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PERSECUTION OF PREDATORY CRIMES

EXECUTIVE SUMMARY

The research paper is a meticulous study of the Predatory offences and the offences against the children of the society. The authors of the research paper would like to study the crimes which are on the children and the offences by the children of the society. The offences on the children are to be defined as the Predatory Crimes. The predatory crimes are that involves conscious intent and preparation to act on a vulnerable target. The authors would study the social facts and implementations of such offences and the difference from the laws. The legal research questions are with regard to the implementation of the PREVENTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012. There must be a line of comparison drawn with the PREVENTION OF CHILDREN FROM SEXUAL OFFENCES (AMENDMENT) BILL, 2019. The study of the Public Interest Litigation

which was filed in the Supreme Court of India regarding the actual implementation of the Prevention Of Children From Sexual Offences Act, 2012. The research methodology to answer the research question is the amalgamation of the arm chair research and the field research. The empirical field research is of the detailed study of the Juvenile Justice Board, Jhabua (Madhya Pradesh) and the Juvenile Justice Board, Chandigarh. The research paper also produces a study on the importance of sex education for the children of the society. It includes the practices like child pornography from internet and other media devices as well. The authors would study the actual cases of the offences against and by the children in the District Court of Shimla (Himachal Pradesh) and District Court, Jhabua (Madhya Pradesh) as well.

INTRODUCTION

The research paper is a meticulous study of the Predatory offences and the offences against the children of the society. The authors of the research paper would like to study the crimes which are on the children and the offences by the children of the society. The assessment is when a heinous offence is committed by a child &/or the kid over the age of 16 years. The proceedings for the children are separate as well. The maturity level is the important argument to the liability and the punishment in it. The earlier times would present that the proceedings and the liability was fixed by the APPLE AND THE DOLLAR EXPERIMENT in it.

If the child would choose the apple over the dollar, he would be considered as the immature individual and the police may not arrest the individual. If the child would choose the dollar over the apple, he was considered to be the mature individual and the police can not arrest the individual. In the present times the police may arrest the children if they believe they are liable for a crime. The child may not be kept in the prison of the state. The police may arrest children who have run away from the institution where they were placed under the Juvenile Justice Act, such as the Observation Home, the Special Home or the Place of Safety in it.

The Children under the 7 years of age are completely excluded from being prosecuted under criminal law. The 'doli in capax' would mean that the child is incapable of understanding the consequences of the crime.

The children between the age of 7 years to the age of 12 years are excluded if the courts thought that they did not understand the consequence of their actions.

JUVENILE JUSTICE ACT

The Juvenile Justice Act would work to achieve the objectives of the UNITED NATIONS CONVENTION ON THE RIGHTS OF CHILDREN as ratified alongwith the other nations, by the nation of India. It would provide the procedure and the similar safeguards in the cases of the children in conflict with law. The term JUVENILE has been redefined from the children in conflict with law by the Juvenile Justice Act, 2015. The police stations must have the officer which is for the child welfare protection.

The SECTION 15 of the Juvenile Justice Act, there are the special provisions for the children who have been the offenders for the committing of the Heinous Offences which are provided in it. There are the Adoption Procedures for orphaned and the abandoned children, in the Chapter 7 of the Juvenile Justice Act in the CENTRAL ADOPTION RESOURCE AUTHORITY (CARA) in it. There are the punishments for not complying with the procedure. There are certain offences committed against children in like there is the procurement of children. There are the various social rehabilitation measures which have been provided for the children in conflict with law and the children in need of care and protection in it. There are the institutional care, the education, the health, the nutrition, the de-addiction, the treatment of diseases, the vocational training, the skill development, the life skill education, the counselling, and etc which would be assume a constructive role in the society.

JUVENILE JUSTICE BOARD

The Juveniles accused of or detained for the crime are brought before the Juvenile Justice Board under the JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT 2000 (AMENDED IN 2015). Under the act and provisions of the criminal procedure code, the children are not to be taken to a regular criminal court. The purpose of the individual court is, the main aim for the punishment process, is the Socio-Legal Rehabilitation and Reformation of the individual. The purposes were to hold a convict to the culpable for their criminal activity, not by the punishment, but counselling of the child to understand their actions and to persuade them away

from criminal activities in the future. The composition of the Juvenile Justice Board consists of the Metropolitan Magistrate or the Judicial Magistrate of First Class and the two Social Workers, one of whom must be a woman which would form a bench to function as to coordinate for the best interest of the child. When a child is found guilty of the crime, the social workers are necessary to decide the best course of action for the rehabilitation of the individual. The Juvenile Justice Board is meant to resolve cases within period of four months and the cases must be addressed with the rise in the number of sittings of the board in the state government with &/or central government. The provisions of the INTEGRATED CHILD PROTECTION SCHEME (ICPC) the government had provided, there are 2 Grants in it. The one is for the setting up of the Juvenile Justice Board and it was for the allowance construction grant of Rs.7.99 lakhs and the maintenance grant of Rs.4.99 lakhs with the cost of setting up the Juvenile Justice Board is shared by the Central government and the State government as the ratio 35:65 except in Jammu and Kashmir and the North East where the ratio stands at 90:10 in the state in it. The Report of The Committee for Analysing the Data of Mapping and the Review Exercise of the Child Care Institutions under the Juvenile Justice Act, 2015 would present that the amount of the juveniles has the rise for about 20% in the years of its amendment.

The author had been at the visit to the JUVENILE JUSTICE BOARD at the internship period at the District Legal Services Authority, Jhabua, Madhya Pradesh (fig 1) was guarded by Superintendent Observation Homes **MR. C. S. BAMANIYA**. After the proceeding the author had met **MR. DIPESH SAKLECHA** who is the member of the Juvenile Justice Board, Madhya Pradesh. The Superintendent explained the author that the main function of the Juvenile Justice Board is to impart justice to the children who would be produced in conflict with law.

The hierarchy system was produced which was consisted of:

1. OBSERVATION ROOM

The place where the students upto 16 years were sent. They could be either accused &/or convicted for a scene of the crime.

2. SPECIAL ROOM

The place, where the students upto 16 years were sent. They must be convicted for a scene of the crime.

3. PLACE FOR SAFETY

The students who were either accused &/or convicted for a heinous crime.

The students upto the age of 18 years who have been for a scene of the crime.



Figure 1

The co- author had visited The JUVENILE JUSTICE BOARD at the State Legal Services Authority, U. T. Chandigarh which was assisted by **MR. DHANIRAJ** who was the senior official of the center. The board was divided into certain area like the RECREATIONAL ROOM, where various activities like singing, dancing & etc. were performed. The students were into immense concentration for reforming themselves. There is a public window where one juvenile officer is appointed. There are certain awareness programmes &/or campaigns organised like the **MUSKAAN** were imparted. The medical & counselor's team is followed by them.

The students were asked to seize their respective locality & conduct a survey to report by the morning for the procedure of their fine collection(fig2).

Figure 1: the Juvenile justice Board, Jhabua, Madhya Pradesh



Figure3



Figure 2



Figure 4

Figure 2: the survey for the Child labour in the 17 Sector, Chandigarh

Figure3 : the survey in the Sector 17 in Chandigarh

Figure 4: the survey in the Sector 17 in Chandigarh.

OBSERVATION HOMES

The author had a visit to the OBSERVATION HOME by the District Legal Services Authority, Jhabua, Madhya Pradesh. The visit was assisted by **MR. BAMANIYA** who is the Superintendent of the center. The author had observed that the OBSERVATION HOME was divided into certain area like the RECREATIONAL ROOM, where various activities like singing, dancing & etc. were performed. The students were into immense concentration for reforming themselves. The other was DORMENTARY where the students shared a personal space in the center in the state.



Figure 5

Figure 5: the Observation Homes, Jhabua, Madhya Pradesh

CHILD WELFARE COMMITTEE

There has to be a committee formed as per the SECTION 30 of the JUVENILE JUSTICE (CARE & PROTECTION OF CHILDREN) ACT, and the committee must perform the functions to take the Cognizance of and of receiving the children produced before it and to conduct an inquiry on all the issues relating to and affecting the safety and well being of the children and etc..

The author had a visit to the Child Welfare Centre by the District Legal Services Authority, Jhabua, Madhya Pradesh was guarded by the Superintendent **Mr. C. S. BAMANIYA**. The composition of the committee is of a CHAIRMAN, a SECRETARY and 4 MEMBERS. The author had met with the CHAIRMAN Child Welfare Committee **MRS. NIVEDITA SAXENA** with the Secretary Child Welfare Committee **MR. TIWARI** and the other committee members of the committee. **Mrs. SAXENA** told him that this institution was governed by the Women and Child Development Department of the JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015. The committee had the SPECIAL JUVENILE POLICE UNIT at every police station for reporting and identifying such children who are in need of care and protection. They had attached the Non Governmental Organisation which was the MAHILA-MANDAL to provide the primary aid to the children and then would refer those children to SAMBHAG LEVEL CHILD CARE INSTITUTION which is situated in Indore, Madhya Pradesh. The institution also allows the children as adopted by the regulations. The National Level Commission to have the central adoption resource authority which is belonged from the MINISTRY OF WOMEN AND CHILD DEVELOPMENT in it.

There has been a massive alteration in the Protection of Children from Sexual Offences, 2012 and The Amendment Bill For Protection of Children from Sexual Offences, 2019. There has been the death penalty for the aggravated sexual assault on children and it provides for fine to curb the child pornography. There is to provide the stringent provision for the children. It is the Amendment Bill, therefore it is not enacted in India.

“We have also seen a historic rise in the distribution of child pornography, in the number of images being shared online, and in the level of violence associated with child exploitation and sexual abuse crimes. Tragically, the only place we’ve seen a decrease is in the age of victims”

SEX EDUCATION

The sense of the precocious period, the pregnancy in the teenagers, and sexually transmitted diseases(STDs), the children would need more chat about the birds and the bees. The children must be intact with all of the information. The sex education would be able to nurture good values to the kids of the generation of the world. The sex education in the school curriculum are important to tackle the issue which must form the sex education be necessary. The important need of modern state to provide the sex education in the Occidentals who are generally regarded conservative when compared to Orientals which is the West in it. The individuals may expose themselves for the porn by that. The research has presented that the abstinence that education does only not affect the rates at which teenagers decide to have sex for them. The primary and the secondary schools have been to work to plan a comprehensive curriculum which would grow with the child and builds the vocabulary and the knowledge at appropriate pace in it. JRNAL

According to the study there are 94 percent of kids at the age of 14 years would be to expose to the porn. According to *B.F Skinner* who is the proponent of behaviorist “Give me a child I will shape him into anything.” According to a behaviorist, children can acquire knowledge from the external environment in our society.

CHILD PORNOGRAPHY

The child pornography is provided as the specific form of the child abuse in it. There are the national efforts, and the international efforts to handle the issue of the child pornography in it. The issue of child pornography has been of the considerable literature for the areas of the psychology, the sociology, the psychiatry and etc.. The study would provide the basis for a greater &/or a higher understanding of the nature of the child pornography and the profiles of the individuals who access

to the child pornography as well. The journalists were little sceptical to agree on much and certainly not about teaching topic as the homosexuality and the abortion. The Guardian journalism would be free from the commercial and the political bias and not shareholders.

LEGISLATIONS RELATED TO THE CHILDREN

1. The Prohibition of the Child Marriage Act, 2006

One of the main aspects of the predatory crimes involves the child marriages in India. Despite the formation &/or making of the laws in India, there has been still practices which would include the practices of the Sati Pratha and the child marriages as well. The statistics would present that the graph of the child marriages is higher than the child marriages in the urban area of the rest of the world.

2. Proposed in Prevention of Unethical Trade, 1956 Amendment Act

The human trafficking is one of the major aspects which are in the predatory crimes. The unethical trade is one of the main aspects in it for which the government has formed certain regulations which has been useful in the control of the trade.

3. Notification on Infant Milk Substitutes

The milk for the feeding and the of the children have been a base for various laws by the government. There have been several legislations and its amendments for the similar laws as well.

LAW OF CANADA

- The legal definitions the section 163.1 (1) of the Canadian Criminal Code, the pornography for child would include the photographic film, the photographic video or other visual representation in it. The individual for putting the child pornography is liable for imprisonment of 1 year to 14 years.

- The individual who distributes &/or exploits the child pornography is liable for the imprisonment of 1 year to 14 years
- The defence for the individual who keeps it for the science &/or the art is provided.

CURATIVE PETITION

It was the suo moto writ petition in the Supreme Court of India. There was alarming rise in the number of reported child rape incidents in it.

The State-wise statement as well as collective data placed before the Court be made available the case.

The suggestion is that there should be designated Forensic Science Laboratories in every district of the country for the purposes of the Prevention of Children against Sexual Offences Act. The State would function in an effective manner in so far as analysis of the samples collected and the reports of the analysis would be sent promptly in it.

CONCLUDING REMARKS

The authors of the research paper would feel necessary to put up the effort in the particular research field as the child offences has produced the rise in the offences against the children and the offences by the children in India. There has been the making of the laws and its amendments in the larger quantity in it. The authors provide the empirical study to present research with the real studies in it.