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## Role of Police in Crime against Children: An Indian Perspective

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### Abstract

As we all know, crime means an action or omission which constitutes an offence and is punishable by law. Crime against children is a very sensitive type of crime. It can be defined as the offences committed against children or the crimes in which children are the victims. There are many types of crime against children, some of the serious crimes are murder, Foeticides, Infanticides, Rape, Kidnapping and Abduction and Selling minor girls for prostitution which are mentioned in the Indian penal code and the various protective and preventive special and local laws. The age of child varies as per the definition given in the concerned Acts and sections but age of child has been defined to be below 18 years as per The Juvenile Justice (Care and Protection of Children) Act, 2000. Therefore an offence committed on a victim under the age of 18 years is construed as crime against children. According to National Crime Record Bureau (NCRB) a total of 58,224 cases of crimes against children were reported in the country during 2013 as compared to 38,172 cases during 2012, showing an increase of 52.5%. Some IPC crimes have shown a substantial increase during 2013 as compared to 2012. These crimes were kidnapping & abduction (54.2%), procurement of minor girls (51.3%), abetment to suicide (49.3%) and rape (44.7%). The police have a central role in protecting children, preventing and investigating crime. The police also have a duty to protect and promote the welfare of children in their care and custody at all the stages of the process. With the increasing rate of crime against children the police needs to give more importance in solving the crimes as protection of children is one of the main functions.

In this background the present paper tries to study the role of police in the protection of child's right and how far they are successful in solving the crime against children.

**Keywords:** Children, Crime, Kidnapping, Murder, Police

### 1. Introduction

There is no society without the problem of crime. In other words, crime is essentially concerned with the social order. According to many thinkers crime is defined as an anti-social, immoral or sinful behaviour. However, in legal definition, crime is any form of conduct which is declared to be socially harmful in a state and as such forbidden by the law under pain of some punishment<sup>[1]</sup>. The legal definition of crime changes from place to place and region to region so the act which is crime at one place may not so at other place. Thus crime is not static in nature.

There are some 20 types of crime defined in the Indian Penal Code (IPC). There are other crimes under different Acts as well like Arms Act, Gambling Act, Excise Act, Foreigners Act, Factories Act, Contempt of Courts Act, Customs Act, Explosive Substance Act and Prevention of Food Adulteration Act, Prevention of Corruption Act, Suppression of Immoral Traffic in Women Act and scores of other such Acts.

Crimes can be divided into six categories under Indian Penal Code (IPC)<sup>[2]</sup>, namely:

- Crimes against Body: Murder, Attempt to Murder, Culpable Homicide not Amounting to Murder, Kidnapping and Abduction, Hurt, Causing Death by Negligence;
- Crimes against Property: Dacoity, its preparation and assemble, Robbery, Burglary, Theft;
- Crimes Against Public Order: Riots, Arson;
- Economic Crimes: Criminal Breach of Trust, Cheating, Counterfeiting;
- Crimes against Woman: Rape, Dowry Death, Cruelty by Husband and Relatives, Molestation, Sexual Harassment and importation of Girls;

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- Crimes against Children: Child Rape, Kidnapping and Abduction of Children, Procurement of minor Girls, Selling/Buying of girls for Prostitution, Abetment to Suicide, Exposure and abandonment, Infanticide, Foeticide.

In this present paper we are only focusing on crime against children and role of police in crime against children.

## 2. Crime against Children

The offences committed against children or the crimes in which children are the victims are considered as crime against children.

The age of child varies as per the definition given in the concerned Acts and sections but age of child has been defined to be below 18 years as per The Juvenile Justice (Care and Protection of Children) Act, 2000 [3].

**Information with regards to the incidence of crime against children for the past three years has been presented in table 1**

**Table 1:** Incidence of Crime against Children

| S. No | Crime Head   | Year  |       |       | % Variation in 2013 over 2012 |
|-------|--|-------|-------|-------|-------------------------------|
|       |  | 2011  | 2012  | 2013  |                               |
| 1     | Murder   | 1451  | 1597  | 1657  | 3.8                           |
| 2     | Infanticide  | 63    | 81    | 82    | 1.2                           |
| 3     | Rape   | 7112  | 8541  | 12363 | 44.7                          |
| 4     | Kidnapping and Abduction   | 15284 | 18266 | 28167 | 54.2                          |
| 5     | Foeticide  | 132   | 210   | 221   | 5.2                           |
| 6     | Abetment of Suicide  | 61    | 144   | 215   | 49.3                          |
| 7     | Exposure and Abandonment   | 700   | 821   | 930   | 13.3                          |
| 8     | Procurement of minor girls                                       | 862   | 809   | 1224  | 51.3                          |
| 9     | Buying Girls for Prostitution                                    | 27    | 15    | 6     | -60                           |
| 10    | Selling Girls for Prostitution                                   | 113   | 108   | 100   | -7.4                          |
| 11    | Other crimes (including prohibition of Child Marriage Act. 2006) | 7293  | 7580  | 13259 | 74.9                          |
| 12    | Total  | 33098 | 38172 | 58224 | 52.5                          |

Source: National Crime Record Bureau (NCRB)

The following points have been found from the above table:

- The cases has been increasing in the recent years, as the table shows, total cases of 58224 cases reported in 2013 as compared to 38172 in 2012 and 33098 in 2011
- Most of the violent crimes like murder, rape, Kidnapping and Abduction are on the rise in the past three years.

- Substantial increase in the crimes like Kidnapping and Abduction (54.2%), Procurement of minor girls (51.3%) and Rape (44.7%) in the year 2013 from 2012.

**Information with regards to the incidence of crime against children and rate of crime in select states/UTs during 2013 has been presented in table 2**

**Table 2:** Incidence of Crime against Children and Rate of crime in Select States/UTs during 2013

| S. No | State/UTs                 | Incidence | Children Population in lakh | Rate of Total Cognizable Crime | Rank |
|-------|---------------------------|-----------|-----------------------------|--------------------------------|------|
| 1     | Andaman & Nicobar Islands | 54        | 1.33                        | 40.60                          | 4    |
| 2     | Arunachal Pradesh         | 82        | 4.63                        | 17.71                          | 13   |
| 3     | Chandigarh                | 213       | 3.83                        | 55.61                          | 2    |
| 4     | Chhattisgarh              | 3737      | 99.19                       | 37.68                          | 5    |
| 5     | Daman and Diu             | 14        | 0.89                        | 15.73                          | 15   |
| 6     | Delhi                     | 7199      | 54.43                       | 132.26                         | 1    |
| 7     | Goa                       | 270       | 5.07                        | 53.25                          | 3    |
| 8     | Haryana                   | 1640      | 91.39                       | 17.95                          | 12   |
| 9     | Himachal Pradesh          | 428       | 21.41                       | 19.99                          | 9    |
| 10    | Kerala                    | 1877      | 92.83                       | 20.22                          | 8    |
| 11    | Madhya Pradesh            | 8247      | 296.28                      | 27.84                          | 6    |
| 12    | Maharashtra               | 6410      | 373.70                      | 17.15                          | 14   |
| 13    | Meghalaya                 | 183       | 9.91                        | 18.47                          | 11   |
| 14    | Mizoram                   | 78        | 3.65                        | 21.37                          | 7    |
| 15    | Punjab                    | 1336      | 86.86                       | 15.38                          | 16   |

Source: National Crime Record Bureau (NCRB)

From the above table 2, the following points have been found:

- Highest crime rate reported in Delhi (132.3) followed by Chandigarh (55.6), Goa (53.3) and Andaman and Nicobar Islands (40.6)
- Reported of highest crime rate in national capital is an alarming factor for Government as well as law enforcement agencies

- Out of the top four, three were Union Territories which means there is a need to check the functioning of the law enforcement agencies in the UTs.

### 2. Role of Police

The role of police is very important in crime against children. They are the first organization to with the victims would have contact. The role of police can be discussed in two parts [4] i.e.

**A) Immediate Action**

**B) Later Action**

**Immediate Action**

- Protect the child from harm
- Seek medical assistance if required
- Arrest and detain any suspect(s),
- Preserve evidence
- Speak to the child alone to determine the child's view and record verbatim the child's account.
- Contact the Child Care agencies in the state requiring emergency intervention

**Later Action**

- Give justice to the victim as soon as possible
- Give counseling and support services to the victim
- Keep the families informed about investigations and legal processes

In India each Police district in the State have a Women and child cell which supervise the response of all the Police Stations of that district to all kinds of crimes and complaints relating to women, juveniles and children. The district SP has the control over the functions of the Women and Child cell. The SP entrust enquiry and investigation of important matters and cases to this cell.

The Women & Child Cell will comprise:

1. An Inspector of Police (preferably a lady)
2. S.I./A.S.I. of Police (preferably a lady) and
3. Four Constables of whom at least two will be lady Constables

**Information with regards to the Disposal of Cases by Police of Crimes committed against Children during 2013 in Selected States/UTs has been presented in table 3**

**Table 3:** Disposal of Cases by Police of Crimes committed against Children during 2013 in Selected States/UTs

| S. No | States/UTs                | Total no. of cases for investigation including pending cases from previous year | Number of Disposal Cases | Number of Pending cases | Pendency Percentage |
|-------|---------------------------|---|--------------------------|-------------------------|---------------------|
| 1     | Andaman & Nicobar Islands | 88  | 84                       | 4                       | 4.5                 |
| 2     | Arunachal Pradesh         | 104   | 66                       | 38                      | 36.5                |
| 3     | Chandigarh                | 264   | 152                      | 112                     | 42.4                |
| 4     | Chhattisgarh              | 3955  | 2869                     | 1086                    | 27.5                |
| 5     | Daman and Diu             | 20  | 12                       | 8                       | 4                   |
| 6     | Delhi                     | 10805   | 5707                     | 5098                    | 47.2                |
| 7     | Goa                       | 397   | 160                      | 237                     | 59.7                |
| 8     | Haryana                   | 1772  | 1510                     | 262                     | 14.8                |
| 9     | Himachal Pradesh          | 528   | 411                      | 117                     | 22.2                |
| 10    | Kerala                    | 2627  | 1478                     | 1147                    | 43.7                |
| 11    | Madhya Pradesh            | 8547  | 6946                     | 1601                    | 18.7                |
| 12    | Maharashtra               | 8652  | 4966                     | 3686                    | 42.6                |
| 13    | Meghalaya                 | 569   | 125                      | 444                     | 78                  |
| 14    | Mizoram                   | 98  | 59                       | 39                      | 39.8                |
| 15    | Punjab                    | 2027  | 1016                     | 1011                    | 49.9                |

Source: National Crime Record Bureau (NCRB)

The above table 3 points out the following:

- Highest rate of pendency cases were found in the state of Meghalaya (78%) followed by Goa (59.7%), Punjab (49.9%), Delhi (47.2%) and Maharashtra (42.6%).
- Lowest rate of pendency of cases were found in Daman and Diu (4%) followed by Andaman and Nicobar Islands (4.5%)
- Most of the state/UTs have a pendency rate of more than 30% which is a big question in the working of police.

**4. Conclusion**

From the above discussion it is found that most of the state/UTs have a pendency rate of cases for more than 30% which is a big question in the working of police. It is a very serious issue as the children's are the future of our society and if our police can't even solve the cases than what will be the future of our society. So, the need of the hour is to improve the functioning of police so that they can do better in regards to the handling the crime against children. Some steps which needs to be taken and will help in control crime against children have been given below:

- Improve training for police officers dealing with child rape and sexual abuse.
- Establishment of victim examination suites which provide more comfortable surroundings than would

normally be available in a police station in which the victim can make a statement.

- Set up exclusive 'Crime against Children' desks in each police station. There should be no delay, whatsoever, in registration of FIRs in all cases of crime against children.
- Police should regularly interact with children at school level to remove the fear of police image from their minds so that they are able to report crime to police without any hesitation.

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