

POLICE ADMINISTRATION DEALING WITH JUVENILE DELINQUENCY

4.1 Police and Crime

The word ‘police’ is derived from the Greek word ‘politeia’ its Latin equivalent ‘politia’. The other derivatives of these Greek or Latin roots are ‘polity’ and ‘policy’. Politia stands for Citizenship, or State or Administration of Government. The Latin roots ‘politia’ stands for State or Administration or Civilization. The corresponding French word ‘poils’ means city or town.¹

Every society in every age has experienced the perplexing problem of crime.² Deviant behavior is often linked with anti-social or delinquent behavior in that the acts are often troublesome and disrupting.³ Administration of justice is the firmest pillar of the Government. For the maintenance of legal rights and for the prevention of wrongs and injustice, there must be efficient administration of justice according to pre-declared principles of law.⁴ Police play an important role in the administration of justice.

To a large number of people, the police appear merely in the role of an impersonal agency to suppress disorder and crime. They assume that, in achieving these objects, the police are at times forced to adopt doubtful codes of morality; and in consequence, they find it difficult to associate with the police a progressive and enlightened role.⁵

¹ Mullik ,B.N. (1967), *A Philosophy for the Police*, Civil Defence in Orissa, at P.22.

² Eldefonso, Edward; Coffy, Alen, & Grace, Richard (1974), *Principles of Law Enforcement*, John Wiley & Sons, New York, London, at PP.26-27.

³ Deshmukh,V.J.(2013), *Psychology of Social Workers*, Chandralok Prakashan , Kanpur, at P. 260.

⁴ Aggarwal, Nomita (2003), *Jurisprudence (Legal Theory)*, Central law Publication, Allahabad, at P.63.

⁵ Rao,S.Venugopal (2013),*Facets of Crime in India*, Allied Publishers, New Delhi, at P.180.

The ideal purpose of the police in a community can be best described in the following words which spell out the duties of law enforcement officers as laid down in the International Code of Enforcement Ethics:

As law enforcement officer, the fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence and disorder; and to respect constitutional rights of all men to liberty, equality and justice. But it is a universal phenomenon that the police have been criticized and condemned for committing the very acts which are just contrary to the cherished ideal expressed in the above words.⁶

4.1.1. Police structure under the Constitution of India

Item 1 and 2 in the State List of the Seventh Schedule of the Constitution of India provides for public order and police i.e. these two subjects are to be dealt by State Government. But there are certain situations when Centre can intervene in the law and order problems of States.⁷ Under Articles 256 and 257, the executive power of States is subordinate to that of the Union. Parliament is empowered to transfer any subject from State list to the Concurrent list in the national interest.⁸

4.1.2. Duties of Police in Administration of Criminal Justice System

The police are providing broad range of services to the public and to government. The police perform the following duties:⁹

- i. A duty to maintain law and order and to protect persons and property.
- ii. A duty to prevent crime.

⁶ Siddique's, Ahmad (2016), *Criminology & Penology with Victimology*, Eastern Book Company, Lucknow, at P.439.

⁷ Shukla, V.N. (2006), *Constitution of India*, Eastern Book Company, Lucknow, at P.955.

⁸ Art.353 of the Constitution of India.

⁹ Brown's, Thad F. (1957), article titled "*Crime Prevention and Youthful Offenders*" published in Police year Book, at P.38.

- iii. A responsibility for the detection of criminals and, in the course of interrogating the suspected person, they have a part to play in the early stages of the juvenile process.
- iv. Some responsibility for the decision whether or not to prosecute persons suspected of criminal offences.
- v. The duty of controlling road traffic.
- vi. Duties on behalf of Govt. departments.
- vii. A duty to be friend of anyone who needs their help.

4.1.3. The main functions of the Police

1. The first or traditional function of the police is to deal with the criminal in action. This function requires detection and investigation of crime, arrest of the offenders and the collection of evidence against who are prosecuted in courts of law.¹⁰
2. The second function of police is prevention of crime. In modern context, the prevention of crime by police includes the detection of juvenile delinquency and the reference of suitable cases to the Juvenile Courts and other correctional agencies. The important functions in this category i.e. relating to juvenile are:

(a) Court Referrals- Police officers generally bring in or summon young offenders to the police department's juvenile division and question, fingerprint, book and, if necessary, detain them. At the time of an arrest, officers decide whether to refer young offenders to juvenile court or to route these cases out of the justice system. Police account for most referrals to juvenile court.¹¹

(b) Status Offences- Police officers handle non-criminal behaviour known as status offences involving juveniles. Skipping school, running away from home

¹⁰ Supra note 9, at, P. 38.

¹¹ <https://work.chron.com/police-officers-roles-jvenile-justice-system-24909>. Accessed on dated 09.02.2018 on 7 P.M.

and violating curfews are status offences. Police also intervene in non-delinquent cases in which youngsters are reported missing or believed to have been abused or neglected. Officers investigate these situations by interviewing the alleged victims, their parents or guardians, school officials and others associated with the victims. Police departments often have crime units dedicated to juvenile matters.¹²

3. The third function of the police is owing to the growth of certain problems of the contemporary period involving the enforcement of a wide variety of regulations which are not concerned directly with the criminal. These functions include control of automobile traffic, enforcement of sanitation and licensing regulations, control of crowds, action against obscene literature and films, civilian defence and disaster management duty. Patrolling and Surveillance is another important function in this category.¹³ Surveillance by police is another important function which is based on anti-crime work.¹⁴

The police are an organized body of civil servants whose primary duties are the preservation of order, the security of person and the safety of property. The police system has been devised for the purpose of preventing evils and providing benefits. Therefore, the aims and objects of any organized police force would be:¹⁵

- i. To secure obedience to the laws by dealing with breaches, preventing their breaches and by detecting, pursuing and arresting the transgressors and bringing them before justice.
- ii. The preservation of order, protection of all law abiding persons, maintenance of public peace by stopping public disturbances and by enforcing hundreds and

¹² Supra note 11.

¹³ Dutta, Nalini Kanta (2009), *The Law of Crime and Correction*, Purbanchal Prakash, Guwahati, at P.242.

¹⁴ Ibid.

¹⁵ Supra note 1, at P. 28.

thousands regulations which a modern Government finds necessary to enact for public good , and

iii. To uphold the sanctity of the constitution in all countries.

The police are the primary constitutional force in a State for protecting the rights of the individuals in the exercise of their fundamental, legal and economic rights and for protecting and upholding the constitution itself.¹⁶

4.2. Police and Juvenile Delinquency

The mounting toll of juvenile delinquency is a major threat to crime prevention in recent decades. As rightly pointed out by Thad F. Brown the crime problem of the present time is to a large extent a problem of youthful offenders, which has menacing effect on society.¹⁷ In India, a comprehensive legislation on juveniles in conflict with law has been enacted called the Juvenile Justice (Care and Protection of Children) Act, 2000, which recognizes child as a national asset and casts an obligation on the State to protect and take care of juveniles and children and ensure development of their personality. Under the Juvenile Justice Act, special juvenile police units are to be formed in every Police Station which is to be supervised by the Head of Police of every district i.e. the Superintendent of Police. These Superintendents of Police are to work under the Inspector General Police of State.

The law recognizes that although prevention of crime is primarily police function but the parents, guardians and special homes for delinquent and neglected children can play a vital role in prevention of juvenile delinquency.¹⁸ The Centre has the duty to protect States from internal disturbances.¹⁹

For the administration of Juvenile Justice Act, it is necessary for each of the Stakeholders to understand not only their own role and functions to deal with the

¹⁶ Uglow, Steve (2008), *Criminal Justice*, Sweet and Maxwell, London, at P. 36.

¹⁷ Supra note 9, at PP. 77-80.

¹⁸ Paranjape, N. V. (2016), *Crime and Punishment Trends and Reflections*, Lexis Nexis, Haryana, at P.204.

¹⁹ Article 355 of the Constitution of India.

delinquent juveniles but also to understand the role and functions of all stakeholders, assigned by the Act. The police have a big role to play as a protective force. It is the police who first come in contact with the juvenile offenders. There are lot of scope for the police to protect the juvenile delinquents and neglected children. Such protective action may be started at the stage when the police first come in contact with the juvenile delinquents. Secondly, when the juvenile delinquents is released on bail or acquitted, police can protect him so that he does not further come in contact with any bad association or criminal group. And thirdly, police has a big role to play in probation where young offender is released on probation and finally, when a young offender is released from the corrective institution.

Arrest and detention is not the only function of police.²⁰ Police is the first major component in the juvenile justice system. They are often referred to as the 'gate-keepers' of juvenile justice system. The present day industrial society has a great bearing in the dynamism of police administration. Justice Severin-Carlos Versele has very rightly pointed out that the democratic policy of the authorities and the socialization of the public services through a new light on the role of the police in the state.²¹

Historically, the police are the first representatives of the juvenile justice network to encounter delinquent, dependent and abused or neglected children. The importance of the police in the juvenile justice system is considerable for this very reason. If the police decide not to take into custody or arrest a particular juvenile, none of the rest of the official legal machinery can go into operation. It is well established that a considerable amount of police discretion is exercised in handling juveniles.

²⁰ The Police and the Criminal Evidence Act, 1984.

²¹ Severin, Justice & Versole, Carlos (1961), *International Criminal Police Review*, August-September, at P.200.

Although the exercise of discretion is normal part of the police work. Police officers are sometimes are inconsistent of in the decision making process because of frequent ambiguity with respect to whether any formal rule of law applies in any specific case as well as variety of other factors.²²

4.2.1. Recommendations of different bodies as well as individuals from time to time regarding role of police while dealing with delinquent juveniles

The enactment of Children Acts in various States around the first quarter of the twentieth century brought about a significant change in the people's perception of police role in the prevention and control of juvenile delinquency. The Children Acts in various states envisioned an active cooperation of the police in the implementation of its various provisions, especially those relating to delinquency prevention, treatment of juveniles, functioning of Juvenile Courts/Child Welfare Boards, and after care of children released from correctional institutions. In regard to delinquency prevention, police were asked to be more careful while handling the juveniles. They were required to deal with children with understanding and dignity. In regard to treatment of juveniles, the police were asked to refrain from a punitive approach in favour of a constructive approach towards delinquent juveniles. In respect of the functioning of the Juvenile Court/Child Welfare Board, the police were directed to disrobe themselves while appearing before the Juvenile Court/Child Welfare Board. The directions put a ban on the practice of handcuffing children. The relevant rules provided that:²³

1. The police officer having taken charge of the juvenile and after having completed the initial interrogation is required to report the matter to the nearest Juvenile

²² Cox, Steven M.; Allen, Jennifer M.; Hanser, Robert D. & Conrad, John J. (2014), *Juvenile Justice*, SAGE, London, at P.190.

²³ Srivastava, S.P. (1989), *Juvenile Justice in India*, Ajanta Publications, Delhi, at PP.153-154.

Court/Board and handover the child to the custody of a remand home. All this should be completed within 24 hours of the child being taken charge of;

2. While arresting, escorting the child, the police should adopt a considerate and compassionate approach in handling the child;
3. Female constables should be made in-charge of girls accused of delinquent behavior; and
4. As soon as the child is arrested or bailed out, the police officer should inform the Probation Officer, in the area, the name and address of the parents and other particulars of the child, as to enable the Probation Officer initiate the social investigation in respect of the child, as early as possible.

For an effective implementation of the provisions, it was generally agreed that the police will perform the following functions in relation to juvenile:²⁴

- i. Identifying delinquents, potential delinquents, including neglected children, as early as possible and of conditions tending to create delinquency;
- ii. Investigation of children's cases;
- iii. Referral of such cases to Juvenile Court/Child Welfare Board or appropriate agencies for treatment or otherwise;
- iv. Protection of children through enforcement of laws relating to juveniles, regulation of places of commercialized amusement, and patrolling of public places;
- v. Protection of public life and property against the juvenile delinquents;
- vi. Rendering of general assistance in a variety of cases that have little relation of crime control or regulations, as for example, helping to locate lost or runaway children and returning them to their homes, counselling the parents or guardians on the need for better care etc.

²⁴ Mahmood, Bin Muhammad (1979), "*Police and the Children Act: Role of the Police in Dealing with Juvenile Delinquency*," Social Defence, Vol. XV, October, No. 58, at P. 34.

In 1952, Government of India invited Dr. Walter C. Reckless, a prominent American Criminologist and U.N. Expert on social defence. In his report, Dr. Reckless suggested that the police should be definitely instructed to develop a liberal policy of warning children, taking children home to their parents and rendering any other possible helpful service. He suggested further that the Government should make sure that only the most serious cases are brought forward by the police to the remand homes or the Children's Courts.²⁵

In 1954, a Committee appointed by the Conference of Inspector Generals of Police (popularly known as Rustamji Committee) reviewed the role of police and noted with some concern that the "Police in India have not been able to give adequate attention to the subject of juvenile delinquency owing to their preoccupation with law and order duties."²⁶ The Committee recommended that the Government of India and the State Governments should take the lead in stimulating thought and discussion on this subject and take appropriate measures to develop scientific approach, stressing preventive and not the suppressive aspect of police work in regard to the prevention and control of juvenile delinquency, as also in regard to the care, protection and treatment of children in conflict with law.²⁷

This question was subsequently discussed at length in the seminar on "Juvenile Delinquency: Role of Police", organized by the Central Bureau of Investigation in 1965²⁸. The Seminar felt that the police must play a positive role in preventing juvenile delinquency and in handling the delinquent children with firmness and sympathy. The Seminar stressed further that police should work in closer co-operation with child

²⁵ Supra note 23, at P.155.

²⁶ Shukla, K. S. "Role of Police in Juvenile Justice," The Indian Journal of Criminology and Criminalities, Vol-I, No. 2-3, June –September 1981, at P. 169.

²⁷ Ibid at P.169.

²⁸ Ibid.

welfare organizations and various allied human resource development agencies. The Seminar suggested that the police must take special measures for patrolling areas with high rates of crime and delinquency, examine the causes which produce delinquency and involve school teachers, parents and other public institutions in maintaining vigilance over children in the pre-delinquent stage. The Seminar felt strongly that in the majority of offences committed by children, there are adult offenders in the background who do not come to the notice, and therefore, police investigations should be specifically directed toward exposing such persons and preventing them from exploiting children. The Seminar also suggested that attempts should be made by the police to help children released on probation so as to facilitate their adjustment in the open community milieu. The specific recommendations of the Seminar were:²⁹

1. The police must play a positive role in preventing juvenile delinquency. Emphasis has also to be placed on efficient discharge of duties, particularly by the lower ranks which come more in contact with children.
2. There should be coordination of efforts and unity of approach among all law enforcement and social agencies dealing with children. The police should study delinquency areas to find out causes and their cures, and efforts should be made by them to secure the cooperation of schools and to get the teachers, parents and social and public institutions interested in the task of maintaining vigilance.
3. The police should take special measures for patrolling high delinquency areas. Special efforts must be made to protect children in places where their safety is in danger due to any reason. The police must also participate in organizing recreational activities for juveniles. It was also felt that the police could do much in enforcing laws and regulations concerning neglected and victimized children.

²⁹ Supra note 23, at PP.156-157

Special attempts should be made by the police in rehabilitating persons released from correctional institutions to enable them to adjust to normal life.

4. Police investigations have to be specially directed towards finding out adult offenders who exploit children for personal ends.
5. A more careful attempt should be made by the police, especially of the lower ranks, to avoid any unnecessary arrests and delays in prosecution or in production of witness.
6. The police should play a positive role in maintaining vigilance at the pre-delinquent stage by helping individuals and the community agencies to become aware of such problems. The Report of Delhi Police Commission (1966-68) revisited the subject and observed that the police can be of greatest service to the community in what is technically called Social Defence Work and help in eradicating the causes which lead to crime and other evils like delinquency.

Taking cognizance of new development in the field, the first ever Juvenile Aid Police Unit was established in Bombay in 1952. The main functions of the unit were:³⁰

1. To take special measures for patrolling in high delinquency areas where safety of children was in danger;
2. To organize recreational activities in the pre-delinquency areas;
3. To help women and children in trouble; and
4. To conduct raids at places of ill-repute and help women and children in moral danger.³¹

³⁰ Supra note 23, at P.157.

³¹ National Institute of Social Defence, “*Towards Delinquency Control*”, 1979, at P.49.

4.2.2. Delineation of Police Function in Juvenile Justice

There is a general consensus that police have a very important role in the prevention and control of juvenile delinquency, as well as treatment, rehabilitation and after care of delinquent and non-delinquent children. The primary function of the police in relation to juvenile delinquency is:

1. The detection of pre-delinquency and criminogenic situations and bringing these to the notice of parents, teachers and others with a view to taking timely corrective measures.
2. Location of destitute and neglected children and their referral to institutional/ non-institutional care so that they are not exploited by adult criminals;
3. Organization of recreational activities for children living in high delinquency areas, so that they could spend their leisure time in constructive activities under benevolent supervision;
4. Safeguard children from being exploited by adult offenders, exposing those who exploit children and take appropriate measures against the exploiters; and enforce the laws relating to children, especially those which deal with children in conflict with law.³²

In his attempt to categorize the police functions in respect of juveniles, Shukla has made a broad delineation of the police functions in juvenile justice³³:

1. At the Pre-delinquency Stage:
 - (a) location of geographical areas which are breeding grounds of delinquency;
 - (b) patrolling of delinquency and other areas that are susceptible for delinquencies;
 - (c) detection of young persons in moral danger.

³² Supra note 23, at P.160.

³³ Supra note 26, at PP. 169-170.

- (d) reclaiming 'strays' and 'runaways' with a view to their restoration to the guardians or institutionalization, as the case may be according to the judicial processes.
- (e) teaching the civic sense, traffic sense etc. to juveniles through lectures etc.;
- (f) parent-teacher counselling and bringing to the notice of the parents cases of truancy keeping undesirable company, small acts of delinquency etc. in time. In cases of problem children, the parents may be advised to consult child guidance clinics or a psychologist.
- (g) organizing police recreational programmes like boys clubs, youth camps, excursions etc.
- (h) dealing with all cases of juveniles who are uncontrollable, destitute, neglected, victimized, exploited etc.
- (i) investigation of all cases of missing children and restoring them to parents/guardians.

2. With Delinquent Children:

- (a) implementation of all laws relating to juvenile.
- (b) spotting and identification of youth gangs and rescuing juvenile delinquents from the gangs of kidnappers.
- (c) friendly warning and advice to juvenile delinquents, instead of prosecution for small acts of delinquencies.
- (d) investigation of cases of juvenile offenders with special emphasis on need to
 - i. conduct investigations into psycho-social and home background of the juvenile delinquents.
 - ii. take the help in this regard of child guidance clinics, social care workers, probation officers etc.

- iii. place such background material before the juvenile court or other relevant child-care bodies.
- iv. utilizing special methods of handling juvenile offenders after arrest.
- v. adopt sympathetic and human techniques of interrogation of juvenile offenders. and
- vi. use of liberal bail provisions.

3. The Rehabilitation of Released Juvenile Offenders:

- (a) helping and giving all possible assistance in the rehabilitation of released juvenile offenders.
- (b) maintaining benevolent and unobtrusive supervision over the released juvenile offenders in co-operation with probation officers; and
- (c) affording protection to released juveniles, especially juvenile probationers, against threats and victimization by their erstwhile associates in crime.

4.2.3. Role Conflict of Police while dealing with Juvenile Delinquency

Handling juvenile offenders can produce major 'role conflicts' for police. Role conflicts means conflicts police officers face that revolve around the requirement to perform their primary duty of law enforcement and a desire to aid in rehabilitating youthful offenders. They may experience a tension between their desire to perform what they consider their primary duty, law enforcement, and the need to aid to the rehabilitation of youthful offenders. Police officers' actions in cases involving adults are usually controlled by the law and their own judgment or discretion. In contrast, a case involving a juvenile often demands that the officer consider the "best interests of the child" and how the officer's actions will influence the child's future well-being.

Child Welfare Police Officer operate either as specialists within a police department or as part of the juvenile police unit of a police department. Their role is

similar to that of officers working with adult offenders to intervene if the actions of a citizen produce public danger or disorder. A desire to work with juveniles as well as aptitude for the work is considered essential for the job. Officers must also have a thorough knowledge of the law, especially the constitutional protections available to juveniles. Some officers undergo special training in the handling of aggressive or potentially aggressive juveniles.³⁴

Most officers regard the violations of juveniles as non-serious unless they are committed by chronic troublemakers or involve significant damage to persons or property. Police encounters with juveniles are generally the result of reports made by citizens, and the bulk of such encounters pertain to matters of minor legal consequence.³⁵ Of course, police must also deal with serious juvenile offenders whose criminal acts are similar to those of adults. Thus, police who deal with delinquency must concentrate on being peacekeepers and crime preventers.³⁶ Police intervention in situations involving juveniles can be difficult and emotional. The officer often encounters hostile behaviour from the juvenile offender, as well as agitated witnesses. Overreaction by the officer can result in a violent incident.³⁷ Role conflicts are common, because most police-juvenile encounters are brought about by loitering and rowdiness rather than by serious law violations.³⁸

Another role conflict arises in the use of juveniles as police informants. Informants are individuals who have access to criminal networks and who, under conditions of anonymity, provide information to authorities in exchange for money or

³⁴ Herz, Denise C., *"Improving Police Encounters with Juveniles. Does Training Make a Difference?"* Justice Research and Policy 3:57-77 (2001).

³⁵ Black, Donald & Reiss, Albert J., Journal, *"Police Control of Juveniles"*, American Sociological Review, 35:63 (1970)

³⁶ American Bar Association, *"Standards Relating to Police Handling of Juvenile Problems"* (Cambridge, MA: Ballinger, 1977) P.1.

³⁷ Samuel Walker, (1983), *the Police of America New York*, McGraw-Hill, at, P. 133.

³⁸ Joe, Karen A. *"The Dynamics of Running Away, Deinstitutionalization Policies and the Police"*, Juvenile Family Court Journal 46:43-45(1995).

special treatment. Police rely on informants, both adult and juvenile, to obtain evidence to make arrests in serious cases that the police may otherwise not be able to solve, such as gun and drug trafficking. Juvenile informants are also used in less serious cases where age is important to the crime- for example, when retailers sell cigarettes or alcohol to minors. Police must balance the need to obtain evidence and the vulnerabilities of juveniles in these cases. As Criminologist Mary Dodge notes, there is a need for a higher degree of scrutiny in the use of juvenile police informants and this practice should not be warranted in all circumstances.³⁹

Thus the police-juvenile role extends from the on the street encounter to the station house to the court. For juvenile matters involving minor criminal conduct or incorrigible behaviour, the police ordinarily select the least restrictive alternative, which includes such measure as temporary assistance or referral to community agencies. In contrast, violent juvenile crime requires that the police arrest youths while providing constitutional safeguards similar to those avail to adult offenders.

There are number of clues to which most police officers respond in making decisions about whether to take official action against a particular juvenile. These clues include the followings:⁴⁰

- i. The wishes of the complainant,
- ii. The nature of the violation,
- iii. The race, attitude, and the gender of the offender,
- iv. Knowledge about prior police contacts with the juvenile in questions,
- v. The perceived ability and willingness of the juvenile parents to co-operate in solving the problem,

³⁹ Supra note 38.

⁴⁰ Siegel, Larry J. & Welsh, Brandon C. (2013), *Juvenile Delinquency: Theory, Practice and Law*, Wadsworth CENGAGE Learning, United States, at, P.464.

- vi. The setting or location in which the encounter occurs,
- vii. Adolescents who are out late at night,
- viii. The age of the police officer,
- ix. Laws, statutes and ordinances.

A correctional and therapeutic way of looking to the whole affair has been encouraged. In the long standing controversy between ‘a man is a born criminal’ and “a man is a made criminal’, society is distinctly bending towards appreciating the idea of later. Prevention is heightened in the police task on every step of police administration and punishment.

4.2.4. Role of police in dealing with Juvenile Delinquency

Police discretion refers to an exercise of judgment by individual officers on what type of action to take in a particular situation. When evaluating the facts of a specific case, police officers arrive at decision points about whether to take official action or to resolve the matter unofficially, presumably in consideration of the “best interest of the child”.⁴¹ Police has to take a number of discriminatory decisions based on the age, offence committed, attitude of the boy, family background, living situation etc. The whole issue therefore involves:

- a. A special wing for the job.
- b. A system of training needed.

a. A special wing for the job:

Different States of India have different ways to tackle the issue. The problem of instances is felt with different intensity at different areas. Urban areas, cities, towns, industrial habitations etc. face this problem with heavy intensity. As for example,

⁴¹ Martin, Gus (2005), *Juvenile Justice Process and Systems*, SAGE Publications, London, at P.176.

Bombay has got a juvenile Aid Police Unit established in October 1952 as a section of the vigilance branch under the administrative control of Deputy Commissioner of Police, Criminal Branch.

b. A special training programme

It has been suggested in 1965 seminar by participants that a separate investigational special staff be entrusted with all juvenile cases. At the present rate of juvenile delinquency throughout it seems an improbable suggestion to have such special investigational staff with thorough training in child psychology and behavioural investigation, in whole of the country at all police station level. It is possible in heavy delinquency pockets like big cities, industrial towns, big railway junctions and loco sheds etc. A special wing is absolutely necessary for the city. The alternative is to give preliminary training to all Sub-Inspectors of Police at the entry point regarding handling of juvenile delinquents and appropriate laws.

Kratotcosky, couple has identified 5 major areas of police efforts in dealing with juvenile, viz:⁴²1. Discovery 2. Investigation of delinquency 3. Case disposition 4. Protection of the juveniles and 5. Delinquency prevention.

The identification is based on the environmental situation in which a police is posted. While generally agreeing with these identified area, in a country like India, the list arranged should emphasize 'prevention' in the matter, as is outlined under:

1. Mapping of delinquency area for the children based upon the socio-economic situation of the locality,
2. Close surveillance on the delinquency area so that delinquency is prevented
3. Discovery and investigation of delinquency
4. Case disposition
5. Guarding the interest of the juveniles so that they cannot come in contact with criminal.

⁴² Kratotcosky, Peter C. and Kratotcosky, Lucill Dunn (1979), *Juvenile Delinquency*, Prentice-Hall, New Jersey, at P.194.

4.2.4.1. Police as a Preventive Force

Prevention is better than cure, is true, not only in health hazard but also in social hazard like juvenile delinquency. Partition of India has caused a vast masses of people migrate to a new area and has forced them to live in a very small area shamefully. Even use of income has been choked. Sweet homes were deserted. With this came unplanned urbanization and the impact of industrial growth. All these created many areas of slums in cities and towns. The 1965, Seminar has very rightly observed that the police should play a positive role in maintaining vigilance at the pre-delinquent stage so that the act of delinquency is prevented. Therefore, in order to prevent acts of delinquency it is necessary that the police have to take various preventive steps, like

a. Mapping of delinquency area

Every police station has to prepare a map of delinquency area, based upon social studies by the investigational police. The areas having more propensity of delinquency breeding also supply most of the criminals to the society. These are also the breeding points of juvenile offenders. It is to be noted that an area may develop into a delinquency pocket with the migration tendency of the population from rural to urban areas or from restricted to unrestricted areas. For that reason an updating is always needed in the map. The map has to be kept at a conspicuous place in the police station.

b. To prepare list of type of delinquency

With the growth of urban life especially due to acute economic insecurity, unemployment and demolition of social values, new type of delinquency acts are being evolved. Every police station has to keep on records a list of type of delinquency with the suitable age group in the area and the process of specialization of delinquency activity in each delinquency area.

c. Detection of pre-delinquency activity

The detection of pre-delinquency and criminogenic situations and bringing these children to the notice of parents, teachers and others, as the case may be, with a view to take timely correction action is very important.⁴³ A list of pre-delinquency is to be made and kept in the record. These pre-delinquency activities are mostly found in the delinquency pockets previously noted in the map. These pre-delinquency areas are the places where most of the surveillance is to be kept so that this strong preventive action keeps the delinquency under control. It can be done in several ways i.e.

i. Constant police surveillance and police pickets.

The delinquency pickets are to be kept under close police surveillance both by way of force patrolling as well as in plain clothes. Slum areas, red-light areas etc, have to be thoroughly covered.

ii. Police sponsored recreation programme and boys clubs.

A police recreational programme may be conducted that may provide healthy recreation to the pre-delinquents. The recreational activities e.g. boys clubs for children living in high delinquency areas so that they could spend their leisure time in constructive manner under proper guidance and benevolent supervision⁴⁴. Prof R-Deb has noted that variety of such programme are being incorporated by US Police Force in their juvenile work. Common types of police programmes are police athletic league, police girls and boys clubs, base ball and foot ball league, police sponsored boys scout troops, police leading camp etc.

iii. Parent counselling

The family plays important role to control of juvenile delinquency. Family environment plays crucial role in the formation of an individual. Family is the only primary socializing agent in a society. But, the defective parental control of the children

⁴³ Sirohi, J.P.S.(2011), *Criminology and Penology*, Allahabad Law Agency, Haryana, at P.475

⁴⁴ Ibid at P.475

can help to become delinquent.⁴⁵ The police officials can also start parent counseling soon a child is found developing any delinquency trial. In suitable cases parents can be advised to take guidance from child guidance clinic as is frequently done in USA.

iv. Visit to clubs and motivating clubs for certain activities.

Boys clubs must be visited regularly and these clubs must be made oriented to take up social services like basti safai, running of nutrition centre, adult education programme and helping women and children in distress, besides playing various games. There has to be a constant dialogue for leadership development.

v. Places of ill repute to be raided

Places of ill-repute like Brothels, Unlicensed distillery centre, places of shutta and gambling etc. are to be raided often and helps must be given to women and children arrested from these places.

vi. Police attendance centre

Another noble experiment is the police attendance centre successfully run in UK Where it is found that a prolonged institutional encamped training is too drastic a penal step though probation is insufficient, young offenders are required to visit these police attendance centers regularly for a regular time. Usually they are to visit on Saturdays and study at the centre for about 3 hours. Boys are given physical training, training in handcrafts, in machine tools etc. Often lectures are also arranged. The system can be introduced in big cities and towns of India on an experimental basis.

vii. Anti-crime youth activity

Grown up boys above the age of 16 and young persons are to be encouraged to carry on anti-crime activity on a determined local basis, like forming resistance group, night patrolling party, police public co-operation group to resist crime etc.

⁴⁵ Sarkar , Chandana (1987), *Juvenile Delinquency*, Daya Publishing House, Delhi ,at P.154.

4.2.4.2. Police as a Detecting Force

The Primary function of the police as a detecting force concerns

a. Discovery and apprehension

- i. To treat the juvenile with consideration: In dealing with the juvenile it is essential to keep in mind that the treatment of police during the interaction with the juvenile will determine the future behaviour of the delinquent juvenile.
- ii. To be friendly: Many juveniles feel that the world is against them. Many juveniles are discouraged. They believe that they are failures though they have not had to time to be. Therefore, police must be conscious to deal with the juvenile and always maintain friendly relation with the juvenile so that juveniles feel that police is there to solve their problems and helps to live a better life in future and they are not their enemies. Police tends to be more lenient towards juvenile with regard to acts of delinquency.⁴⁶
- iii. To be strict: While dealing with juvenile delinquents police is expected to use intelligence, reasonableness and fairness. Police officer should behave strictly for the best interest of the juvenile. The key responsibility of police officer, whether designated as a Juvenile or Child Welfare Officer or not, is that the Officer, should always keep in mind that a juvenile in conflict with law is required to be handled gently.⁴⁷
- iv. To discover the child problem: Police should impart help in solving the problems of the juvenile.
- v. To try to gain his confidence and respect: While dealing with the juveniles Police should act in such way so that juveniles take police in confidence and respect them.

⁴⁶ Section 2(15) of the Juvenile Justice (Care and Protection of Children) Act, 2015.

⁴⁷ Patel, Bharat R. (2015), *Juvenile Delinquency*, Shree Niwas Publications, Jaipur, at P.142.

- vi. To remember that the child of today is the man of tomorrow: Someone has said that 'boys will be boys but he forgets that "boys will be man". A juvenile who hates a police officer because of the officers' abusive attitude to it as a man, have little respect in police officer.
- vii. To be positive in attitude: Police should help the juveniles to understand that it is always better to obey the social and legal norms of the society for a hassle free life.
- viii. Not to brand the delinquent juvenile: Police should not use epithets such as 'liar', 'bugger', 'forger' etc. to the juveniles whether they are in custody or in the presence of their parents or relatives.
- ix. Not to Resort to Vulgarity, Profanity, Obscenity: The use of vulgar, obscenity towards juveniles by police is especially reprehensible and should not be tolerated under any circumstances.
- x. Not to loose temper: Police should not loose temper while dealing with juvenile delinquent. Obviously, after hand-cuffing, it is discovered that juvenile is the accused, shall counter the approach underlined in the set. It is, therefore, advisable that a child accused, whatsoever the situation, is not handcuffed thereby injuring his personality.

4.2.4.3. Police as a Protective Force

Protective Measures when the Police first comes in Contact with delinquent juvenile

After detention of juveniles, police come to the contact with juveniles whether involving simple questioning or taking them into custody. The interaction is termed a police 'disposition'. Police dispositions technically refer any contact made by police officers regarding the welfare and safety of the juveniles, and they include interactions with both children in trouble and children in need. Dispositions are encounters that can

result in no action being taken, or extensive questioning, or referring youths to child welfare agencies, or taking juveniles before juvenile court. Initial contact refers to the first occasion of police intervention when juvenile break the law. The following options are available to the police when the juvenile first come to the contact:⁴⁸

1. Initial contact without a warning to the juvenile or parents. No official record is kept.
2. Initial contact with a warning to the juvenile or parents. No official record is kept
3. Initial contact with a formal record made to a juvenile authority.
4. Initial contact resulting in taking the juvenile into custody.
5. Initial contact by sending the case immediately to a juvenile Justice Board.

The police have played a big role as a protective force. Only a fraction of juvenile offenders coming in contact with the police are prosecuted. Naturally, since the police is the first contact with the juvenile offender there are lot of scopes for the police to protect the juvenile delinquents and neglected children from being further exploited in the social and economic threshold. Such protective action may be started at a stage when the police first come in contact with the juvenile delinquents. Secondly when the juvenile delinquent is released on bail or acquitted, police can protect his personal interest so that he is not further contaminated in any bad association with the exploiting criminal group. And thirdly, police has a big role to play in probation where a young child offender is released on probation and finally, when a young offender is released from the corrective institution the police can look into the matter of his social rehabilitation and cultural assimilation with the mass of the people.

⁴⁸ Supra note 41, at P.172.

As soon as the police come in contact with the juvenile offenders, the officer concerned has to understand the socio-economic background in which the child is forced to commit the crime. In this situation, a harsh treatment may retard the mental change, and too soft a handling may encourage repetition. Some of these measures outlined below may be incorporated in the Indian legal system with profit:

- (i) **Warning Instead of Prosecution:** It would be a step in right direction of the police at least in some cases to refrain from prosecuting juveniles and let them off with firm warning. The entire force should clearly understand its humanitarian role in this field without being unduly soft or overzealous towards the persistent delinquent. Such warning has cured many a delinquent. Under section 157 (1) (b) of the Cr. P.C the police is entitled not to move in some petty cases for trial or, for that matter, to investigate into it, police contact has to end in charge-sheet or in final report. Since the police do not have any right of warning at any stage of pre-delinquency or the stage of minor delinquency, there are two consequences:
 - a. Police ignore all these affairs by simply over-looking the matter. This result in an encouragement to the juvenile delinquents to go for further act of delinquents e.g. the problem of forceful collection of public donation in the name of religious function was not that problem in 1960's as it is now. At present, this problem has become a nuisance.
 - b. The police may take unnecessarily strong attitude thereby injuring the tender mind of the juvenile delinquents. If the police deals with the juvenile delinquency in all cognizable and non-cognizable offences in the same manner as are done in the case of adult accused. A juvenile delinquent may be a permanent loss to the society. He shall become a hardened criminal in

association with the criminals in the prisons and his attitude towards the society shall be repulsive.

Both these attitudes are extremes and the consequence is the same i.e. one may convert a juvenile to a confirmed delinquent by showing unnecessary latitude or by confronting him harshly indiscriminately. It is, therefore, necessary that the Police Officials should have the power of warning the young person's as well as the concerned parents at the pre-delinquency or petty-delinquency stage. Police should be given the power of discriminating for not prosecuting and releasing with warning the juvenile delinquents as well as the concerned parents and guardians.

- ii. Occasional parents and guardians meet: Juvenile delinquents released after admonition and under the care of the parents and guardians must be always under the protective surveillance. Special Juvenile Police Unit and the guardians of such juveniles must meet periodically to assess the development of the child.
- iii. Waiver: No waiver of rights of the child or juvenile in conflict with law, whether by himself or the competent authority or anyone acting or claiming to act on behalf of the juvenile or child, is either permissible or valid. Non-exercise of a fundamental right does not amount to waiver. This principle is very important in the interest of juvenile, as it provides that none of the stakeholder can waive any right of juvenile at any stage, while they are representing the juvenile. If, any of the right is violated, the juvenile is entitled to get the compensation and judiciary has followed this principle in granting the compensation to the victim juvenile.⁴⁹

In case of a heinous offence alleged to have been committed by a child, who has completed or is above the age of sixteen years, the Board shall conduct a

⁴⁹ Malik, Krishna Pal (2012), *Administration of Juvenile Justice in India*, Allahabad Law Agency, Haryana, at P. 95.

preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, and pass an order in accordance with the provisions of section 18(3) of the JJAct, 2015. Provided that for such assessment, the Board may take the assistance of experienced psychologists, social workers or other experts.⁵⁰

- iv. Protective measures while on Bail or in Custody: It is the responsibility of the police to see that a child accused is not further subjected to the association of hardened criminals either during the custody or when he is given bail. In fact, the bail of a child accused can be refused if it is not ensured that after getting bail the juvenile accused is not likely to come in contact with hardened criminals outside. Once the bail is given, the police shall have to keep track of the boy without giving him an impression that every act of his are being under surveillance. At this stage, it has to be remembered that if the boy is given the feeling that each of his action is under police eye and the police is closely toeing him, he is very likely to become rigid in his way of life and the general personality in him cannot develop. As such, while keeping an eye on the boy, the police must have two objectives. These are -
- a. to protect the juvenile accused from further physical and social contamination
 - and b. to save the life of the juvenile accused from the wrath of the hardened criminals.
- If the juvenile is not given the bail and is taken into custody it is to be seen that he is forwarded to Reception home at the quickest opportunity so that he is not to live with other criminals either in the police custody or in the jail. When a juvenile accused is arrested he is kept in the thana custody like an ordinary criminal, and is also treated as such. Imprisonment is still the main way of

⁵⁰ Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

treatment of the juvenile accused. It is already been noted that about 30 % of the juvenile accused are sent to prison. Almost 12 to 15 % of prison population is composed of children below the age of 18 years.⁵¹

The Juvenile Justice Board while considering a bail application will seek the police's response to the same. Sadly, it has been observed that most police responses habitually oppose the grant of bail on grounds other than those prescribed under Juvenile Justice (Care and Protection of Children) Act, 2000. It must be noted that the three conditions set out in juvenile legislation are present only in rare cases, but the police lack the magnanimity to accept the actuality.⁵²

- v. Police as a Protector of delinquent juvenile after release by court: There is no denying the fact that the police can take a very vital role as an After Care Organization. There are two processes of providing treatment to a juvenile accused i.e. either indoor or outdoor. It is always better to have an outdoor treatment i.e. leaving the boy under the care of their parents in their home situation and administering therapy while the boy continues to be at home. It is to be remembered that when a person is at home his criminal propensity generally is the minimum. As such, in the home condition itself, there is a maximum probability of correction, unless of course, the whole condition is absolutely uncongenial or it is a breeding centre for criminal. It has already been seen that gradually outdoor treatments are becoming the most important ways of punishment in child delinquency, like, releasing the boy after admonishing, repatriation, released on bond and under supervision and finally released on probation. When the boy goes home with the other members of the family, he has to be under protective

⁵¹ Mitra, N. L. (1988), *Juvenile Delinquency and Indian Justice System*, Deep and Deep Publications, New Delhi, at P. 232.

⁵² Shanker, Saumya (2018), *Female Delinquency*, Rawat Publications, New Delhi, at PP.143-144.

surveillance off the police. Probation is generally the most effective and economic way of treatment. It is effective because, it is keeping with the principle of psychology which instructs that a child can grow at his best in his natural surroundings. But for the effective working of outdoor treatment there is to be close co-operation between the probation officer and the police. Obviously then, the police must show inclination for helping the Probation Officer in their surveillance work.

4.3. A New Approach to Police Administration

The areas where juveniles commit crime are very special and sensitive; therefore, specially trained police force needs to be deployed in those areas. The first U.N. Congress on the Prevention of Crime and Treatment of Delinquents held in Geneva in September 1955 has resolved that the general organization of police services for juvenile should be composed of specially trained police officers. A thorough training and commitment is necessary for the brand of police officers handling this delicate age group. They are to be conversant with child psychology and social treatment, collective behavioral attitude and above all, the techniques of handling them with human qualities. Our police in general are not well educated. The delinquency prevention programme can not be effectively chalked out and implemented by untrained staff. The State should take steps to train the police staff. They should have knowledge of child psychology. The Police should behave with the child with sympathy and not in the same way in which it deals with the adult offenders. The women have better understanding of children. They can better handle the child. It is desirable if the juvenile delinquents are dealt by the women police.⁵³

⁵³ Chakrabarty, N.K. (1997), *Administration of Criminal Justice*, Deep& Deep Publications, New Delhi, at P.40.

The section 107 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is analogous to Section 63 of Act, 2000 with cosmetic changes here and there. This section speaks of creation of Special Juvenile Police Unit in every police station under a police officer with aptitude and appropriate training and orientation who may be designated as the Juvenile or the Child Welfare Officer who will handle the child in co-ordination with the police. The main aim is that the treatment of the child should be upgraded and the whole situation should appear in practice that the principle of “parents patriae” is exclusively followed. It is not to be forgotten that the relationship between police and Juvenile offenders, from time immemorial, had always been that of poles apart. The designated officer must enshrine in himself the spiritual sermons given by the Beijing Rules and Riyadh Guidelines. The first contact between the police and the child in conflict with law starts when the child is apprehended for an alleged commission of an offence. This first contact if it is punctuated with abusive interrogation techniques accompanied with torture, the principle of “parents patriae” shall evaporate in no time. Before the designated officer, two situations will arise when the child is alleged to have committed an offence. The latter situation is warranted and is expected to call the role of police as highly laudable.⁵⁴

4.4. Supreme Court Guidelines on Role of Police while dealing with Juvenile Delinquency

Landmark Judgment of the Supreme Court on Special Juvenile Police Unit

- i. **Sonam Palden Bhutia v. State of Sikkim**⁵⁵ : It is a Public Interest Litigation which registers the grievances of non-implementation of the provisions of Act, 2000. The High Court gives the direction that the respondent i.e. Government shall constitute

⁵⁴ Nalwa, Suman, and Kohil, Hari Dev (2016), *Commentary on the Juvenile Justice Act*, Universal Law Publishing, Haryana, at PP.328-329.

⁵⁵ Sonam Palden Bhutia v. State of Sikkim, 2010 Cr.LJ 491.

Special Juvenile Police Units as envisaged under section 63 at an early date preferably within a period of 4 months.

ii. **Sampurna Behura v. Union of India**⁵⁶ : In this case the Apex court directed that the Home Departments and Director Generals of Police of the States /Union Territories will ensure that at least one police officer in every police station with aptitude is given appropriate training and orientation and designated as Juvenile or Child Welfare Officer, who will handle the juvenile or child in co-ordination with the police as provided under section 63(2) of the Act. The required training will be provided by the District Legal Service Authorities under the guidance of the State Legal Service Authorities and Secretary, National Legal Service Authority will issue appropriate guidelines to the State Legal Service Authorities for training and orientation of police officers, who are designated as the Juvenile or Child Welfare Officers. Each police station should have such Special Juvenile Police Unit which should be assigned the following:⁵⁷

- i. Supervisory field work: It should initiate steps to prevent juvenile delinquency at the levels in all forms. This would necessitate intensive fieldwork including surveys, identification of juvenile and child delinquency and collection of socio-economic data about delinquent's family background. The Unit should maintain detailed records and periodical statistical reports about juvenile delinquents i.e. juveniles in conflict with law.
- ii. Co-ordination: The Special Juvenile Police Unit should coordinate and maintain close liaison with social welfare agencies, Juvenile Justice Boards, Observation Homes, Children Homes, Shelter Homes, etc. and also members of the Child

⁵⁶ Sampurna Behura v. Union of India, (2011) 9 SCC 801.

⁵⁷ Paranjape, N.V. (2011), *Criminology & Penology with Victimology*, Central Law Publications, Allahabad, at PP.604-605.

Welfare Committee and also help the Probation Officers in keeping surveillance on the juveniles in conflict with law .

- iii. Counselling: The Police personnel constituting the Unit should be well trained in counselling services and they should seek co-operation of psychologists, psychiatrists, medical jurists etc. to know about the personality, habits, etc. of juveniles who are persistent delinquents or addicts.
- iv. Training: In each Juvenile Police Unit, there should be at least one officer with aptitude and appropriate training and orientation in child welfare who should be designated as Child Welfare Officer.
- v. Police and Rehabilitation of Juveniles: Police has also a role in rehabilitative and socialization approach of the juvenile delinquent released from institutions. When a juvenile delinquent is released from the indoor institutional treatment system, he is not readily accepted by the society. Howard Becker propounded his theory in 1963, which does not deal with the question as to why a person becomes a criminal but argues that the society labels some people as criminals or deviants. According to him the criminal or deviant is one to whom the label has been successfully applied, deviant behaviour is a behaviour that people so label. Becker suggests that in one sense there is no such thing as deviant act. An act only become deviant when others perceive and define it as such. For example, some person who drinks heavily are called alcoholics while others not. Thus there is nothing intrinsically normal or deviant. It only becomes deviant when other labels it such, whether or not the label is applied will depend on how the act is interpreted by the audience. This in turn will depend on who commits the act, when and where it is committed, who observes the

act and the negotiations between the various factors involved in the interaction situation.⁵⁸

Initially the individual is labelled as deviant. This may lead to his rejection from many social groups. He may be rejected by his family and friends, lose his job and be forced out of the neighborhood. This may encourage further deviance. Because of this denial the deviant develops illegitimate routines. He joins the gang which supports and justifies his activities and identities. The young person is socialized into the criminal sub-culture and become a full criminal.⁵⁹

The police has played important role for rehabilitation of Juvenile. The police have to see that community is made conscious about their duty to socialize him and he is allowed to carry on his normal social functioning. Generally he is economically oppressed so much so, that finally he is almost thrown to the gang of criminals ultimately. This is really a dangerous situation. It has been seen that almost 13 juvenile delinquents of every hundred juvenile offenders commit subsequent offence and become converts. The present social attitudes against the criminal are such that a coercive force may be necessary to arrange for rehabilitative work for the juvenile delinquents. Therefore, a strong motivated police administration backed by local community or such administration is necessary for socializing such juvenile delinquent released from institutions. The Police and the community have to make many rehabilitative schemes for the socialization and rehabilitation of these types of juvenile delinquents, so that gradually they are assimilated with the society. Unless police work for prevention of crime by trying to socialize delinquents and attempt to rehabilitate them in close association with the community instances of delinquency shall increase.

⁵⁸ Sharma,D.D.(1996), *Young Delinquents in India*, Printwell, Jaipur, at PP.28-29.

⁵⁹ Ibid.

According to Justice Jasti Chelameswar, the key responsibility of Police Officer, whether designated or not, is that the Officer should always keep in mind that a juvenile in conflict with law or a child in need of care and protection, is required to be handled gently and cannot be treated on par with persons, who are, otherwise, called criminals.⁶⁰

vi. Women Police: It may be stated that the Committee on Women Prisoners headed by Justice Krishna Iyer, recommended deployment of women police for handling women and juvenile offenders and neglected children because in the opinion of the Committee “women have greater potential to cool, defuse and de-escalate many situations.”

4.5. Guidelines for Police Officers of Special Juvenile Police Unit in relation to Children in Conflict with Law (CCL):⁶¹

For the effective and better implementation of the provisions and rules of Juvenile Justice Act the Hon’ble High Court of Delhi constituted a Juvenile Justice Committee. The Committee was chaired by Mr. Justice Madan B. Lokur. The Committee prepared the guidelines for the Special Juvenile Police Unit to bring about a healthy change in mindset of the police while dealing with Child. These are

1. Best interest of child should be prime consideration in all acts done.
2. Police Officers dealing with Child in Conflict with Law (CCL) should follow the provisions of Juvenile Justice Act.
3. After apprehending the CCL, the concerned police officer shall inform the Child Welfare Officer, parents or guardians of the Juvenile and Probation Officer.
4. A Police Officer dealing with a CCL should always be in plain clothes.
5. The power of apprehending shall be exercised only in case of his/her alleged involvement in a serious offence.

⁶⁰ Hansaria, Vijay & Jose, P.I. (2012), *Juvenile Justice System*, Universal Law Publishing Co., New Delhi, at P.17.

⁶¹ <https://mphc.gov.in/PDF/JuvenileJustice/j4-060314> .Accessed on 25.02.2019 at 7 P.M.

6. In offences of non-serious nature, the apprehension and FIR is not required.
7. Where a Child in Conflict with Law is released on bail and is handed over in custody of his parents/ guardian, the Police Officer/Child Welfare Officer/Juvenile Welfare Officer shall arrange for necessary counseling for the child as well as his/her parents/ guardians.
8. The apprehended child is to be produced before the Board within 24hours.
9. Till the time custody of a Child in Conflict with Law remains with Juvenile/Child Welfare Officer, he/she is not to be kept in a lockup or a prison nor should he/she be confined with an adult accused.
10. A Child in Conflict with Law should be informed promptly and directly of charges against him/her, if appropriate, through his/ her parent or legal guardian.
11. Child in Conflict with law should be given an opportunity of being heard and to express/his/her views/defence freely.
12. Appropriate assistance like medical aid, assistance of interpreter, and/or any other such assistance which Child in Conflict with Law may require should be provided to him/her immediately.
13. A Child in Conflict with Law has right to family protection. Immediately upon apprehension of a child earnest efforts should be made to contact biological family of such a child at the earliest. However, best interest of child should always be kept in mind and custody of a child should not be handed over to his/her family if it is not in the best interest of the child.
14. A Child in Conflict with Law is presumed to be innocent until proven guilty according to law and therefore should not be compelled to confess guilt.
15. Cruel and /or degrading treatment of a Child in Conflict with Law in any manner whatsoever is absolutely prohibited.

16. Child in Conflict with Law is under no circumstance to be handcuffed, or put on fetters.
17. A female CCL should be kept in charge of a female Juvenile/Child Welfare Officer.
18. His/her privacy is to be fully respected.
19. No information that may lead to identification of Child in Conflict with Law should be published by police either directly or indirectly.
20. The police officer investigating the cases involving a Child in Conflict with Law should collect age proof of such a child at the earliest.
21. In case no document of age of the Child in Conflict with Law is available then he/she should be examined by a duly constituted Medical Board for opinion as to the age.
22. The investigations shall be completed by the Investigating Officer within a period of 3 months from the date of filing of the complaint or lodging of FIR/DD entry and if it is not completed within this time the case shall be treated as closed.
23. The Police officer from Special Juvenile Police Unit dealing with Child in Conflict with Law should be fully aware of the Place of sitting of the Juvenile Justice Board.
24. A list of designated Juvenile/Child Welfare Officers as well as the Members of Special Juvenile Police Unit (SJPU) with contact details should be permanently displayed in all police stations.
25. Apprehended children should be treated in a manner which takes into account of their needs considering their age.

26. All guarantees and protections which are accorded to adult offenders, under any law or rules, have to be made available to every Child in Conflict with Law upon apprehension.
27. There is need of promoting the child's reintegration and encouraging his or her constructive role in the society.
28. Record of a Child in Conflict with Law must be kept strictly confidential.
29. A police officer should also make sincere effort to protect rights of children.

4.6. Police collaboration with schools

A plan for true collaboration between the schools and the police is essential. Crimes by juveniles in school are not new, but authorities generally agree that the problem has grown increasingly worst during the past decade. Police can sometime find out about a child's trouble even before the school authority, for some children apparently get along well in school but are in serious trouble outside of school hours.⁶² In such situation the Police in collaboration with the school authority should organize awareness programme regarding alcoholism and drug addiction by juvenile and resultant delinquency by them and measures for prevention of it. Police from time to time should inform the school authority about the delinquency committed by juvenile concerned who is studying in the particular educational institution to combat the juvenile delinquency.

In modern criminal justice system in the twentieth Century, police play important role for maintaining the law and order of the society. In the research study, it is found that the police can inspect, investigate and control places where young people may gather and come in the contact with unwholesome influences so that such persons,

⁶² Singh, S. P. (2010), *An outline of Juvenile Delinquency*, Sublime Publications, Jaipur, at P. 210.

places and conditions contributing delinquency can be detected and suppressed or eliminated. The researcher has found that police should ensure that the children in delinquency prone areas are engaged in constructive activities and not exploited by adult criminals. In present society, police has also a role in rehabilitative and socialization approach of the juvenile delinquent released from institutions. The police must be alert enough to control the delinquent juveniles so that they carry a normal social life in the society.