environment leads to delinquency i.e. a Child in Conflict with Law (CCL). In the India, juvenile delinquency is one of social problems affecting not only children with conflict in law but also families, communities, and society.

The term 'Children in Conflict with the Law' (CCL) refers to anyone under 18 who comes into contact with the justice system as a result of being suspected or accused of committing an offence. Most children in conflict with the law have committed petty crimes or such minor offences as vagrancy, truancy, begging or alcohol use. Some of these are known as 'status offences' and are not considered unlawful when committed by adults. In addition, some children who engage in unlawful activities have been used or coerced by adults. Too often, prejudice related to race, ethnicity or social and economic status may bring a child into conflict with the law even when no crime has been committed, or result in harsh treatment by law enforcement officials.

There are three types of delinquency: the first type is environment delinquent, they are usually occasional law breakers. The second type is emotionally maladjusted delinquents they are the type of offender that they could not avoid or escape from the situation. The third type is the psychiatric delinquent related to serious emotional disturbances in the family or associated to mentally ill tendencies.

ROLE OF POLICE OFFICERS

The police represent the most visible public sign of formal justice in society. The role of police in juvenile justice system is crucial primarily because children are amenable and that any physical or psychological harm can be fatal. Police are generally considered to be a fear factor even for adults. Probably, this has prompted the law to specify specialized juvenile police units

in the department to deal with the issues of children. Special Juvenile Police Unit (SJPU) is a unit of the police force designated for handling CCLs at district level. SJPU consists of five members, each Special Juvenile Police Unit is headed by an officer not below the rank of Police Inspector designated as “Senior Child Welfare Officer (Sr.CWO)” and two police constables to handle cases and assist in documentation and reporting.

POLICE OFFICER	• Apprehend Child in Conflict with Law. • Immediately handover the case to Special Juvenile Police Unit
SPECIAL JUVENILE POLICE	• Apprehend Child in Conflict with Law. • Filling FIR/DDR • Inform Probation officer & Parents • Medical Examination of Child Prepare Social Background report • Produce Case before Juvenile Justice Board • Upload information in the track Child portal • Investigation of the case • Coordination and support to Probation

STATEMENT OF THE PROBLEM

The laws and rights are helpful for human being to lead a dignified and secure life. Constitution of India considers women and children as vulnerable and provides special laws for the protection for women and children.

The child apprehended of a crime is brought before the Juvenile justice Board under the Juvenile Justice [care and protection of children] Act 2015. As per the JJACT 2015, provisions of the Criminal Code Procedure children are not to be taken to a regular criminal court. The purpose of a separate court is socio- legal rehabilitation and reformation. The aim is to hold a child culpable for their criminal activity, not through punishment, but counselling the child to understand their actions and persuade them away from criminal activities in future.

As per JJ Act 2015, A child means a person who has not completed eighteen years of age. The Child in Conflict with Law [CCL] 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.

The Children in Conflict with Law faces various difficulties such as social problems, family issues, education related problems physical and mental health problem. Another difficulty the

child may face as he/ she comes in to conflict with law can be the the approach of police and their behaviours. Stigma attached with the CCL prevents the child from entering the main stream of the society where he/ she deviates from the normal path that affects the bio psychosocial development of the child and the chances that the child repeatedly come in to conflict with law is more. To support these children the Government of Kerala has envisaged program “KAVAL” to address the psychosocial problems of the child and reintegrate the child back to the society.

Police plays a major role in the services provided for CCL. Hence the behaviour of police towards children needs to be sensitive. The negative experiences received by the child from the police may aggravate child’s difficulties and contributes to the existing problems that further leads to various psychosocial problems in CCL. Therefore the police approaches towards children need to be sensitive and supportive for the following psychosocial interventions devised for the child.

This research study about the approaches of police towards the CCL children and the after effects or outcome of that approach.

RELEVANCE OF THE STUDY

According to National Crimes Records Bureau report of 2015, there is an increase in crime rate from 1.7% in 2005 to 2.5% in 2015. 0.8% increase in cases were registered under IPC against children during this period. Number of cases registered among children increased form 18939 in 2005 to 33526 in 2015 (NCRB, 2015). These figures drew the attention to focus on psychosocial issues of Children with Conflict in Law in India.

Police is the first point of contact for CCL the experience with police is important determinant that influences child’s future. Hence there is a need to ensure good treatment by police that will help the child to develop a positive attitude towards the government system supporting the Child in Conflict with Law. This highlights the need for a study to understand the current practices/ behaviours and attitude of police towards the CCL. This information would help the state authorities to understand the gaps and take necessary measures to bring in sensitivity among the police officials

OBJECTIVE OF THE STUDY

Aim: To study the attitude of police towards Children in Conflict with Law

Objectives

1. To study the socio economic background of the child in conflict with law
2. To understand the attitude and practice of police towards children in conflict with law
3. Identifying the extend of execution of rules by police officers while dealing with CCL

THEORETICAL DEFINITION OF CONCEPTS

Child in Conflict with Law: The term Child in Conflict with Law refers to anyone under 18 who comes into contact with the JJB.

Police: The civil force of a state, responsible for the prevention and detection of crime and the maintenance of public order.

Treatment: The manner in which someone behaves towards or deals with a person.

OPERATIONAL DEFINITION OF CONCEPTS

Child in Conflict with Law: The person under 18 years in contact with law in Thiruvananthapuram district.

Police: The Police are the authority who must ensure prevention of committing offences against people.

Treatment: The behaviour of police towards the Child in Conflict with Law.

RESEARCH DESIGN

A descriptive study was conducted among the children in conflict with law in Thiruvananthapuram to understand and describe the attitude and practice of police towards Children in Conflict with Law

PILOT STUDY

A pilot study was conducted among 10 children undergoing psychosocial care under KAVAL program in one NGO in Thiruvananthapuram district to identify the problems faced by children and feasibility. A check list was developed and finalised through the pilot study.

UNIVERSE OF THE STUDY

Universe of the study is CCLs in Thiruvananthapuram district of the year 2019, below the age of 21 years who were apprehended before the age of 18 years. In the current study the 390 of CCL in Thiruvananthapuram district becomes the universe of the study.

UNIT OF STUDY

A CCL who resides in Thiruvananthapuram District, within the age group of below 21 years and committed the crime before the age of 18 years becomes unit of the study.

SAMPLING METHOD

Samples for the study were selected through convenient sampling method.

SAMPLING SIZE

Sample size for the study was 40 which is ten percentage of the total CCL population in Thiruvananthapuram district.

INCLUSION CRITERIA

- Child in conflict with law below 21 years who was apprehended before the age of 18 years.

- CCLs who are currently living in Thiruvananthapuram district.

METHOD OF DATA COLLECTION

PRIMARY DATA

The primary data for the study was collected from the CCLs using a checklist developed to elicit the information from the children regarding the police attitude.

SECONDARY DATA

Secondary data was collected from Government reports, articles, journals, books etc.

TOOLS FOR DATA COLLECTION

Interview schedule is a device for collecting primary data containing a list of questions. Researcher used open and closed self-prepared questionnaire.

DATA ANALYSIS

The collected data was analysed using Statistical Package for Social Sciences (SPSS version 20). Descriptive and inferential statistics were used to explain the data.

Analysis and Interpretation

SOCIO DEMOGRAPHIC PROFILE OF CHILDREN IN CONFLICT WITH LAW

1. The results of the socio demographic profile of children conflict with law identified young boys of age group 16 to 18 years' to be more vulnerable to come in to conflict with law.
2. Higher chances of drop out children coming in to conflict with law is identified in the study
3. One out of every third child reported to be from poor economic background
4. Majority of children in conflict with law were from nuclear families
5. 6 in every 10 children in conflict with law in Trivandrum lived in urban area
6. Children in conflict with law reported poor educational background of father and mother and highest proportion of fathers were employed in unorganised sectors such as labourers where as high proportion of mothers were un employed and employed mothers were in un organised sectors
7. Custody of parents shows an alarming figure of 37.5% of children with single parent, grandparents, CCI etc.
8. Four out of every 10 children in conflict with law in Trivandrum below the age of 18 was away from the main stream of that increases their chances of exposure to risk in the community

ATTITUDE OF POLICE TOWARDS CHILD IN CONFLICT WITH LAW (CCL)

1. Study shows that majority (65%) of the respondents in the study were first time offenders. 4 out of every 10 children in conflict with law were repeat offenders in Trivandrum
2. Half of the cases registered against children were offence against property though cases on substance users also high 12.5% considering the seriousness of the offence

3. Majority of CCLs first case was registered (57.5%) during the age of 12-16 years and mostly involved in property cases.
4. Majority (82.5%) of the family members do not have any history of criminal cases.
5. Most of the respondents (65%) having friends of same age and do the offences with their friends though 30% have tendency to have friendship with elders.
6. 67.5% of children friends have criminal cases registered against them highlight the peer influence and gang activities carried out by the CCL which is high risk in nature

Major Observations

1. Police violating JJ Act 2015 was evident in the study where the children reported police using abusive words (87.5%) approaching children in uniform (70%) taking children in police vehicle (77.5%) using hand cuff (55%) , sending to lockup (25%) was reported. 32.5% were harassed in front of the public , 12..5% of CCLs photo or any details were published in mass media. Every 3rd CCL is assaulted physically at the time of investigation and held in police station at night and by police and 27.5% of the respondents were not produced before JJB within 24 hours of apprehension.
2. Commendable action form police reported were informing parents after apprehension (92.5%), No respondents were harassed on the basis of religion, none of the CLL were sexually abused. Demanding bribe and harassing on basis of parent's occupation was also less reported.

SUGGESTIONS

SUGGESTIONS TO STRENGTHEN SPECIAL JUVENILE POLICE UNIT

- To strengthen the posts of special juvenile police officers in Kerala. The law though envision special juvenile police officers in every police station, in practice it is a designated post were a general police officer in the station acts as juvenile welfare police officer when a child's case arrives at the police station. This often results in treating children as adults. Therefore it is essential to develop a separate cadre of police officials who will handle the cases of children.
- The designated Child welfare police officers need to undergo training on psychosocial aspects of CCL and techniques and skills needed to work with children, this will ensure empathetic approach in police thereby reduce violation of rights of children by police officials
- Provide training facilities for police officers at the time of their enrolment to the department, especially related to Juvenile Justice Act, 2015.
- Networking with other department and institution as well as professionals to ensure support to

SUGGESTIONS TO STRENGTHEN EDUCATIONAL SUPPORT FOR CHILDREN IN CONFLICT WITH LAW

Educational difficulties and drop out entering more in cases can be addressed in following ways

Early identification of children with difficulties in studies, children with behaviour and emotional problems as well as other psychosocial problems and providing early intervention by the school counsellors would prevent drop out and children involving in conflict with law

Re enrolment of drop out children and screening for developmental disorders including learning difficulties would help in availing supportive system in education

Orienting teachers on inclusive education of children with developmental disorders and developing skills in managing behaviours in children would prevent drop out of children

SUGGESTIONS TO STRENGTHEN FAMILIES OF CHILDREN IN CONFLICT WITH LAW

The results on children entering juvenile justice Early identification of vulnerable families and availing support for holistic living such socio economic support, health and education support for children can ensure better living for the children and prevent form involving in cases

Most of the children involved in cases were from dysfunctional families. This high lights need of family intervention to ensure conducive family environment

Suggestion to enhance better social and institutional environment

- Provide awareness classes to the public about child rights and Juvenile Justice Act, 2015.
- Implement government projects for the rehabilitation of CCL's.
- Provide vocational training, effective counselling services and proper interventions in Observation Home and Special Home for the residents.

Conclusion

Police is the first point of contact for children in conflict with law. The JJACT 2015 ensures respectable treatment for children by police through SJPU at district level and CWPO in police station level. The study conducted among 40 children in Thiruvananthapuram aimed at studying the treatment of child in conflict with law by Police.

Socio demographic profile of children brought out higher chances of boys of age group 16 to 18 years, drop outs, children from poor economic background, children living in nuclear families, children from urban areas, Children with poor parental education and working in un organized sectors, disorganized or broken families, and high risk communities to come in to conflict with law. Four out of every ten child has the chance of becoming repeat offenders, the age of first case registering against children was between the age 12 to 16 years where they start with property related cases. Major cases reported against children were property related cases though cases such as substance abuse, POCSO, murder etc are reported. Though family history of crime was

reported less friends involving in cases was reported more among children highlighting the peer influencing among children to enter in to crimes.

Commendable actions from police include informing parents after apprehension, not harassing children on basis of religion, nor sexual abuse, not demanding bribe nor accusing the child. Negative attitude and practice by police was evident in the current study where children reported of police using abusive words, police in uniform while approaching child, taking children police vehicle, harassing in public, publishing photos in media, physical assault, holding at police station at night, not producing children before JJB within 24 hours

The results of the study emphasis the need of sensitive and empathetic approach of police towards children towards which there need to be an affirmative action form police to strengthen SJPU and deputing CWPO exclusively to handle cases of children as well as stating a new cadre in police for children. These official needs to be training on psychosocial development, needs and care for children to prevent negative attitude and practices. The issue of CCL need to be addressed in a holistic manner where police is one of the stake holders in the entire system and need to have good support network for smooth and easy functioning in cases related to children to ensure services for children in conflict with law as in JJ Act 2015.

Adolescence is a period of drastic changes in body and mind of children. Good guidance and support is need for children at this age as the risk taking and adventurous behaviour is more during this period. This is one of the reasons why children come in to conflict with law. These children need a system to support them and reintegrate them back to society. Police plays a major role in this where the protection, security rehabilitation and reintegration of CCL is equally important as in the case of victims therefor police need to be sensitive enough not to treatment as criminals but as vulnerable and helpless children who need to be supported to enter the main stream of society.

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