

Parents' Awareness and Experience on Functioning of Police in Juvenile Justice System with Reference to Boys in Conflict with Law

Anshit Baxi [1]

Abstract

Child in conflict with law is child under the age of 18 years who are alleged of committing a crime. Children involved in criminal activities are a neglected population within larger vulnerable categories of children. Police are the first stakeholders with whom child and his parent communicate after the crime incident. Dealing of police with child and his parent has been a matter of concern. Juvenile Justice System that caters to child in conflict with law endorses child friendly approach. The researcher attempts to capture parents' awareness and experience with Police dealing with children as per the Juvenile Justice Act and Rules.

The National Records Crime Bureau indicated that boys outnumber girls in committing offense, and majority of children are living with their parents. Mumbai in India ranked third in children committing crime. Thus, the universe of this study was parents of boys in conflict with law in Mumbai. The researcher used simple random sampling technique for selecting 150 respondents. Findings revealed that Parents had low awareness about functioning of Police in Juvenile Justice System. 78.7% were not satisfied with their first interaction with Police. One of finding showed that there was statistically significant variation in awareness among the respondents in relation to their varying levels of education.

Keywords: Parents, boys in conflict with law, police, juvenile justice system, awareness, experience

Children are most vulnerable to be victimized to disadvantages of socio-economic and cultural circumstances. They are forced into labour, trafficked for commercial purpose and are subjected to physical, sexual, and emotional abuse. The lives of underprivileged children are struggles revolving around health, hunger, shelter, education, and protection. Internationally, child rights movement in late eighteenth century passed several laws addressing concerns of children in difficult circumstances however, no impetus was given to growing concern of children committing crime (Lindenmeyer, 2004).

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I. ROLE OF POLICE IN JUVENILE JUSTICE SYSTEM

The Juvenile Justice (JJ) Act is the supreme Act in India which governs, safeguards and protects the underprivileged children in India. As per section 2(13) of the JJ Act, 2015, child in conflict with law (CICL) 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.

Relations between police and parents of CICL are often represented as problematic. Shaped considerably by negative attitudes and perceptions from either side and sometimes characterized by mistrust and conflict, In India, as per section 107(1) of the JJ Act, every police station may have at least one officer designated as the child welfare police officer to exclusively deal with children. The officer must have aptitude, appropriate training and orientation to deal with CICL. The Juvenile Justice System (JJS) emphasizes that Police must deal with CICL in a child friendly manner. To co-ordinate all functions of police related to children, the State Government shall constitute Special Juvenile Police Units in each district and city, headed by a police officer not below the rank of a Deputy Superintendent of Police or above and consisting of all child welfare police officers and two social workers having experience of working in the field of child

welfare, of whom one shall be a woman. All police officers of the Special Juvenile Police Units shall be provided special training, especially at induction as child welfare police officer, to enable them to perform their functions more effectively (section 107(2) & (3) of the JJ Act, 2015).

II. PROBLEM STATEMENT

Academic papers in India have consistently highlighted that implementation of the J. J. Act in its utmost potential continues to remain a challenge (Bajpai, 2012) (Kumari, 2012) (Nigudkar, 2013). It has highlighted several concerns that included treatment of police towards CICL and their Parents. Police are the first stakeholders with whom Parents communicate after the child is alleged for committing a crime (Juvenile Justice Pack 5, 2011). It thus becomes essential to capture parents experience and awareness about role of Police with CICL as per JJ Act.

The National Records Crime Bureau (NCRB), 2021 statistic indicates that boys outnumber girls in committing offense, and majority of CICL are living with their parents. Thus, the universe of this study was parents of boys in conflict with law (Boy-CICL).

^[1] Email: anshitbaxi@gmail.com

III. OBJECTIVES

1. To study Parents' awareness on functioning of Police in JJS with reference to boy-CICL.
2. To study Parents' experience on functioning of Police in JJS with reference to boy CICL.

IV. HYPOTHESIS

Parents who are educated are aware that Police shall not disclose any criminal case record of the boy-CICL for the purpose of character certificate required for securing job and passport.

V. METHODOLOGY

As per National Crime Records Bureau (NCRB), 2021, Mumbai in India ranks third in crime committed by children. Mumbai is one of the densely populated cities in the world and has in total 93 police stations. Thus, the researcher selected Mumbai as its location for the study.

Considering the objectives and hypothesis of the study and the nature of enquiry, the researcher utilized the survey design, by using personal interview techniques for collecting quantitative data. The researcher used simple random sampling technique for selecting the respondents as concept of equal and independent chance of selection remains the same. Researcher had a list of 361 respondents from year of 2019 to 2021 out of which 150 were selected using fishbowl method. An interview schedule was prepared for the purpose of data collection for Parents of boy-CICL.

The researcher had consulted various field practioners and academicians before finalising the tool. The pretest of the tool was conducted with five respondents to check for the consistency in their responses to the questions posed in the interview schedule.

VI. FINDINGS AND DISCUSSION

1. As per section 13(1)(i) of the Juvenile Justice (JJ) Act, 2015, police shall inform parent/guardian as soon as child is apprehended (arrested). The awareness and experience of Parents about the said provision is explained below.

Out of 150 Parents of Boys in Conflict with Law a significant percentage (28.7%) of respondents were aware that Police had to inform parents that a CICL is apprehended while 71.3% were not aware about it as seen in Table no.- 1

Table no. -1 Parents' awareness that Police shall inform parent/guardian that a Child in Conflict with Law is apprehended

Parents' awareness that Police shall inform parent/guardian that CICL is apprehended	Frequency	Percent
Aware	43	28.7
Not Aware	107	71.3
Total	150	100.0

To understand respondents experience with Police, the researcher wanted to know whether Parents of Boys in Conflict with Law were informed when their child was apprehended by Police for alleged offense. More than half of the parents of boys in conflict with law (65.3%) replied that they were informed by police as soon as their child was apprehended. A significant percentage (32%) of parents were not informed by the police when their child was apprehended. 32% of parents were informed about child being taken to police station by CICL's friend (14%), neighbors (12%), community people (4%), and relatives (2%). It was important to note that 4 parents had voluntarily reported to police about their child being alleged in committing an offense.

2. To know respondents experience with Police, Parents were asked by the researcher whether they were satisfied with first interaction with Police after Boy CICL was apprehended, to which only 21.3% expressed satisfaction while 78.7% were not satisfied as seen in Table no.-2. Parents mentioned that they were not satisfied with first interaction with police as they were not given a chance to speak in defense of their child when the complaint was lodged, some parents even alleged police of taking bribe from the complainant. Some other reasons of not being satisfied with Police as stated by parents were physical and verbal abuse faced by children and parents, not allowed in police station when child was interviewed and kept in a lockup, and not being informed after apprehending the child. Parents who expressed satisfaction with first interaction with Police stated reasons such as Police orienting parents about the charges levelled against the CICL, child not being subjected to verbal or physical abuse, informing parents immediately after the child is apprehended to be present at the JJB.

Table no.-2 Parents' first interaction with Police after Boy CICL was apprehended

Parents' first interaction with Police after Boy CICL was apprehended	Frequency	Percent
Satisfactory	32	21.3
Not Satisfactory	118	78.7
Total	150	100.0

3. As per section 10(1) of the JJ Act, in no case a child alleged to be in conflict with law shall be placed in a police lockup. Parents awareness and experience about the provision is explained as follows:

Findings of the study revealed that majority (91.3%) of Parents were not aware that CICL cannot be kept in a police lockup while only 13 (8.7%) were aware about it. To know respondents experience with police dealing with CICL,

Parents of boys in conflict with law interviewed for the research study were asked whether their child was placed in a police lockup, as seen in table no.- 3 65.3% responded that their children were kept in a lockup after the child was apprehended for alleged offense. Only 28.7% of parents said that their children were not kept in a police lockup. 9 parents did not know whether their child was kept in a police lockup or not, as they were not allowed to enter police station after their child was apprehended.

Table no.-3 Boys in Conflict with Law kept in police lockup

Boys in Conflict with Law kept in police lockup	Frequency	Percent
Yes	98	65.3
No	43	28.7
Don't know	9	6.0
Total	150	100.0

4. As per section 8(3)(v) of Maharashtra JJ Rules, 2018, it is stated that police shall not compel the child to confess his guilt. Media reports suggest that Police have been involved in forcing CICL to confess his alleged offense by threatening and physically abusing the child. To understand parents experience about their child with Police, the researcher inquired whether their child was forced to confess alleged offense, to which 35.3% parents said yes as seen in table no.- 4. A parent whose child was subjected to physical abuse by police mentioned. "the form of torture my child went through is difficult to express...I feel like crying whenever I think about it....I pray nobody should go through it." Some parents also expressed that police would influence the child to confess his guilt in the JJB, by stating that this would terminate his legal case and he would not have to come repeatedly to the Board for hearings.

Table no.-4 Police compelled Boy CICL to confess his alleged offense

Police compelled Boy CICL to confess his alleged offense	Frequency	Percent
Yes	53	35.3
No	76	50.7
Don't know	21	14.0
Total	150	100.0

5. As per section 74(2) of the JJ Act, Police shall not disclose any record of the child for the purpose of character certificate where the case has been closed or disposed of. Character certificate is essential for government jobs or for having a passport. The researcher hypothesized that Parents who are educated are aware that Police shall not disclose criminal case record of CICL for the purpose of character certificate. The result is presented in table no. -

Table no.-5 Parents' education and awareness about disclosure of CICL's case record for character certificate

Education of Parents of Boy CICL	Parents' awareness that Police shall not disclose case record of CICL for the purpose of character certificate		Total
	Aware	Not Aware	
Illiterate	6 9.0%	61 91.0%	67
Primary	14 35.9%	25 64.1%	39
Secondary and above	21 47.7%	23 52.3%	44
Total	41 27.3%	109 72.7%	150 100.0%

Chi-square=22.047, df=2, p=.000

As seen in table no.-5, majority of Parents were not aware (72.7 %) that Police shall not disclose case record of CICL for the purpose of character certificate. Only 9% among the illiterate respondents were aware about it. However the awareness was found as increasing with increasing educational levels of the respondents. It was only 35.9% of parents having primary level of education having an awareness that Police shall not disclose case record of CICL for the purpose of character certificate, while it increased to 47.7% in case of those educated upto secondary level and above. This clearly showed that as the level of education increased, the number of respondents being aware also increased. The finding showed that there was statistically significant variation in awareness among the respondents in relation to their varying levels of education. (Chi-square=22.047, df=2, p=.000)

VII. CONCLUSION

Parents of boys in conflict with law awareness about role of Police was very limited and it reflected on their experience with Police, as discussed in one of the findings parents had low awareness that a child cannot be kept in a police lock up and in their experience more than 50% of children were kept in a lock up. Parents experience with Police was not satisfactory be in terms of their interaction or treatment of their child. However, as per one of the findings educated Parents had an impact on awareness on safeguarding rights of boys in conflict with low.

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