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## Manifesto of the Assam government in tackling growing juvenile crimes

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### Abstract

The Juvenile Justice System in Assam has undergone needed but not the pivotal changes that the system demands over time. Assam ranks number one, among all north-eastern states when we talk about Juvenile Crimes. Each day the growing rate of Juvenile Crimes under the shadow of modernization and globalization, has not left Assam untouched. The timeworn Juvenile Justice structure in Assam has malfunctioned in multiple ways. The Government of Assam has been quizzical in updating the system from time to time, but the steps have failed to justify the enlarging toll of Juvenile Crimes in specific locations in Assam. While the government plans to take adequate steps to control the growing crime rates, new nature of crimes within the Juvenile Structure has been wrapping the Juvenile Justice System in Assam. A way out could be adopting and welcoming structured changes in the Juvenile Justice manifesto to tackle the 'new issues' that the system faces in Assam. Local bodies and the media houses can be a game changer in uplifting the status quo of improved status of Juvenile Crimes in Assam.

**Keywords:** Juvenile justice, government, emerging crimes, manifesto, Assam

### Introduction

"Justice consists not in being neutral between right and wrong, but finding out the right and upholding it, wherever found against the wrong." Theodore Roosevelt.

India as a country has not been in a quite applaudable position when we discuss about Juvenile Justice. The authorities in power has no doubt, tried to keep up with the manifesto of the world when it comes to adopting an approach towards Juvenile Justice, but have been lagging behind in fulfilling the peculiar demands of the system specific to India.

The word Juvenile is derived from the Latin origin word 'Juvenilis' meaning 'Youthful'. A juvenile is a child who has committed crimes not acceptable within the societal structure of functioning and who are not old enough to be treated as adults. These are children below 18 years of age, who get involved in crimes and criminal activity and hence are subjected to retention, rehabilitation, correction and punishment systems of the world (Kumari, 2015) [6]. To deal with adult crimes the adult criminal justice system is in place all over the world, where offenders are treated and punished based on the heinousness of the crimes committed. The approach towards children crimes are somewhat different, as it focuses upon giving a second chance to the child under the cover of rehabilitation, while not compromising the non-acceptable behaviour.

Juvenile Justice refers to the rules, mechanism, procedures, administration etc that are in place to deal with young offenders and provide justice to the victims. On one hand it focusses upon punishing the child for their criminal accounts and on the other hand it aims at rehabilitating the child by placing them in the custody of observation homes for an assigned period. The major crux of rehabilitation lies on the fact that the child deserves a second chance to improve his/her life and correct the criminal behaviour, cause he/she might have developed the delinquent behaviour under the influence of adults, broken families, drugs etc (thelegalquorum, 2023) [8].

Juvenile Justice system in India has evolved throughout ages, to suit the changing needs and nature of juvenile crimes. The first act to officially recognize juvenile crimes in India was the "Children Act of 1960". It was replaced by the "Juvenile Justice Act of 2000" with the aim of ratifying the 1989 protocol on the maintenance of children's rights adopted by the UN

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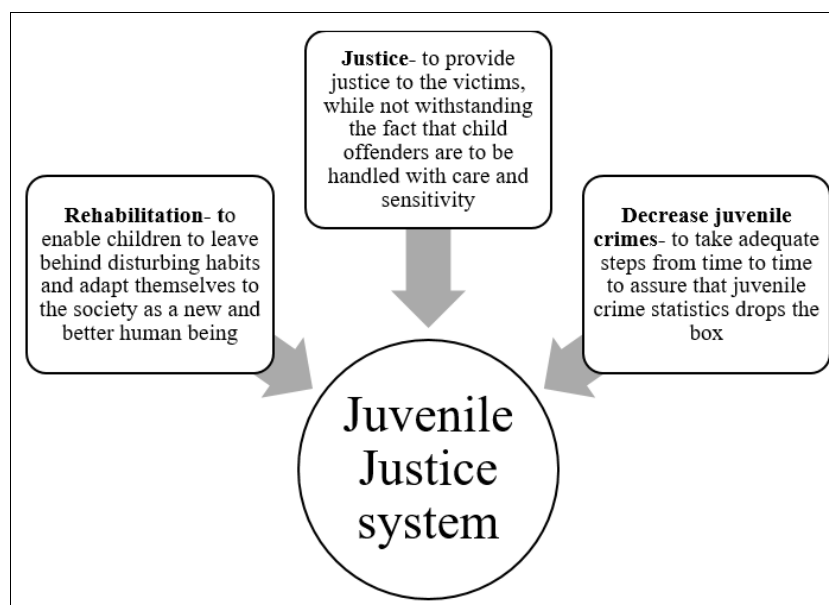
General Assembly. In time, due to deficient results, it was replaced by the “Juvenile Justice Act of 1986”. It was succeeded by ‘the Juvenile Justice Act of 2000’, which was again superseded by the “Juvenile Justice Act of 2015” (Juvenile Justice (Care and Protection of Children) Act, 2015, N.D.). This act makes a division between two groups of children-

- Children in Conflict with law- who have committed heinous crimes.
- Children in need of care and protection- who are poor, marginalized, disadvantaged and need special care.

#### Some of the defining features of Juvenile Justice Act 2015 are

- This act mandates compulsory registration of Child Care institutions.
- In case of heinous crimes, children belonging to the age group of 16 to 18 are to be treated as adults.

- It gives statutory status to Central Adoption Resource Authority.
- Lays greater emphasis on rehabilitation rather than punishment.
- Sanctions the opening of Juvenile Justice Boards for speedy trials and justice to juveniles.
- Emphasizes for the adoption of special children both inside and outside marriage.
- Signifies opening up of Special Homes for rehabilitation of juvenile offenders between 16-18 years of age.
- Provides for uncompromising punishments for offences against children. This includes offences such as child labour, sexual harassment of children, forcing children to engage in begging activities etc (Madan & Bansal, 2019) <sup>[7]</sup>.



Source: Researcher

**Fig 1:** The ultimate goal of Juvenile Justice system can be summed up as

The Juvenile Justice system which operates both in the centre and the units, in our Indian federation has brought quite impressive changes to meet the demands of changing nature of crimes. However, certain ‘areas’ needs reworking to bring the juvenile justice system to a equidistant position in assuring justice. This paper shall highlight how the Government of Assam has been dealing with the alarming rates of Juvenile crimes in the state, while backing the Juvenile Justice Act of 2015. Along with it, it shall throw light upon certain new issues that have entered the field of Juvenile Justice and shall suggest definitive measures to counter the same (Bajpai, 2019) <sup>[1]</sup>.

#### Methodology

The study is Qualitative in nature and it has collected data from secondary sources which includes official websites of the Government of Assam dealing with Juvenile Crimes, research articles, journals, books and reports cornering Juvenile Justice system in Assam. The researcher has collected primary data by using face-to-face interview through the use of open-ended questions. The interview was conducted with the officials working at Jorhat Observation Home, Lichubari.

The study is analytical in nature as the researcher analyzes the present system of Juvenile Justice system in Assam, focusing on its various segments such as steps taken to handle juvenile crimes, structure of probing crimes within observation homes, approach to improving the stay of juveniles at observation homes etc.

The researcher has used the method of content analysis in analyzing the government reports, media reports, articles and books available on Juvenile Crimes for understanding the crux of the issue.

#### Objectives

- To highlight the present status quo of Juvenile justice system in Assam.
- To bring into light the weak areas within the Juvenile Justice structure which requires re-working.
- To address the new issues that the Juvenile Justice system in Assam is facing.

#### Modus Operandi of Juvenile Justice System in Assam

The Government of Assam follows the orders and regulations of the Central Government with regards to administration of Juvenile Delinquency in the state. The

state does not have any peculiar policy or law to curtail juvenile crimes apart from the Juvenile Justice (Care and Protection of Children’s Act), 2015.

The state of Assam has kept its position intact since 2011 onwards, in topping the list of Juvenile Crimes in the city. While the statistics keeps on rising day by day, the steps taken does not justify the alarming crime rate. Most of the crimes committed by Juveniles centre around rapes, stealing, drug abuse, sexual harassment etc among youths in Assam.

The State Social Welfare Department is primarily entrusted with the responsibility of investigating juvenile crimes in the state and reporting it from time to time. But contrary to this, the Department has failed to gather enough data on prevailing crimes and to prevent it subsequently. This suggests a lack of attitude amongst the appointed officials to decrease the crime rate in Assam among juveniles. Also, no data is available online regarding the present status of Juveniles residing in various observation homes. The data available is not up to date. This is a denial of right to information of the citizens or victims of juvenile delinquency who cannot have direct or daily access to Government Data. (Chakraborty & Mali, 2023)<sup>[2]</sup>.

Juveniles are lodged in various observation homes during their correction period with the aim of rehabilitation and reintegration to the society. The state of Assam has only four functional observation homes and three child care homes since 2011 onwards. These homes are confined to Kamrup, Nagaon and Jorhat districts while the shelter homes run by NGOs are located in Guwahati.

**Analysis of Jorhat Observation Home**

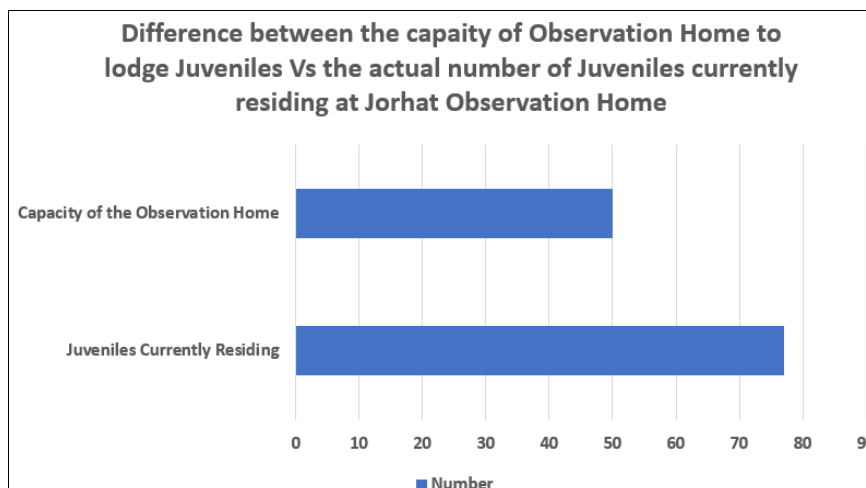
The Jorhat Observation Home set up in 1987 caters to over 11 districts - Jorhat, Golaghat, Karbi Anglong, Dibrugarh, Tinsukia, Sivasagar, Lakhimpur, Darrang, Udalguri and Sonitpur.

The researcher has conducted a study with a few members of Juvenile Justice Board, Jorhat, Lichubari which included Personal Assistant to the Principal Magistrate and staff members. The researcher undertook the study with the objective of understanding the practical functioning of observation homes in Assam and what structure of operandi do they follow while dealing with Juveniles on a daily basis. For the purpose of data collection, the researcher visited the Juvenile Justice Board and conducted a face-to-face interview with the members of the Juvenile Justice Board,

where the researcher asked few questions relating to observation homes, legal permissions required, process of collecting data of the Juveniles who have got bail in the past 10 years, total number of Juveniles presently residing in the Observation Homes, nature of inmates presently residing in the Observation Home (which was attached to the Juvenile Justice Board in Jorhat) etc. Also, during this stage the researcher came to know about the two new observation homes that are being constructed and hopefully to be completed in 2025, located in Sonitpur and Lakhimpur.

**The major findings of the interview are summed up as follows**

- The researcher got an estimate of total number of respondents residing in the observation homes.
- The researcher got to know about the rehabilitation formula being adopted at Juvenile Justice Homes in Assam. The officials stated that they do not have any actual pre-determined fixed plan with regards to rehabilitation. They carry out follow up rarely of the rehabilitated juveniles based on the data they have kept in their records. The Juvenile Justice Act of 2015, does not specifically address any procedure for locating the present state of life of rehabilitated juveniles.
- The researcher came to know about the new juvenile observation homes that are in the process of getting completed in Lakhimpur and Sonitpur.
- Another major finding of the research was that, the officials stated that most of the time the observation homes are overcrowded. While the total capacity of the Observation Home is 50 to 60, at times more than 100 juveniles are lodged in the observation homes, making it quite laborious for the authorities to manage them.
- Another discovery was that, the officials stated that the daily educational schedule planned for the month malfunctions at time. Only a single teacher is allotted for taking classes, who visits twice or thrice a week.
- The number of Juveniles keep on fluctuating every day. Some day the number goes down to 30 or 35 and some days it rises to 100. There is no fixed number.
- Juveniles from all the nearby districts are lodged at Jorhat, due to the lack of Juvenile Justice Observation Homes, to admit juveniles. Hence, the home is mostly overcrowded with less number of staff allotted for its functioning.



Source: Interview with officials of Jorhat Observation Home for boys, Lichubari

Fig 2: Status of Juveniles Lodged at Jorhat Observation Home, Lichubari

### Contemporary Trend in Juvenile Crimes in Assam

The 21<sup>st</sup> century has been witnessing a new and specified set of Juvenile Crimes. Assam recorded 3,397 cases of Juvenile Crimes in the past ten years and hence, stands out as the only north eastern state with more cases (Desk, 2019) <sup>[3]</sup>.

### Based on the statistics of various reports the Juvenile Crimes in Assam, has been showcasing the following trends

- **Gender Violence:** The news is everyday flooded with reports of children getting involved in heinous crimes such as rape, murder etc of young girls. Young children are becoming addicted to pornography and eventually start to develop non-acceptable behavior, which ultimately lands them in committing such heinous crimes. On April 20<sup>th</sup>, 2024 the body of a young girl was found dead and raped near Bongaigaon railway market.
- **Drug Abuse:** In the state of Assam, the major of juveniles are victims of drug abuse. While many steps are taken by the state police department to counter drug abuse among young kids, we can still observe young children managing to have 'dendrite' which is a gum officially banned in Assam due to the presence of intoxicating substances in it. These young children can be observed teasing girl students of Cotton University and Handique Girl's College in and around Dighali Pukhuri.
- **Lag of Fear among abusers:** A trend has been going on among juvenile delinquents of committing crimes and then spending few months in observational homes and then getting bail. This have made them fearless of the police and judicial system at place.
- **Stealing:** Juvenile crimes have moved from stealing chains, purses, money to actually getting involved in looting banks or breaking ATM's. The technique of stealing among juveniles have also shifted from minor thefts to huge financial outbreaks targeting larger audience.
- **Murders:** Cases of juveniles getting involved in murders due to petty fights, love affairs are also flooding in Assam.

### Few examples to cite would be the following

- Thirteen out of seventy-seven children are found to be HIV positive in the Jorhat Observation Home, Lichubari, according to a recent survey conducted in the month of august 2024. This suggests that that children have been using the same injection for taking drugs which is being circulated among the peers without appropriate scrutiny. HIV is a non-curable life threatening disease. This reflects negligence on the account of the staff of the Observation Home, who have failed to duly medically examine the children before officially registering them in the observation homes. This is a huge denial of the right to life and safety of the rest of the juveniles lodged in the observation home, who have now become easily susceptible to the disease.
- In 2022, a six-year old girl was killed by a 15 year old juvenile.
- On June 2022, five youth captured a minor girl and gang-raped her in Udalguri district of Assam etc.

### Debatable Issues at Hand

- **Lack of observation homes:** Trafficking prone

districts like Dhubri, Kokrajhar, Baksa, Chirang, Bongaigaon etc do not have any home. There are only three functional observation homes at Jorhat, Nagaon and Guwahati which remains overcrowded most of the time.

- **Lack of scrutiny of existing home:** Due to lag of proper scrutiny at observation homes, incidents of HIV, overcrowding have become prevalent in the state of Assam lately.
- **Delayed justice:** Various reports suggest that majority of the cases remain pending for months to years in the special juvenile courts dealing with juveniles and the victims of juvenile crimes, hence denying justice to the accused and the victim.
- **Lack of state specific policies:** Every state has a different pattern of Juvenile crimes, so does Assam. The crimes in Assam are mostly centred around drug abuse and child trafficking and hence strict policies concerning such crimes should be taken into account in Assam.
- **Poor rehabilitation mechanism:** The rehabilitation mechanism in Assam in particular and India in general is faulty in nature, without a proper structure or base. Rehabilitation is the most significant part of the Juvenile Justice system, yet have been kept ignored for long now.
- **Doubtful Crime control system:** Crime control system by the respective authorities is slow and faulty in nature. There exists lag of proper investigation and timely reporting of juvenile crimes in Assam.
- **Outdated structure:** The structure in place for appointment of staff, education, development and management of Juvenile Justice observation homes disclose a broken picture of assuring right to life and development of children lodged in those homes.
- **Gender question in place:** Very few observation homes are there in Assam to deal with female juveniles. Along with this, the governmental crime management strategy in place to adequately protect women in the state, has not been successful in protecting minor girls to fall prey to heinous crimes such as rape and murder.
- **Misuse of power by officials:** Many reports suggest that juveniles are tortured, beaten up and mistreated under police custody without the presence of their lawyer. This is denial of their right to security and also violation of Juvenile Justice Act of 2015.

### Way Forward: Future of Juvenile Delinquency in Assam

The government of Assam has planned to take the following steps, to improve the Juvenile Justice Delivery System in Assam

- **New observation homes:** The Government of Assam is all set to open two new observation homes at Lakhimpur and Sonitpur, one in upper and another in lower Assam to address the issue of excessive crowding in the present observation homes.
- **State Child Care Policies:** The Gauhati High Court have approved the approach of the Assam Government on adopting a Child Policy in Assam. It also aims at designing social audit process to cover requirements of three Acts namely Juvenile Justice (Care and Protection) Act, Child Protection Act, and POCSO Act (Dhingra, 2019) <sup>[4]</sup>.
- **Prerogative of the new laws:** The three new criminal laws which has become effective in India from 1<sup>st</sup> of

July 2024, namely Bhartiya Nyaya Sanhita replacing Indian Penal Code, Bharatiya Nagarik Suraksha Sanhita replacing the Code of Criminal Procedure 1973 and the Bharatiya Sakshya Bill replacing the Indian Evidence Act of 1872, consists of an entire chapter on women and children aiming protection and rights. One such important provision is that, child trafficking in various forms shall result in severe penalties. Gang rape of minors can result in death or life imprisonment.

### Conclusion and Suggestions

The state government have always kept its focus majorly upon tackling adult crimes and less share has always fallen on the part of Juvenile Crimes. The authorities in place also need timely scrutiny of their duties so that they remain duty bound. The above mentioned initiatives is pronounced step towards ushering in a new era of hope and practical result oriented justice for juveniles and victims of juvenile crimes. However, the following suggestions can also help in upgrading the Juvenile Justice System in Assam.

- **Improving the justice delivery system:** Improving the process of timely investigating, reporting and providing justice on time mechanism in Assam. This can happen only when the respected authorities fulfill their duties with utmost sincerity.
- **Timely Enforcement of orders:** It is necessary that the concerned authorities follow government orders without delay. On doing things, pending cases shall make way faster and in a better way.
- **Prompt Investigation of Observation Homes:** To cut delays and mismanagement, it is necessary that government assign officers to check the functioning of observation homes and place detailed reports on the same to assure that their specific problems gets to the rights ears on time and on the other hand they become punctual and disciplined towards their duties as a part of criminal justice system.
- **Improving the structure of Juvenile Crimes:** The structure of reporting, lodging and looking after juveniles needs proper re-working to cater to the needs of the new generation of juveniles who fail to adjust or properly develop under the observation homes and child care centres. Proper staffing, educational delivery, safety etc should be given top most priority.
- **Allowing criticism:** The Juvenile justice delivery system in general should allow and welcome criticism from various sectors of the society including media houses, NGO's, researchers etc. This shall ensure in determining the loopholes in the system faster and shall help in getting a vision of how to improve those lagging areas quickly.
- **Increasing observation homes:** More observation homes should be constructed in areas where crimes such as trafficking and rapes takes place in larger number. This newly constructed homes should not take away the old system in place, but instead should adopt new innovative ideas to help the juveniles rehabilitate better.

### References

1. Bajpai GS. Juvenile justice: Impact and implementation in India. London: Bloomsbury Publishing; c2019.
2. Chakraborty D, Mali DMP. Juvenile's mental health: an analytical study with a focus on Barak Valley, Assam, in North East India. J ReAttach Ther Dev Divers, 2023,

6(6s). DOI: 10.53555/jrtd.v6i6s.2271.

3. Desk SD. Juvenile crimes on the rise in Assam. Sentinel Assam; c2019 Jul 27. Available from: <https://www.sentinelassam.com/cities/guwahati-city/juvenile-crimes-on-the-rise-in-assam>.
4. Dhingra A. Rehabilitation of juveniles. iPleaders; c2019 Jun 23. Available from: <https://blog.ipleaders.in/rehabilitation-of-juveniles/>.
5. Juvenile Justice (Care and Protection of Children) Act; c2015. Testbook. Available from: <https://testbook.com/ias-preparation/juvenile-justice-act>. [Accessed 15 Aug 2024].
6. Kumari V. Juvenile justice in India. In: Zimring FE, Langer M, Tanenhaus DS, editors. Juvenile justice in global perspective. New York: New York University Press; c2015. p. 145-197. DOI: 10.18574/nyu/9781479826537.003.0004.
7. Madan D, Bansal A. Juvenile delinquency: Retribution or reformation? Supremo Amicus. 2019;14:52.
8. thelegalquorum. Juvenile justice system and reforms in India. The Legal Quorum; c2023 Jul 30. Available from: <https://thelegalquorum.com/juvenile-justice-system/>.