

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3815

ANSWERED ON:05.08.2014

CRIME BY JUVENILES

Azad Shri Kirti (JHA);Birla Shri Om

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether cases of crime/cognizable crime committed by juveniles are on the rise in the country;
- (b) if so, the details thereof along with the total number of such cases reported and the action taken against the guilty, cases solved/unsolved, juveniles convicted and the steps taken to improve the conviction rate along with the steps taken to solve all the cases during each of the last three years and the current year, State and crime-wise including murder, rape and robbery;
- (c) the reasons identified by the Government behind the increase in involvement of juveniles in such crimes;
- (d) whether the Government has received representations/requests from various organizations to lower the age bar for juveniles from the existing age of eighteen;
- (e) if so, the details thereof and the action taken by the Government in this regard; and
- (f) the details of the corrective steps taken by the Government to check such crimes in future along with the advisories issued to the States and Police departments in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJU)

(a) to (c): As per information provided by the National Crime Records Bureau, a total of 25,125 cases, 27,936 cases and 31,725 cases of juveniles in conflict with law were reported during 2011, 2012 and 2013 respectively, showing a rising trend. The state-UT wise details of cases registered against Juveniles in conflicts with law during 2011-2013 are enclosed at Annexure-I. The state-UT wise detail of disposal of juveniles arrested/apprehended (under IPC and SLL Crimes) during 2011-2013 is enclosed at Annexure-II. Increase in crimes was due to various factors and causes for which no specific issues / conditions can be specifically identified to isolate the cause.

(d) to (f): Ministry of Women and Child Development is the nodal Ministry and takes necessary action on enactment of various Acts and Amendments relating to children in consultation with the Ministry of Law & Justice. The Ministry of Home Affairs has no specific role in this respect. During the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 several issues had arisen, such as increasing incidents of abuse of children in institutions, families and communities, inadequate facilities, quality of care and rehabilitation measures in Homes. Delays in various processes under the Juvenile Justice Act, such as decisions by Child Welfare Committees (CWC) and Juvenile Justice Boards (JJB) leading to high pendency of cases, disruption of adoption and delays in adoption due to faulty and incomplete processing; lack of clarity regarding roles, responsibilities and accountability of CWC and JJB to address the heinous offences committed by children in the age group of 16 to 18 years and inadequate provisions to counter offences against children such as corporal punishment, sale of children for adoption purposes, ragging etc. An amended Bill was thereafter drafted and was sent to the Legislative Department, Ministry of Law & Justice for vetting. The Legislative Department suggested that since the numbers of amendments proposed in the existing Act were large in number, the existing Act should be repealed instead of being amended. Some stakeholders have suggested for amendments in the existing Act instead of repealing it. However, the Ministry of Women and Child Development has decided to repeal and reenact the existing Juvenile Justice (Care and Protection of Children) Act, 2000 on the advice of Legislative Department, Ministry of Law & Justice.

Further, "Police" and "Public Order" being State subjects under the Seventh Schedule to the Constitution of India, the State Governments are primarily responsible for prevention, detection, registration and investigation of crime and for prosecuting the criminals through the machinery of their law enforcement agencies under the extant and appropriate law(s), as also for protecting the life and property of the citizens. The Union Government, however, attaches highest importance to the matter of prevention of crime and therefore, has been advising the State Governments and UT Administrations from time to time, to give more focused attention to improving the administration of criminal justice system and take such measures as are necessary for prevention and control of crime.

The following Advisories were made to States/UTs for prevention of cruelty to women and children and in the implementation of various social justice measures for the upliftment of the weaker Sections of the Society and is also available in the website of Ministry of Home Affairs (<http://www.mha.nic.in/>).

- (i) Advisory on Crime against Women-Measures needed to curb issued on 04.09.2009.

- (ii) Advisory on Prevention, Registration, Investigation and Prosecution of Crime issued on 16-07-2010.
- (iii) Advisory on Arrest of an accused outside the State/UT jurisdiction issued on 16-05-2012.
- (iv) Advisory on 22nd April 2013 whereby the States / UTs were requested to raise the women representation in Police to 33%.
- (v) Advisory on Registration of FIR irrespective of territorial jurisdiction and Zero FIR was issued on 10.05.2013.
- (vi) Compulsory Registration of FIR u/s 154 Cr.P.C. when the information makes out a cognizable offence issued on 5-2-2014.