



## Juveniles comes under the Conflict with the Law: A Case Analysis in Southern Tamil Nadu

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### ABSTRACT

In the era of globalization, the advancement of technology has made progress but on the dark side the crime have goes up in pace with technological development especially among children. The number of children involving in crimes across the world has been increased especially in the developing parts like India. The Indian social system has imparting a special care on children but the changing social setup and interaction of various cultures through movies and Medias has proved the youngsters to think in the way of violence. It is to say that the crime records of children from broken families found to be higher and the influence of peer groups to commit crimes has been increased. The role of the parents and the society to control the crimes among the children have comes down due to the changes in the traditional life style. In this context, government, NGOs, academicians and social activists have to play a dominant role to reduce the crimes among children through making awareness, counseling and teaching principles to the children to be a good citizen.

***Keywords: Juvenile, conflict, Juvenile Justice Act, Observation home, Probation, Special home.***

### 1. INTRODUCTION

Juvenile in conflict with law is one of the serious social problems in the world in general and in India in particular. Delinquency includes both violent and non-violent activities. Culture of violence has become very common among the children in India today. A few years ago, in Tamil Nadu, a school going student killed his own lady teacher, and a couple of students in an engineering college in a southern district of Tamil Nadu brutally murdered their college principal. Our special attention towards children in conflict with law which is only after the occurrence of Delhi gang rape shook entire country, because one of the juveniles brutally involved in this act and also another one incidence in Delhi, a couple of school students brutally murdered their own school teacher. Furthermore, most of the occurrence of rape, murder and acid thrown activities involving by juveniles in all over India, particularly in Tamilnadu. Predominantly serious offences like murder and sexual offences also involving by 16 to 18 age category of youngsters (D.Murugesan & M.Ramakrishnan, 2014)



Delinquent activities involving by the children are increasing in our present society due to various factors including poverty, unemployment, broken families, illiteracy, maltreatment of children, influence of peer groups, lack of care & protection, improper guidance from the society, and negative impacts of media etc. Provision of education and recreation designed to produce useful and upright citizens and the use of aids in the field of social work, and the psychiatry (DarshanKumar, 2003).

### **1.1. Juvenile Delinquency**

The Encyclopedia of 'Crime and Justice' (1983) defines Juvenile delinquency as such conduct by children which is either volatile the acts prohibition of the criminal laws or is otherwise regarded as deviant and inappropriate, (Shipralavania, 1993).

In India, Juvenile Justice Act of 1986 was enacted as a model legislation to provide uniform definition in the country in respect of juvenile delinquents. It was amended in 2000 named by Juvenile Justice (Care and Protection of Children) Act, 2000 and the further amendment of the Act was on 2006 with a view to adopting a child friendly approach in the adjudication and disposition of matters in the best interests of children and for their rehabilitation and overall development. (Paranjape, 2011).

The Juvenile Justice (Care & Protection of Children) Act 2000 provides for uniform and comprehensive services for the care, protection, treatment, development and rehabilitation of juveniles through the child care institutions approved by the government.

The complex process of treatment covers various services and conduct activities. The main services for the treatment of juveniles who come under the conflict with the law are:

- (i) Intake and reception, diagnostic study and family relationship,
- (ii) Educational and vocational services,
- (iii) Basic services like food, clothing, drinking, and recreation, medical checkup etc.
- (iv) Religious services and moral education,
- (v) Discipline and behaviour modification,
- (vi) Social and psychological services, etc.

The juveniles are provided with all these services during their stay in the institution (Dharshan Kumar, 2003).

### **1.2. Juvenile Justice Care& Protection of Children) ACT, 2015**

Some notable summary of the JJ Act 2015 are given below-

The bill will allow a Juvenile Justice Board, which would include psychologists and sociologists, to decide whether a juvenile criminal in the age group of 16–18 should be tried as an adult or not. The bill introduced concepts from the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption, 1993 which were missing in the previous act. The bill also introduces foster care in India. Families will sign up for foster care and abandoned, orphaned children, or those in conflict with the law will be sent to them.



### 1.3. Functions of Juvenile Justice Boards and institutions in Tamilnadu

The juvenile justice system comprises of various agencies especiallylike this,Juvenile Justice Boards, and institutions (observation homes and special homes)

(iii) **Juvenile Justice Board:** The JJ Act 2000 mandates the constitution of Juvenile Justice Board in every district. Section 4(2) of the Juvenile Justice Act 2000, provides for constitution of a board which shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the First class, as the case may be, and two Social workers of whom at least one shall be a woman.

**For the juvenile in conflict with law, there are two categories of home: (1) Observation homes and (2) Special homes**

(a) Observation homes are meant for temporary reception of juveniles who are alleged to have come in conflict with law. Section 8 of JJ Act, 2000, provides for establishment and maintenance of observation homes in every district or in group of districts, such homes houses the juveniles during the pendency of any enquiry. There are eight observation homes in Tamil Nadu at present.

(b) Special homes – Section 9 of JJ Act, 2000 provides for establishment and maintenance of special homes in every district or in a group of districts. Special homes are meant for rehabilitation of juveniles in conflict with law. There are 2 special homes in Tamil Nadu.

(v) **Role of Social Workers who collaborate with Government and NGO's**

The social worker establishes effective linkages with government and NGO's' in the best interest and well being of the children. The participation of social workers enables a child-friendly atmosphere in the Board, and also reduces threatening situation to the child. The role of social workers assumes significance because they would counsel the child based on the need and refer to psychiatric help if necessary. The social workers also share their views on each and every decision being taken in Juvenile Justice Board (Srinivasan, 2012).

Thispaper entitled**Juveniles comes under the Conflict with the Law: A Case Analysis in Southern Tamil Nadu** is an outcome of a study conducted on the conditions of juvenilesdetained in three observation homes in the cities of Madurai, Trichy and Tirunelveli. At the time of the study, altogether5children were selected for case study method, because, these children who were charged the different cases and different family background and conditionsbesides, a fair portion of the data was obtained through observation. Official records served as excellence source of secondary data.

## II. RESEARCH METHODOLOGY

### 2.1 Area of the Study

The universe of the study is the children detained in the three observation homes located in the southern districts of Tamil Nadu viz, Tiruchirapalli, Madurai and Tirunelveli.

### 2.2 Objectives

- To describe the personal and family background of the Juveniles
- To gain insights about the nature of offences charges for commit by the Juveniles.
- To find out the family and other agencies influence on Juveniles involved the offences.
- To bring out the future plans of the juveniles who comes under conflict with the law



### **2.3. Sampling**

Purposive sampling was adopted for this study. Five different cases were selected from Observation home at Tiruchirappalli, had- 2 children, Madurai Observation home housed 2 juveniles, and the Tirunelveli home had – only one girl child.

### **2.4. Tool of Data Collection**

Case study and observation methods were used for data collection.

### **2.5. Analysis of Data**

Primary data were collected from the field with the help of a case study method. Secondary data were collected from relevant books, journals, magazines and web sites.

### **2.6. Duration of the Study**

The data collection work was done from September to October 2009 for a period of one month.

## **III. CASE ANALYSIS**

### **Case – I**

#### **3.1. Government Observation Home in Tirunelveli**

A girl child was 15 years old. Her educational status becomes nil. She was an only one daughter for her mother. Her father left their family and married another woman. Both, mother and daughter worked in a wealthy man's house and stayed in the same house.

One day she came to know that her mother was suffering from stomach pain because of a cyst. Doctors advised her to undergo an operation which will cost Rs.20, 000/- she worried very much for the money. This made she was to steal money from her master's house. The master suspected both the servant maid and her daughter and complained to the police. She was charged within offence committed by her and kept to Tirunelveli observation home and her mother was sent to Women's prison, at kokirakulam in Tirunelveli.

When the detention was over, none came forward to take her back home. Her mother was remanded in women prison. She believes that she did the offence for the sake of her mother's treatment. When the researcher went interviewed girl she was expecting help from some social trust for her mother's treatment.

### **Case – II**

#### **3.2 Government Observation Home in Madurai**

The boy, aged 15, His father is a barber and mother, a private school teacher. Who is the only son and has no criminal background in his family. When he was charged the offence for robbery, he was doing his 6<sup>th</sup> standard in a School.

One day, he went to a nearby temple as soon as his parents left home to their work. He tried to open the money box in the afternoon. Neighbor woman shouted at the scene. The villagers caught him and produced him before JM III court and the kept to the observation home in Madurai. Soon he got bail and came out his home. For the second time he tried the same act in another area, a nearby village. This time he selected a small shop and tried his hand to steal things. Again he was caught and brought to the home by the police. Finally he was in Madurai



observation home. The researcher observed this case, a juvenile may be learned the criminal behaviour from his peer groups or neighbor's.

#### Case – III

##### 3.3 Government Observation Home in Madurai

A boy, aged 17, His father and mother perform the traditional occupation of washing. He has two brothers and a sister. When he was studying 7<sup>th</sup> standard he along with his peer group committed illegal activities. He started to steal and spent the money for drinking, smoking, and for using drugs.

One day at Virudunagar, he stole a bicycle and spent the money for watching movie. When he came out he was caught by the police and presented him before JM III court in Madurai. He was detained in special home for two years. After detained in home he came back and continued his washing work.

Later this juvenile along with his friends stole air conditioned machine from ITI including a set of students uniform. They spent the money lavishly in drinking, smoking, using drugs etc with the money gained from selling the air conditioned machine. After few days unknowingly one of the friends wearing the ITI uniform came to play on their ground. The ITI students suspected the boy and caught him for enquiry and handed over him to police officials. This made him to enter the home once again.

Again he came back and continued the washing work. Later he was caught in a jewellery shop for stealing. Now for 6 1/2 months he was in Madurai observation home. The researcher observed this case of juvenile has a habitually deviant behaviour among him.

#### Case – IV

##### 3.4 Government Observation Home in Trichy

A boy aged 14, He was living with his mother and brother. His father is working in a foreign country. He was also truant with his peer groups. After school dropout the boy was mingle with elder friends. He started to steal money from his home and used it for smoking, drinking and even for drugs along with his friends.

At first he has stolen a bike and sold it for Rs.15, 000/- support with his elder friends and spent the money as he derived. He continued to commit the similar activities in some other places too. One day while riding the stolen bike police caught him and filed case. He was under 18 years so he was sent to Observation Home in Trichy. Verdict was given to remain in home until the case was over.

The prime reason considered for his offence is his father's absence. This made him to join with criminals and changed his life in a wrong path.

#### Case – V

##### 3.5 Government Observation Home in Trichy

A boy aged 17, He belongs to a reputed family. After completing 8<sup>th</sup> Std, he was joy fully spending his time with his peers in his village. He spent his time in playing cricket with boys were belonging to neighboring village. He faced problems with his play mates.

He got into clash with a same age boy of his village. Both quarreled while at play. He got anger and pushed him into a well, without the notice of others. Then he went back to his house. Next morning the victim parents rushed to the village crying that their son was missing. A boy, who things that he might have died, he revealed his parents the truth and surrendered himself in police station.



The police brought him and presented him before the court. The court ordered and detained him for his offence and kept under the care in the observation home. The researcher observed this case of juvenile who has not have any criminal intention but he was emotional and accidentally commit this offence.

#### **IV. RESULTS AND DISCUSSIONS**

- Out of the five cases two children are first time offenders. Rest of them involved the offence repeatedly.e recidivists.
- Majority of the juveniles' families belong to low income category.
- The children's' families do not have any criminal back ground as such.
- The more common offence committed by the children is theft.
- One female child involved the offence just to feed her starving mother. Hence poverty as a reason cannot be ruled out.
- An innocent child committed the offence unintentionally realized his unlawful behaviour only after detained in home.
- Lack of parental care, absence of parents, peer influence, lack of education has been the major causes for the offence committed by the juveniles.
- Many of the children housed in observation homes wish to go back to their families and support their parents.
- One among the juveniles wishes to go for higher education. He was also realized and regretted for commit the offence.
- Three of the respondents wish to remain in the observation home, because they express that they are cared well here than at their house.

#### **V. SUGGESTIONS**

Basic suggestions for prevention of delinquency and better adjustments with children by the Parents, the State, Public and like NGO's'

1. Training should be given to the parents who are not able to adjust with their children's behavior, by the family consellers'
2. Create the awareness about the moral education and behavioral changes among the school children by the school teachers, NGO's, counselors. (Our Former Chief Minister of Tamilnadu Selvi J. Jeyalalitha, was announced allocated fund for moral instruction classes to be conducted for pre-school children at Anganwadi centres, it's make them will be a better citizen in the future society. (Indian Express News dated on 21.09.2013).
3. Establishing child guidance clinics to give appropriate treatment to the disturbed and mal adjusted children in schools and all local areas especially rural and slum areas.



4. Counseling centre in every school should be established for early detection and care of the problematic children in the school (already many schools appointed a counselor for counseling to the problematic children)
5. General awareness programmes should be launched for educating the family to motivate the children in developmental activities.
6. Proper healthy recreational facilities should be provided in rural areas and slums so that the children may channelize their energies in the right directions and neutralize the criminal tendencies.
7. Giving proper assistance to under privileged children to build them with good character.
8. Government and NGO's should motivate the volunteers to regularly visit the every home, which has dealt children in conflict with the law.
9. Parents should pay sincere attention to children in order to know everything about them, especially their concentration about the new media (Internet, mobile phone, face book, Watsapp etc.
10. Media organization should be more aware on promoting children based programme especially developing moral education.
11. Censorship also needs to scan out the unwanted scene/ sequence in children programmes and others.
12. School teacher's must be avoid corporal punishment as well as forced children get marks, because most of the children who are dropout the school for fearing the school punishment, and etc. (Dr.P.Manorama, Former Chair Person of Child Welfare Committee, Chennai, said "Education should rather focus more on developing personality and character of Children than marks. Hence teachers should be able to nurture and enrich such qualities among students." (The Indian Express News on 16<sup>th</sup> June 2014).

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