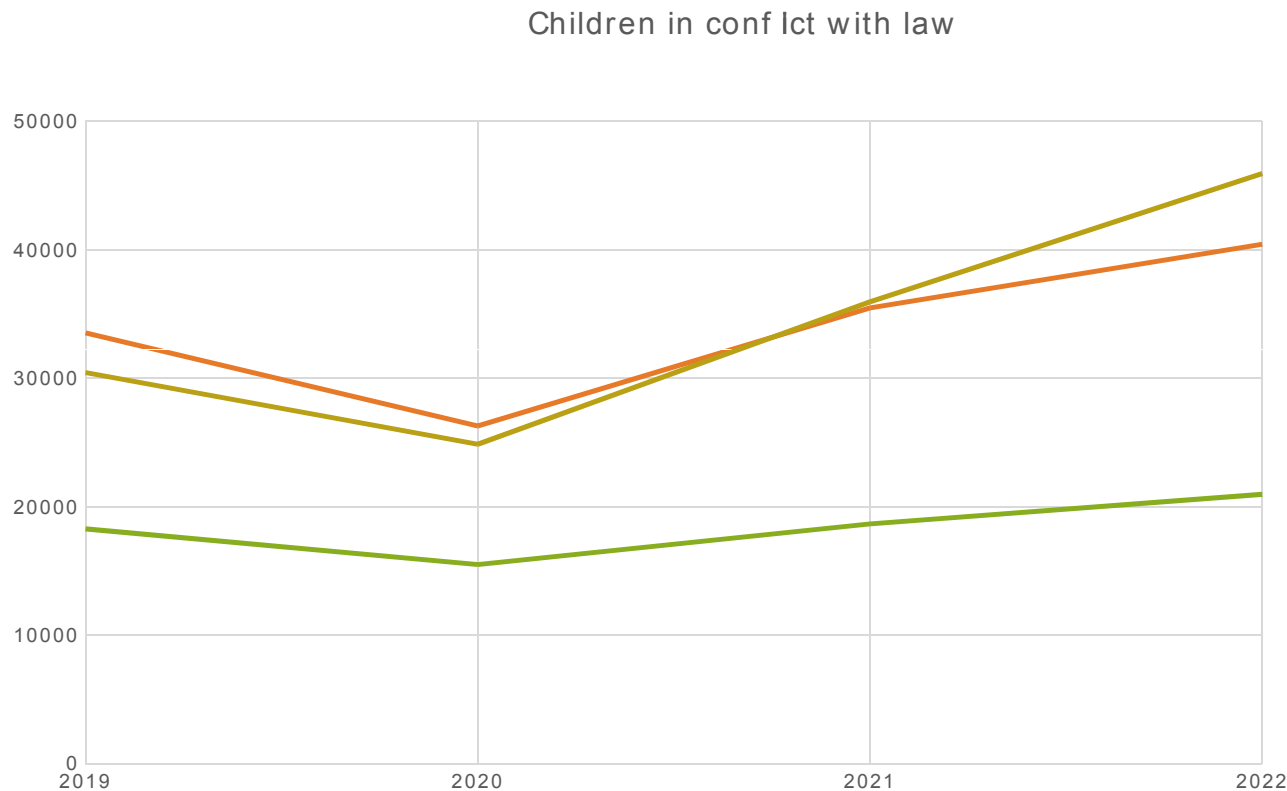


Highlights from Analyses of Self-Reported Data from States Pertaining to Children in Conflict with Law

A National Overview

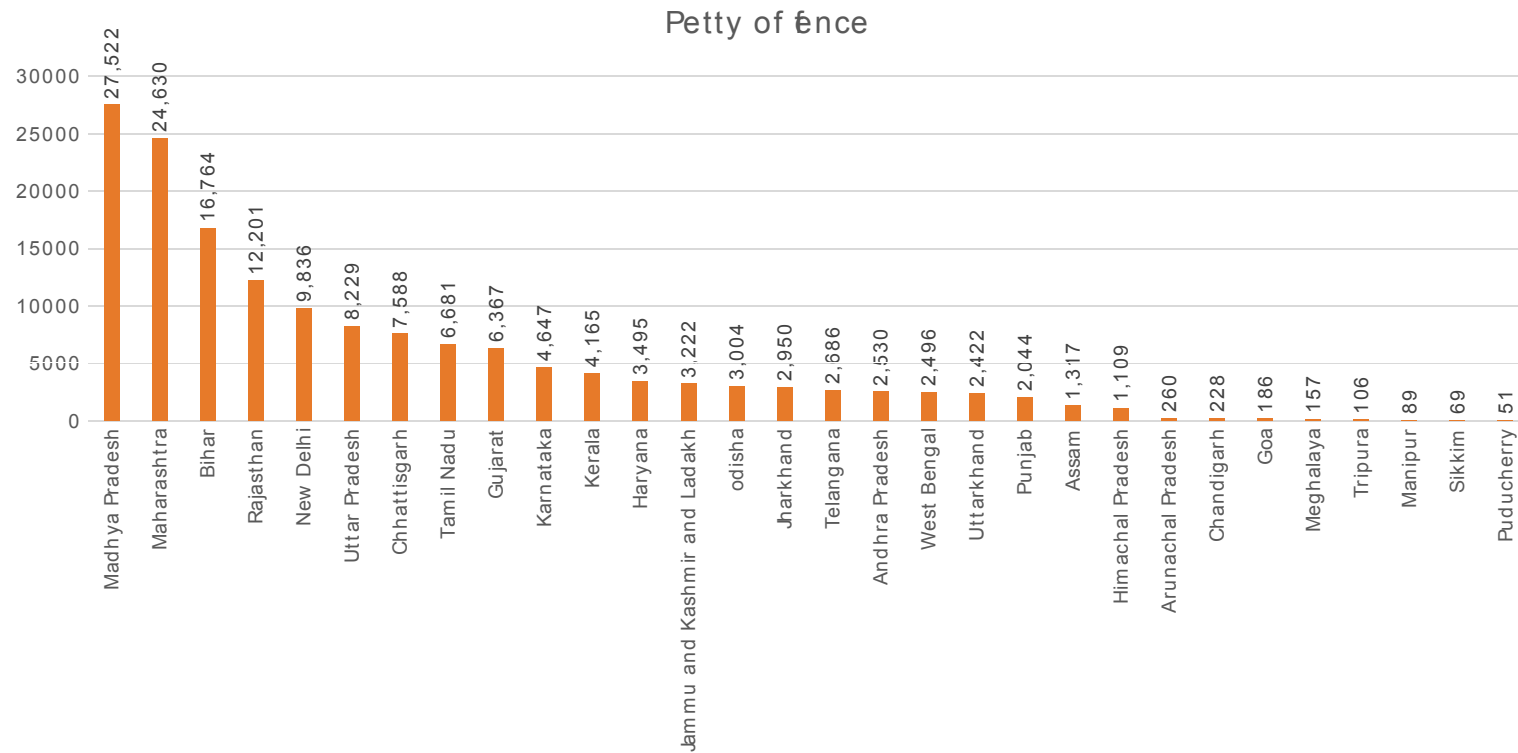
Children in Conflict with Law per offence category & year



Decrease in the reported numbers across offence categories in 2020 during the COVID associated lockdown.

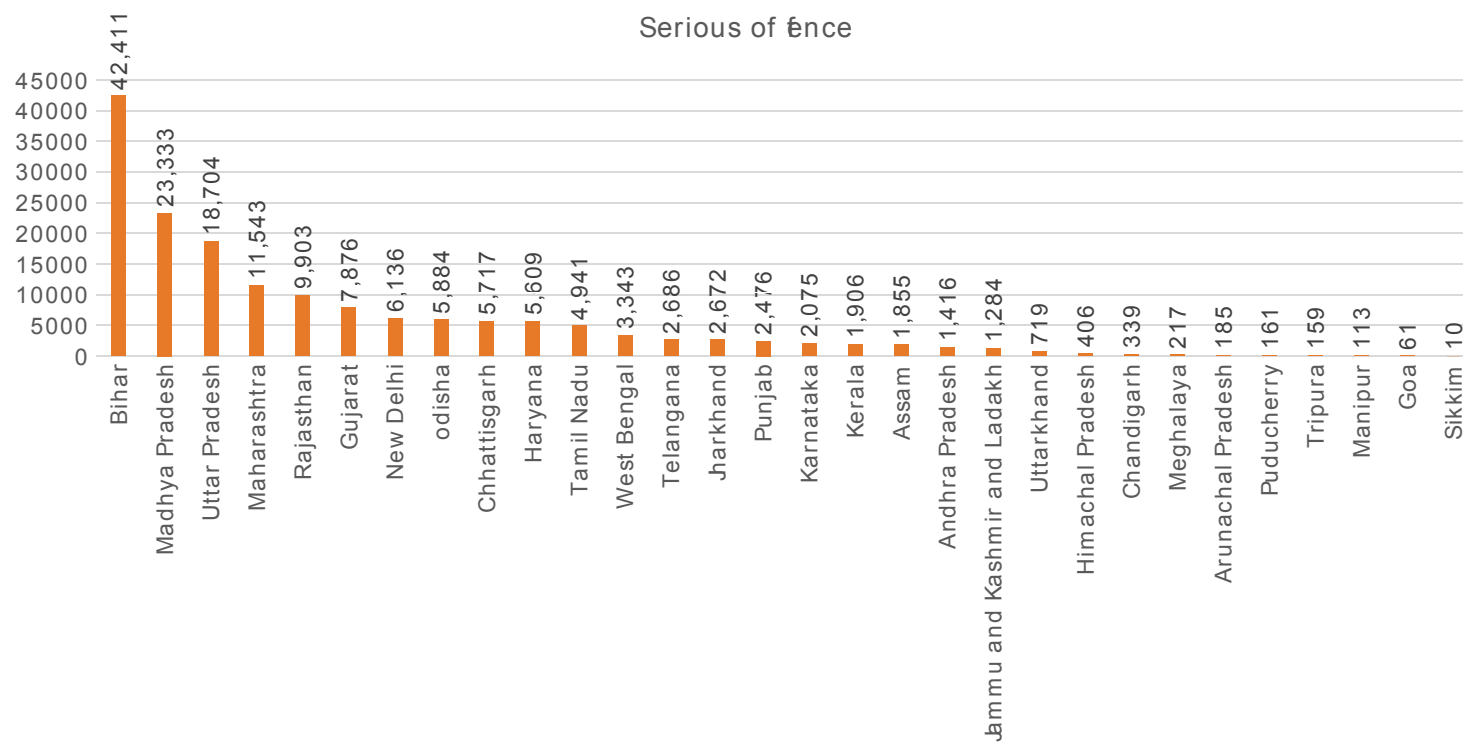
Reported numbers across the three categories of offences had increased to higher than 2019, by 2022. Higher number of children have been reported for serious offence when compared to petty offence since 2021.

Reported Petty Offences* by State



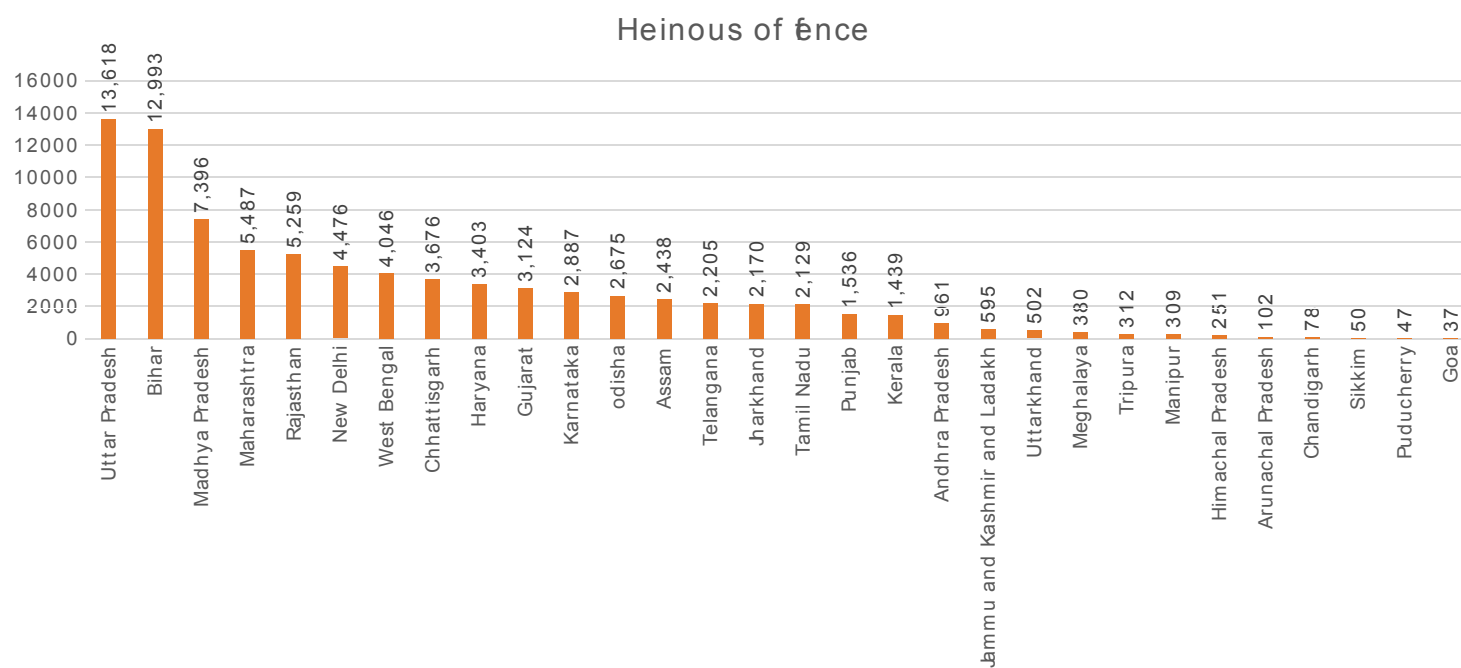
*Jan 1, 2019 to June 30, 2023

Reported Serious Offences* by State



*Jan 1, 2019 to June 30, 2023

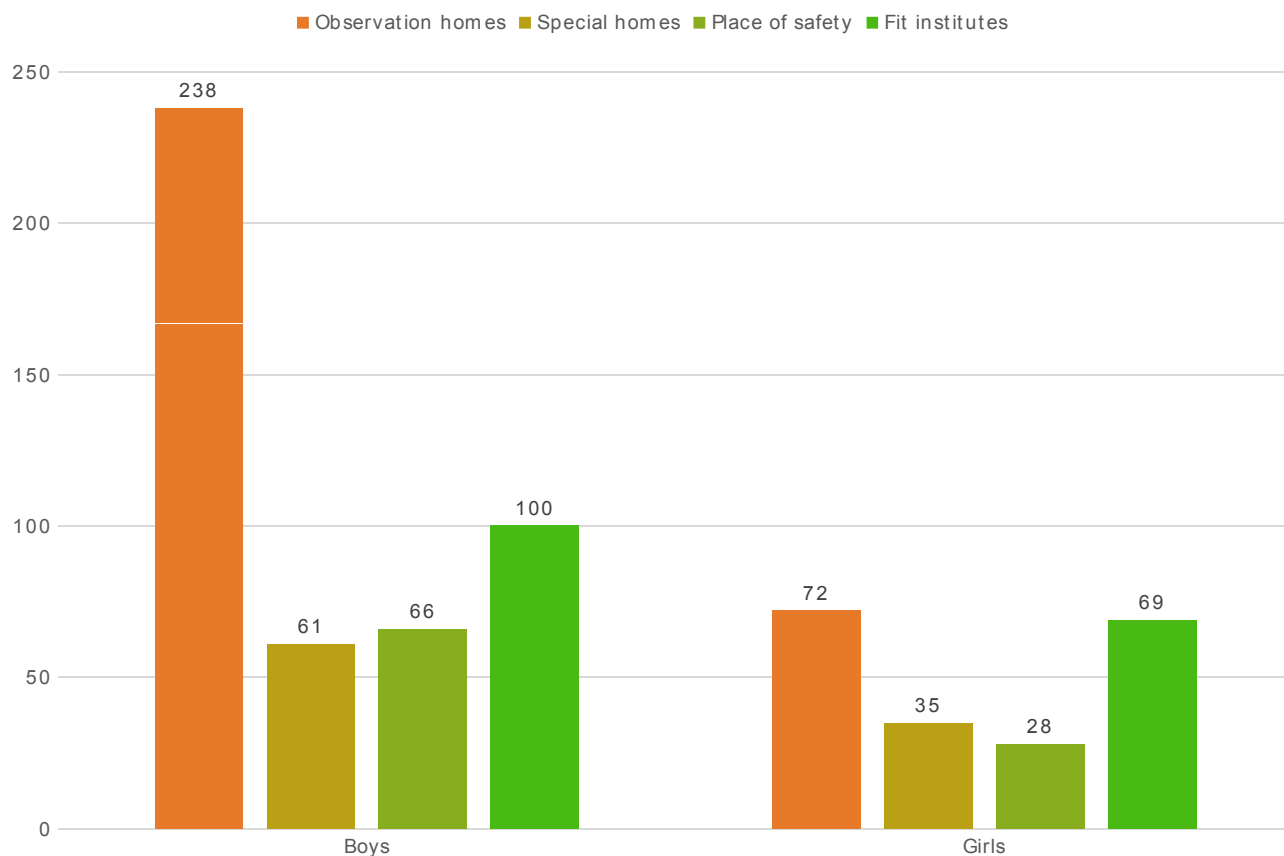
Reported Heinous Offences* by State



*Jan 1, 2019 to June 30, 2023

Number of institutions for Children in Conflict with Law*

Observation homes, special homes, place of safety and fit institutes
(total 669)



Observation homes rank at the largest number within the CCI categories for Children in Conflict with Law.

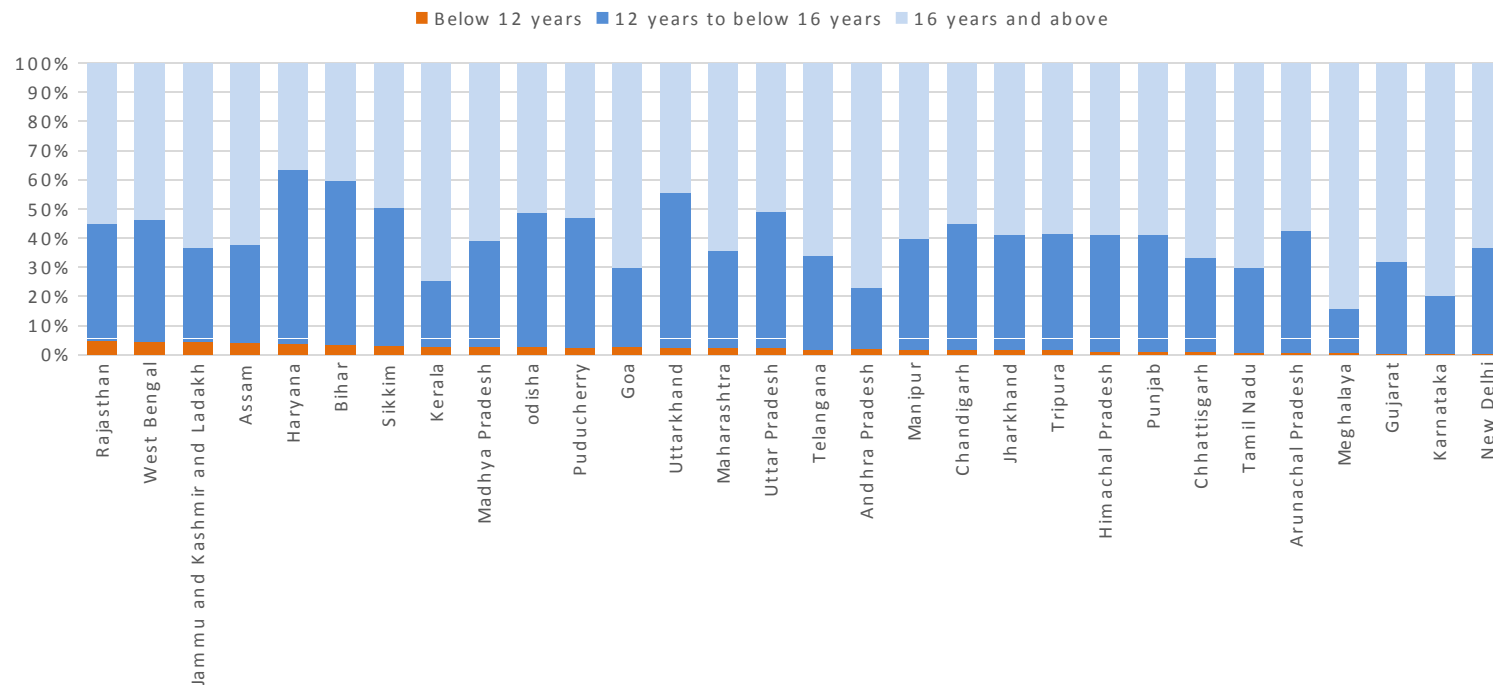
The Law requires **Observation Homes and Special Homes** be established in every district or group of districts. This is with reference to **Section 2 (40)** read with **Section 47**; and **Section 2 (56)** read with **Section 48** of the JJ Act.

It remains a matter of further enquiry whether adequate

January 2023

Number of CiCL* analysed state wise and disaggregated by age

CiCL age wise (2019-23)

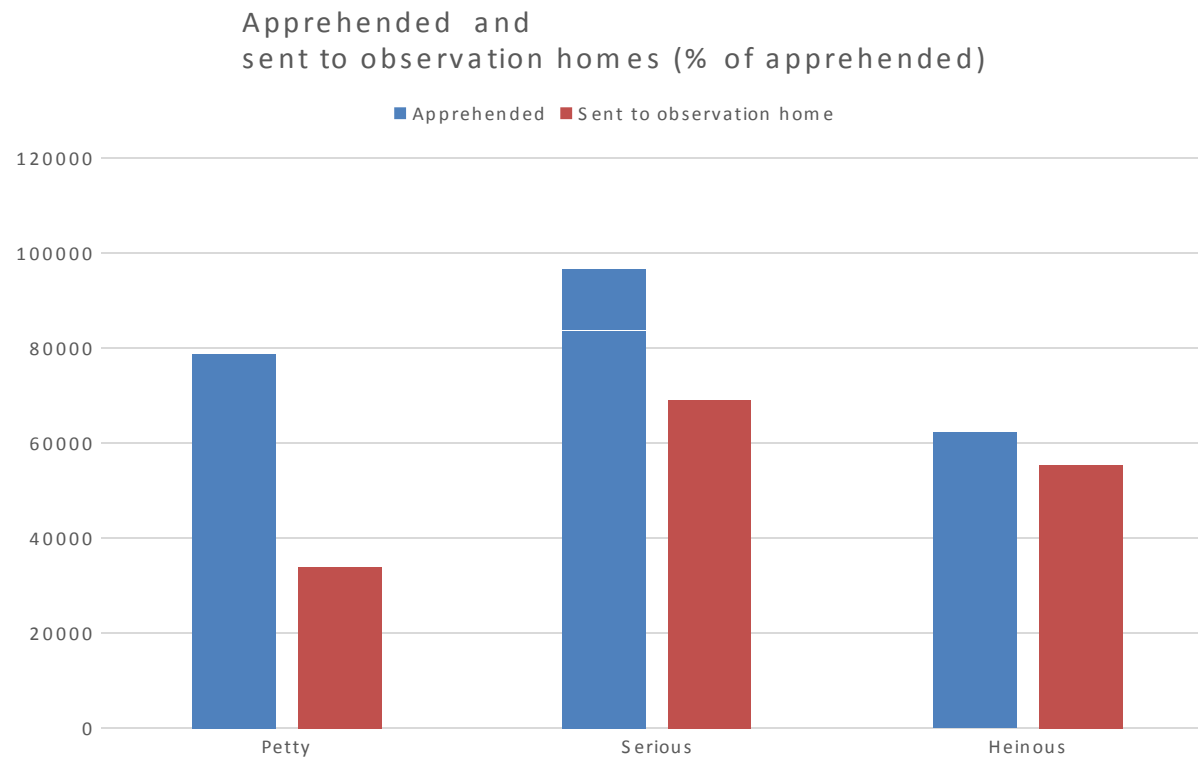


Section 82 and 83 of the IPC direct that children between 8 years and 12 years are not considered criminally responsible if they have not attained sufficient maturity to understand the nature and consequence of their conduct. Every state currently is reporting children under 12 years and some states are reporting even for children under 7 years.

This warrants further scrutiny and regularized reviews of practices followed alongside corresponding capacitation/ sensitization efforts for both the police and the judiciary.

**Jan 1, 2019 to June 30, 2023*

Rate of Detention Vs. Apprehension per offence category



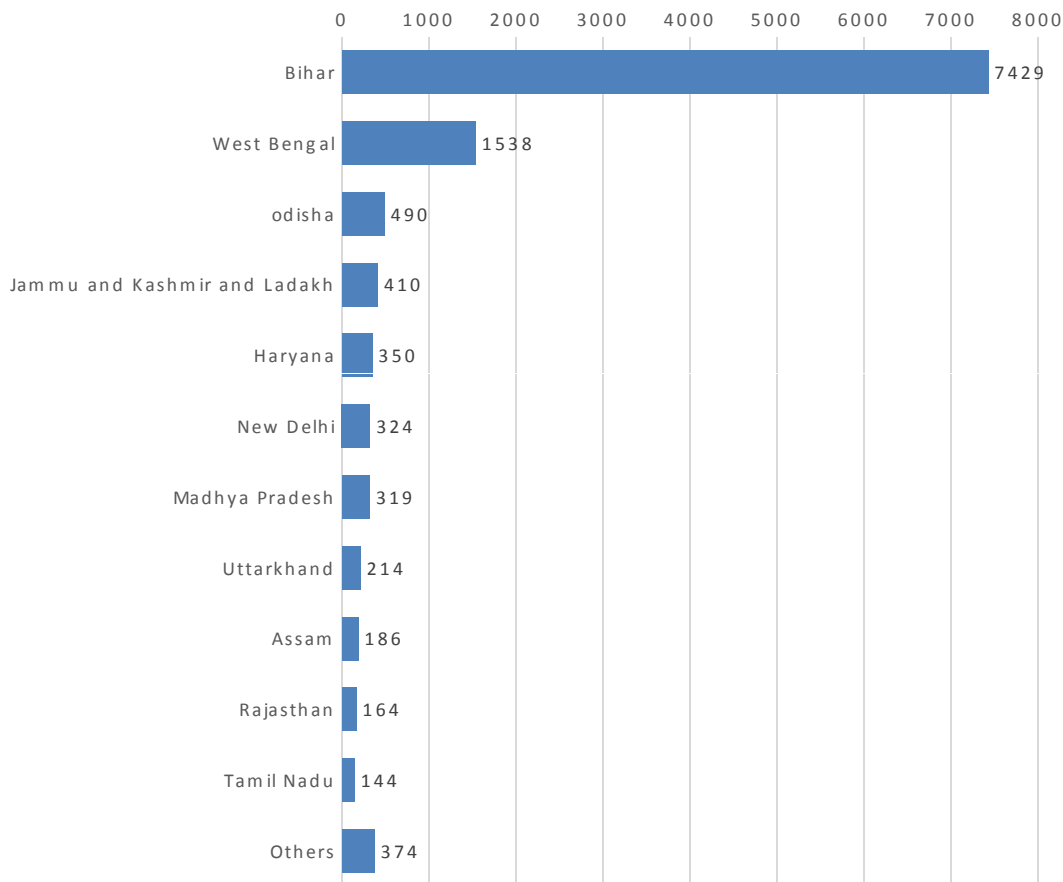
Section 12 (1) of the JJ Act lays out that when a person considered to be a child is alleged to have committed a bailable or non-bailable offence such person shall be released on bail, with or without surety/ placed under the supervision of a probation officer or under a fit person's care. **Unless there are reasonable grounds to believe that the release is likely to bring the person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice.**

The percentage of detention across offences compared to apprehensions warrants further scrutiny. Corresponding capacitation/ sensitization efforts and regular reviews should be considered by the high-level committee.

**Jan 1, 2019 to June 30, 2023*

Cases received by JJBs from Adult Courts

Received in JJB from adult court after holding that the accused was minor



It is the **duty of the police** to ensure that if a **person appears to be below 21** years, such person be **produced before the Juvenile Justice Board** so that no child is exposed to adult jail and the adult criminal justice system.

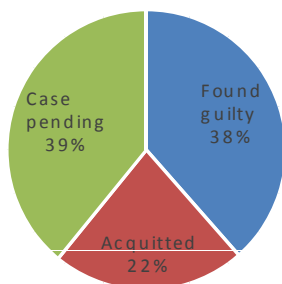
The reported data indicates however a persistence of children appearing in adult courts before being referred to JJBs.

States in the graph should further scrutinise the matter.

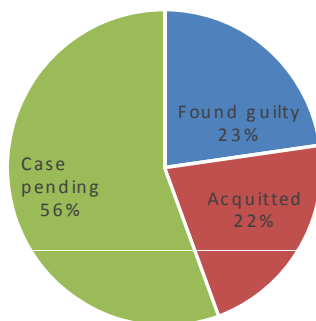
**Jan 1, 2019 to June 30, 2023*

Disposal and Pendency in JJBs

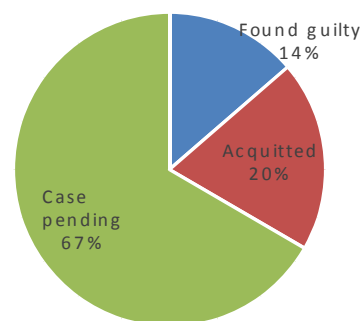
Petty offence



Serious offence



Heinous offence



Pendency in Juvenile Justice Boards across offence categories remains high.

States should institute a regular mechanism of reviewing pendency and the reasons thereof. There might be systemic or administrative challenges faced by the JJBs which should be looked into further and addressed till as far is possible.

Heinous offences have the highest pendency, followed by serious offences.

**Jan 1, 2019 to June 30, 2023*

Judgement passed*

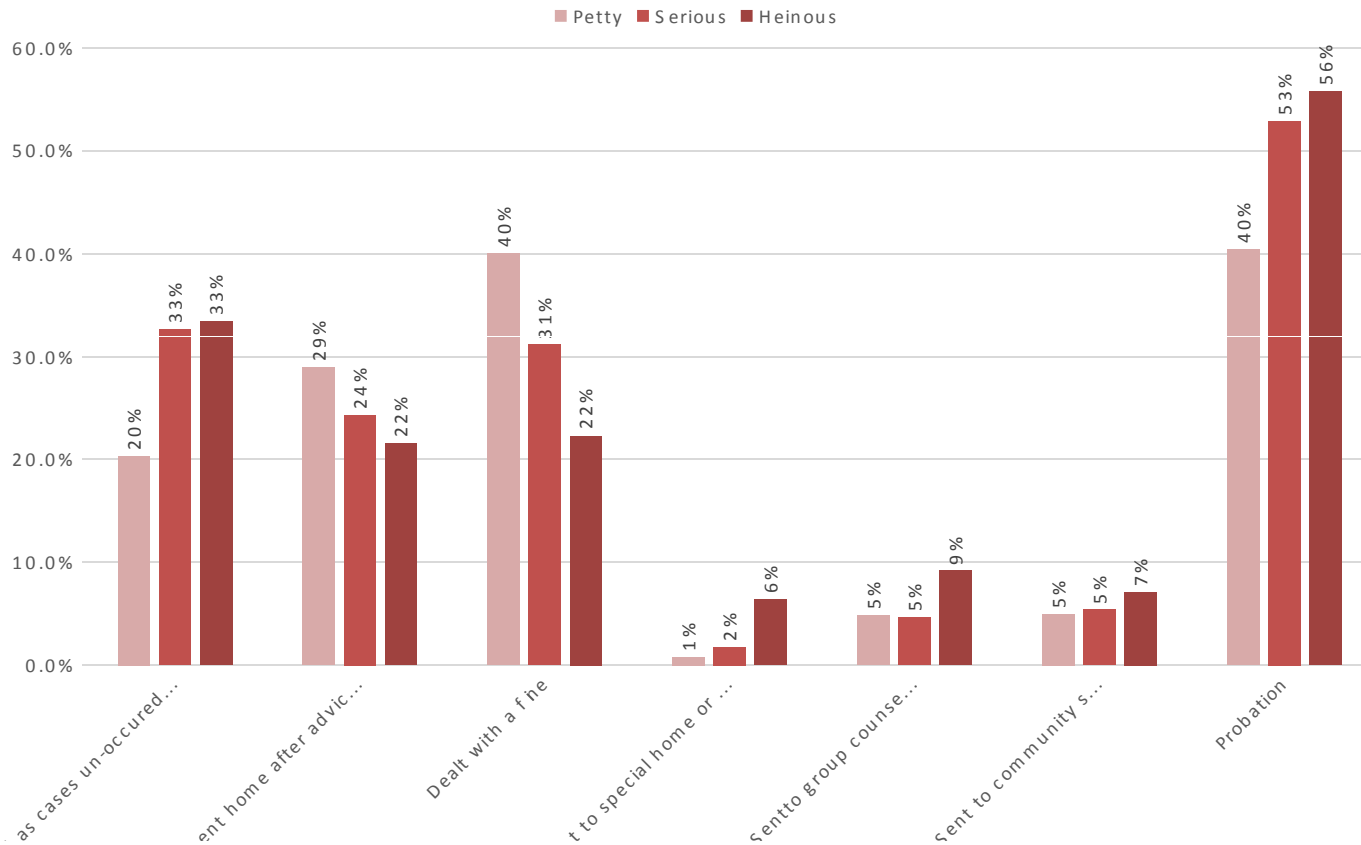
In case of petty and serious offence, children in conflict with law are likely to be dealt with a fine

Group counselling and community service are not very commonly passed as judgement and could warrant greater attention.

Release on advice and admonition should be accompanied with an individual care plan, and follow ups to prevent incidences of recidivism.

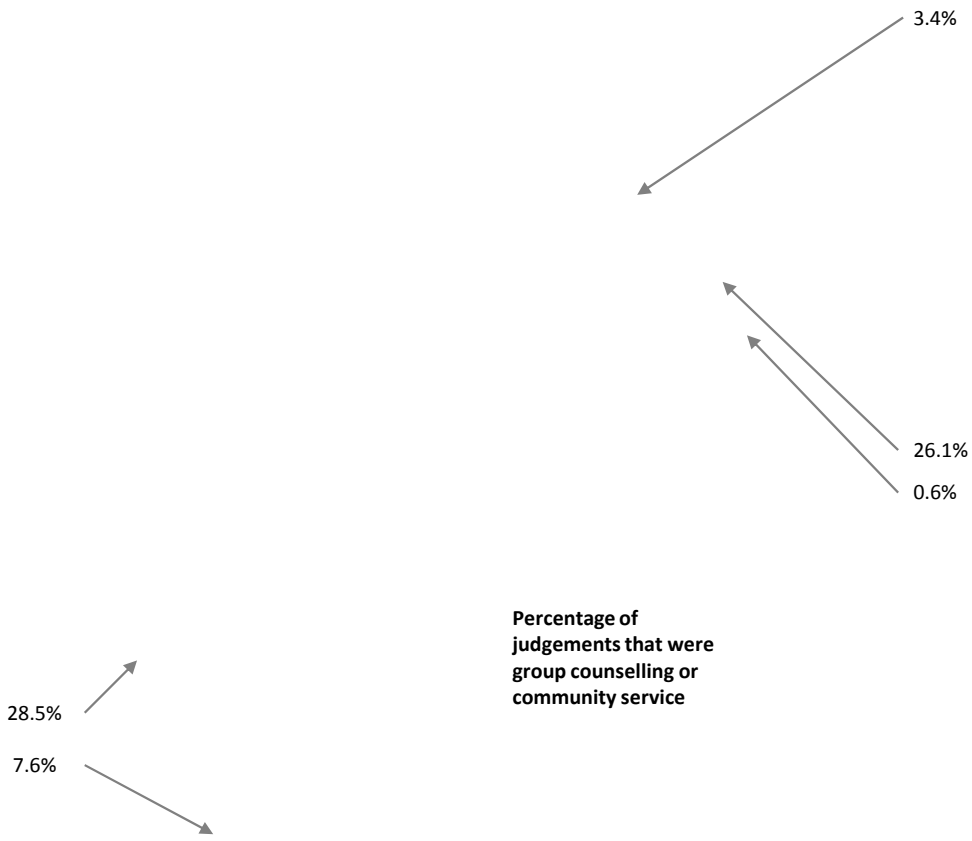
A large number of children are being released on probation. This warrants more attention regarding the safeguards in place for a child's rehabilitation.

Judgements given as percentage of total CiCL in that category



*Jan 1, 2019 to June 30, 2023

State wise judgements (%) for group counselling or community service



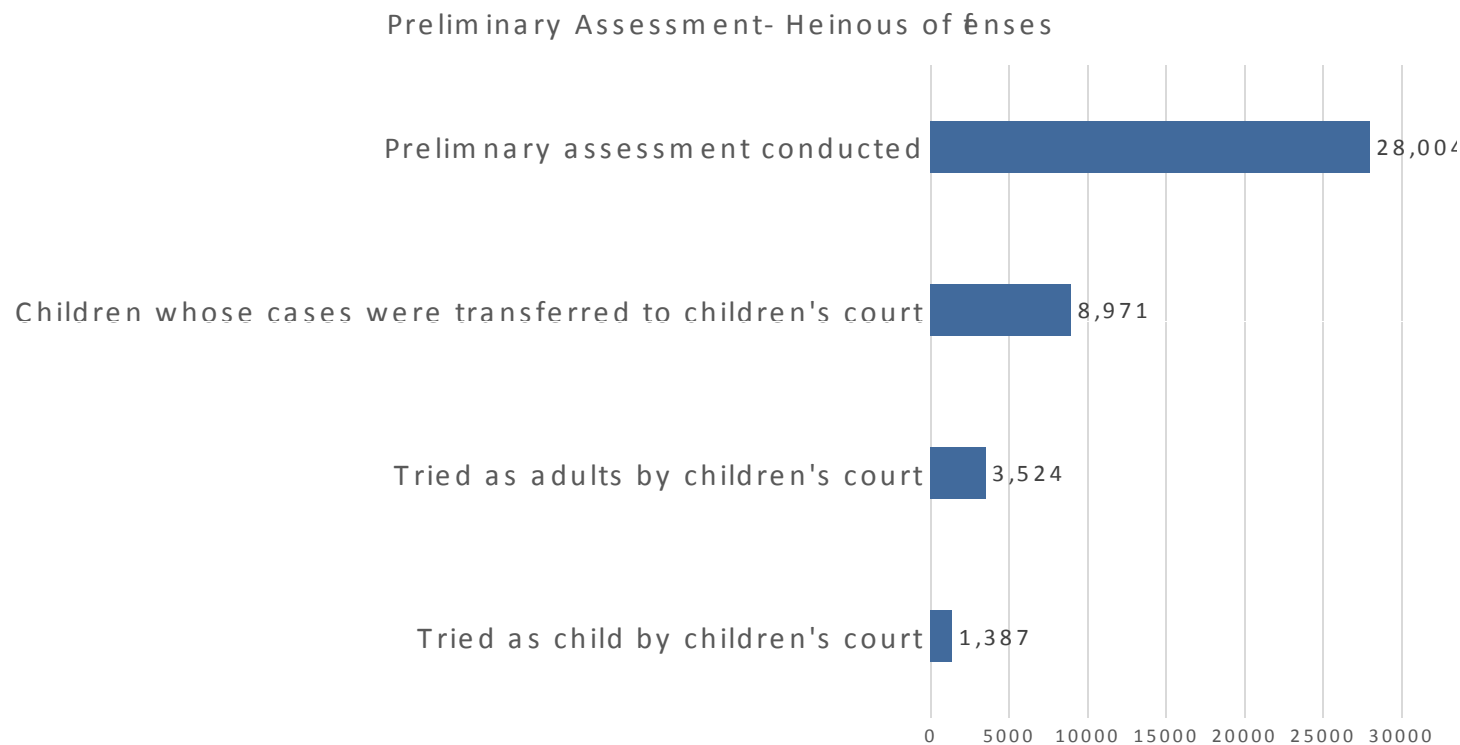
Percentage of judgements that were group counselling or community service

Himachal Pradesh (~36%) and Telangana (~35%) and Manipur (~33%) have the highest percentage of such judgements.

Jharkhand (0%) and Gujarat (0%) are unlikely to pass a judgement on group counselling or community service.

**Jan 1, 2019 to June 30, 2023*

Preliminary assessment and transfers to children's court*

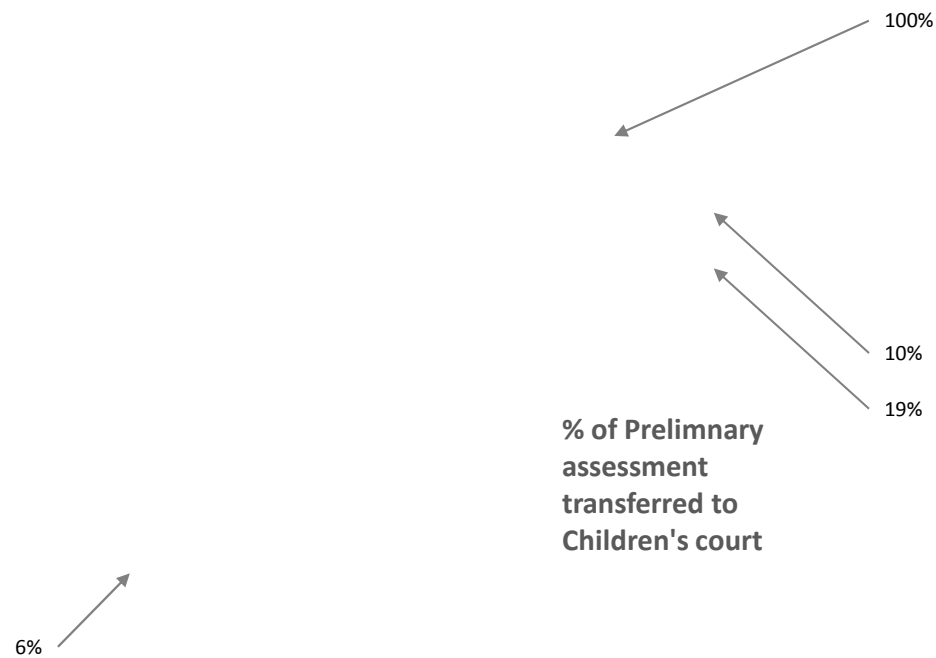


Out of 28,004 children in whose case a preliminary assessment was conducted, 8,971 (32%) were transferred to children's courts, of whom 3524 (39%) have been tried as adults and 1387 (15.5%) have been tried as children.

It is observed that there are errors in the numbers reported. It would still deem merit to enquire and ensure that requisite procedural rigor is applied in conducting quality preliminary assessments.

**Jan 1, 2019 to June 30, 2023*

State wise transfer to children's court as a percentage of preliminary assessments

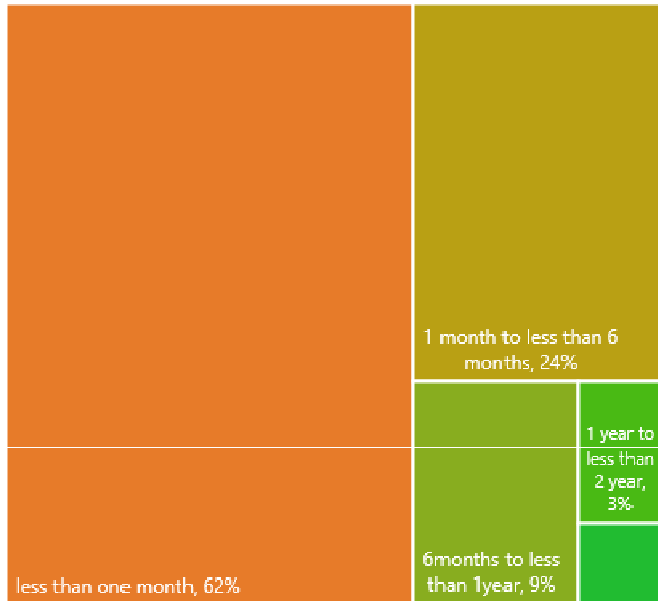


Sikkim (100%) and Uttar Pradesh (~78%) has the highest percentage of CiCL whose preliminary assessment was done on the basis of which cases were transferred to children's court

**Jan 1, 2019 to June 30, 2023*

Duration of Detention of Children

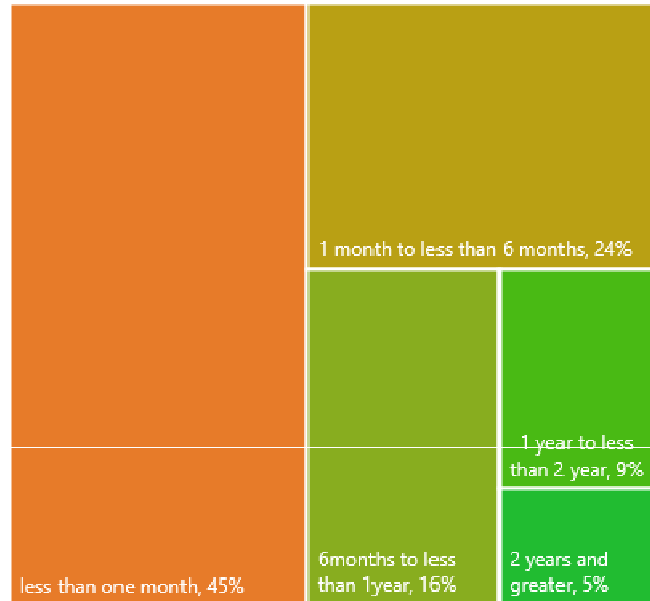
Petty offences



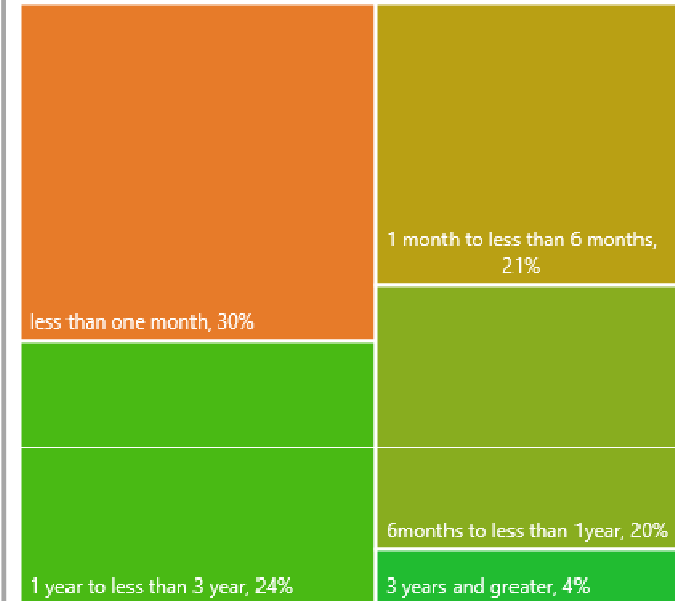
2 years and greater, 2%



Serious offences

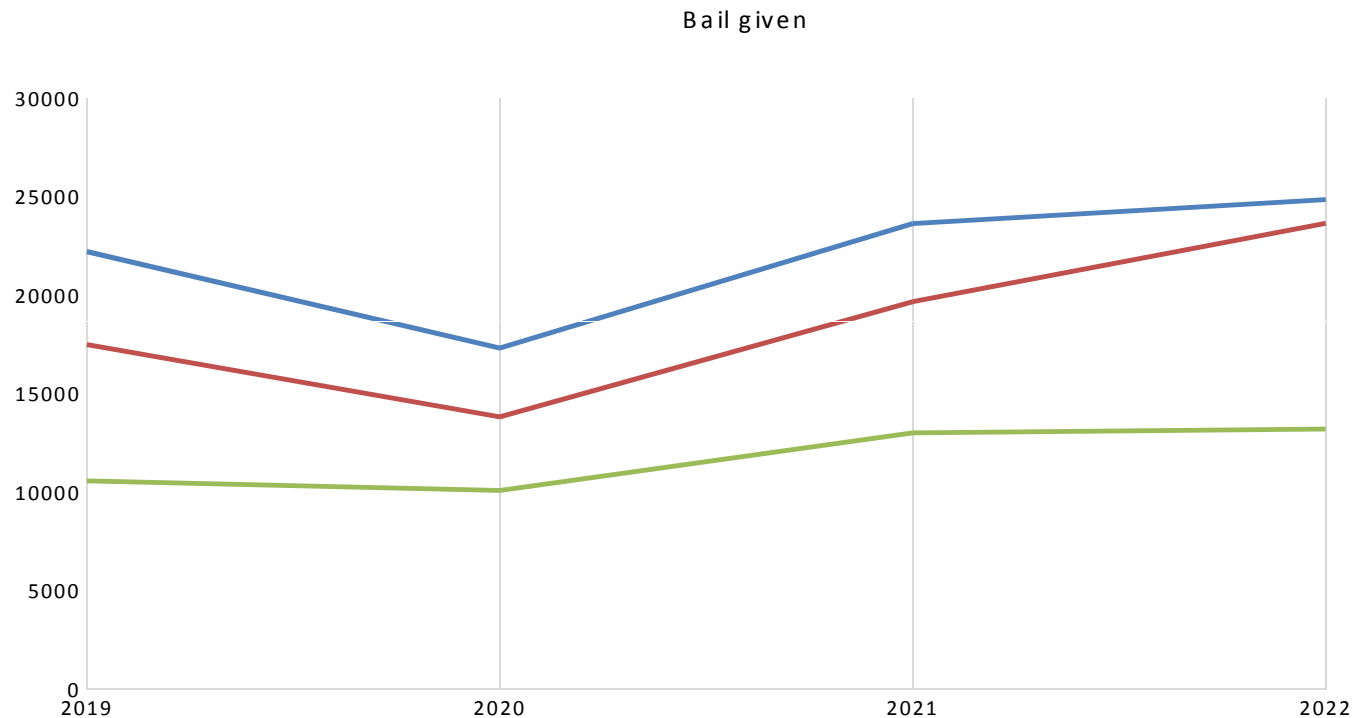


Heinous offences



The duration of detention especially for 6 months and above would require more attention.

Bail granted to Children in conflict with law

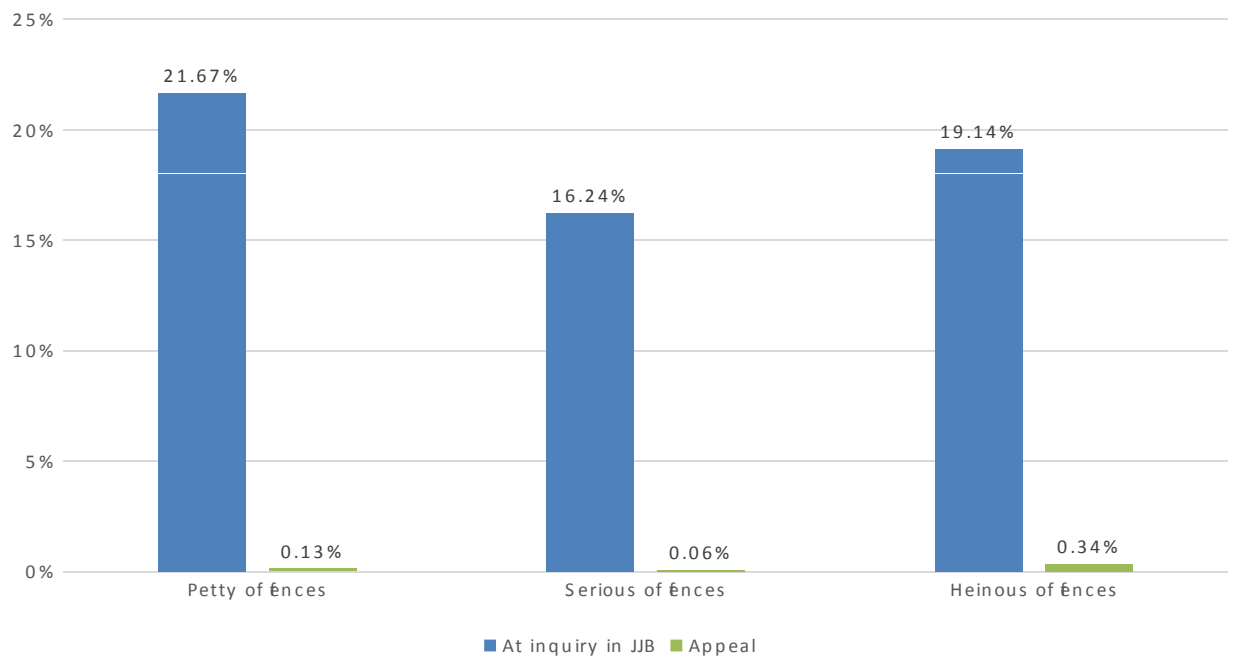


Bail remains highest for petty offences.

For all category of offences, the lowest numbers recorded for 2020, in consonance with reported CiCI numbers (Slide #1). By 2022, bails granted are higher than in 2019, again in consonance with reported CiCI numbers (slide #1).

Free legal service provided in different stages by seriousness of offence

Free legal service provided as percentage to total CiCL in that category (2019-23)



At the appeal stage, the use of legal services is low, and this requires further investigation to find out if children are unable to access legal services for appeal or there are fewer cases requiring appeal.

It would be advisable to inform children about the provision for legal services for filing appeal.

Observations & Recommendations

- The analyses is of self reported data from states. This being the first-time states are reporting along these parameters, this is a margin of human error
 - The emergent trends and patterns are not treated as exact instead as indicative
- On the basis of the indicative trends, quarterly reviews are recommended at the state level to understand the evolving situation; reasons and challenges across offence categories; possible ways to improve functioning, on:
 - 1) Pendency rates;
 - 2) Detention rates and age of child;
 - 3) Duration of Inquiry & Detention;
 - 4) Process/Rigour in conducting Preliminary Assessments;
 - 5) Reasons for case termination
 - 6) Judgements passed
 - 7) Follow up mechanisms to prevent children from recidivism
 - 8) Rehabilitation systems established inside the CCIs while the child is detained