

# The Real Story behind Juvenile Crime Data

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This article looks at the data, reported in the *Crime in India–Statistics Report*, Chapter 10, on juveniles in conflict with the law and analyses and interprets it against the “disclaimer” and “limitations” published in the *Crime in India–Compendium Report* for 2013. The terminologies used by the National Crime Records Bureau are critically analysed and the authenticity of certain tables and figures with respect to juveniles in conflict with law have been questioned.

*To get anywhere near a true picture of crime in this or any other country, we need victimisation studies, case studies and information from a whole range of proxy variables which help to give flesh to the skeleton of official crime recording. We have known for a long time that official records are a more faithful reflection of the official reaction to crime than a picture of crime itself.*

—William Clifford, Director of the Crime Prevention and Criminal Justice Branch of the United Nations (Clifford 1986: 327–34).

The National Crime Records Bureau (NCRB) is the primary agency under the Ministry of Home Affairs (MHA), Government of India, which provides crime-related statistics through its annual report titled *Crime in India*. This report has been publishing data on various aspects of crime under the Indian Penal Code (IPC) and the Special Local Laws (SLL) since 1953. The report *Crime in India 2013* was uploaded on June 2013.

The NCRB data is considered an authentic source of information, and academicians, researchers and social scientists refer to this data to substantiate their arguments. These statistics are also extensively used by the print and visual media. However, the media often reports figures uncritically without taking into account limitations and disclaimers mentioned in the report (Sharon 1996). This misleads readers and encourages uninformed viewpoints. This was what happened post the 16 December 2012 (Nirbhaya) rape incident. A series of reports were published in the mainstream media interpreting and quoting the NCRB statistics on juvenile crimes and displaying statistics to sensationalise and project the issue of juvenile crimes in a negative light.

This article looks at the data reported in Chapter 10 of *Crime in India–Statistics Report* on juveniles in conflict with

law (JCL), and analyses and interprets it against the “disclaimer” and “limitations” published in the *Crime in India–Compendium Report* (2013). The article tries to give a social context to the issue of JCL which is mostly looked at from a legal context. It also lists cautions which need to be kept in mind while reading and interpreting the statistical numbers and provides illustrations for the same. It critically analyses the terminologies used and questions the authenticity of certain tables and figures of the NCRB.

## NCRB Data

*Crime in India* also known as the NCRB report is published in two parts: *Statistics* and *Compendium*. The *Compendium* contains the foreword, disclaimer and limitation, snapshots, charts and figures of various segments of crime published in the statistics section. The statistics section comprises 19 chapters with raw data on violent crimes, disposal of cases by the police and courts, crime against women, crime against children, cyber crimes, crimes against persons belonging to Scheduled Tribes and Scheduled Castes (STs/SCs), property stolen and recovered and JCL. The data is described as raw because there are no explanations provided.

According to the Juvenile Justice (Care and Protection of Children) Amendment Act 2006, JCL refers to any person below the age of 18 who has come in contact with the justice system as a result of committing a crime or being suspected of committing an offence. These children who break the law do not always do so of their own free will but perhaps as a result of restricted opportunities available for their development. Many of them are victims of circumstances, coerced into crime by adults. Often prejudice, stereotyping and discrimination bring the juveniles in conflict with law without even a crime being committed. However, the popular perception of this target group is limited to the gruesome picture depicted by the media. Some case studies are mentioned below of cases handled by the Resource Cell for Juvenile Justice (RCJJ)<sup>1</sup> either

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directly or indirectly to reflect the other side.

The data given in Table 10.8<sup>2</sup> of the *Crime in India–Statistics* reflects the cases of two girls and two boys aged between seven and 12 years charged under the Passport Act.

The RCJJ had come across an incident, wherein minor girls were apprehended at the airport for possession of fake passports. The girls were scheduled to travel to another country. They were charged under the Passport Act. The social reality suggests that these girls were being trafficked and there had to be a larger racket of adults masterminding this activity. A 12-year-old tribal boy was charged under the Wildlife (Protection) Act 2006 and the Forest Act. He was caught for killing and eating a rare species of bird. The child was frightened and unable to comprehend why he was caught by the police since he usually hunted birds when hungry and that his family did not have sufficient food to eat. Killing rare species of birds and animals is a serious offence and it may be recalled that film star Salman Khan has also been charged under this act.

A 12-year-old girl invited her friends home for a birthday party. The older brother of the birthday girl offered to drop one of her friends home. On the way, he raped the girl. The birthday girl was charged with abetment to rape.

We are also aware of a social reality wherein young boys and girls who “fall in love” experiment with sex. In a number of cases the family of the girl registers a case with the police charging the boy with “rape.” Similarly, elopement gets charged as “kidnapping” even if it is consensual. The Indian social and legal structure has always looked at a minor girl as the victim. In this social reality, the boy usually gets charged with “kidnapping and rape” which is a serious offence in the eyes of the law and society.

Child rights activists point out that the serious offences highlighted by the mainstream media are exceptions and not the norm in the juvenile justice system. Juvenile crime needs to be looked at as evidence that society is failing to ensure a protective environment for its children. Labelling such children only results in

their exclusion rather than providing assistance in their rehabilitation.<sup>3</sup>

### Interpreting Chapter 10

Chapter 10 of the *Statistics* titled “Juvéniles in Conflict with Law,” has 14 tables which depict crimes committed by different categories of juveniles as per their age and the offence. A few of these tables depict state-wise data while some reflect the financial and educational profile of the juveniles. There is also one which reflects the final orders passed by the Juvenile Justice Boards (JJB). While some data are tabulated in the form of numbers, others are reflected with numbers along with percentages to signify the increase or decrease in crime rate.

Cautions to be exercised while interpreting Chapter 10: (i) The NCRB *Compendium* has a disclaimer stating that the data published in its report is only a compilation and collation of information received from the police records of cognisable crime across 35 states and union territories including 53 mega cities. The NCRB admits to have no means of authenticating or verifying the data sent. It also mentions that the causative factors or reasons of the crimes are not captured by it.

(ii) The NCRB data quotes figures for a particular year. This report, however, makes no mention of the time period, and hence this analysis has been done with the assumption that these figures are for the calendar period January to December.

(iii) The NCRB *Statistics* report introduces the numbers with no social, economical, legal or political context. There are no interpretations given at the end of each table. This report does not contain a disclaimer or note on limitations of the statistics mentioned. It is assumed that the readers would refer to both these reports for the purpose of better understanding and interpretation of data. There may also be an assumption that people referring to this data may have the requisite sociolegal understanding on the issue.

(iv) Table 10.1 reports “Incidence and rate of juveniles in conflict with law under the IPC (2003–13).” The NCRB in its disclaimer mentions that it records only police-recorded crime cases.

Technically, this means, Table 10.1 documents the number of first information reports (FIR) registered by the police. The FIR is a preliminary complaint filed and may not necessarily be true. FIRs can merely give an approximate indication of the magnitude of the problem. Hence, the title of the table is misleading and given the nature of data should have been titled “Number of FIRs filed against children under IPC (2003–13).”

In this context, Table 10.1 must be interpreted in a limited manner to mean that 31,725 FIRs were registered against juveniles in the police station across India in 2013. This again should be further interpreted to mean that the actual number of offenders would be much less than 31,725 because not everyone mentioned in the FIRs may be “guilty” of the offence registered.

(v) The footnote under Table 10.1 indicates the computation of percentage of the rate of crime being calculated based on the “Actual population figures Census 2011 Population (Provisional) for 2011.” The NCRB has stated in its note on limitation that one of the difficulties faced by them while calculating percentages has been the source of actual population data for the current year.

Being a government establishment one assumes that the NCRB would have access to the final census report of 2011 in 2013. Statistically, this would affect computation of percentages because it is a known fact that the population of the country grows by a certain percentage every year.

To be more precise, the NCRB should ideally calculate crime occurrence rates on the basis of the resident population of the concerned state, because there is an ecological and demographic difference in each state which needs to be taken into consideration while drawing deductions.

(vi) Any person caught committing an offence is charged with multiple sections under the IPC. No single IPC section can completely describe the nature of offence the person has engaged with. For example, in case of a fight which has resulted in an injury, the accused could be charged with Sections 323–333, 335–338 IPC (depending on the nature of offence). However, if later the injured

victim dies of the injury it would result in the accused being charged with Section 302 of the IPC. Hence statistically, the number of offences committed should always exceed the number of people committing the offence. The NCRB data does not capture this reality.

The “disclaimer” explains the principal offence rule adopted by the NCRB for documenting crime. According to this, among many offences registered in a case, only the most heinous crime is considered as the counting unit thereby representing one case. So if an accident ends up in a death, it is shown as murder in the data and not as accident. It would then not be wrong to imply that the objective of the NCRB juvenile data is to document serious crime cases and not document crime cases in general.

### Implications and Consequences

The implications to this kind of a reporting format within a juvenile justice system are:

(a) Data gives a wrong impression and accentuates the number of serious offences giving an impression of rise in serious crimes by juveniles.

(b) In a study done by the Tata Institute of Social Sciences (TISS) on *“The Status of the Justice Delivery System for Juveniles in Conflict with Law in Maharashtra and Delhi”*<sup>4</sup> in 2008 and 2010 it was found that the number of offences committed by the children themselves was less in comparison to the number of offences committed by children in a group or along with other adults. If a child was coerced into being a party to the offence primarily done by an adult, or played a limited role in a serious offence, he would still by default get booked under the same sections as the adult. The principal offence rule of the NCRB would depict the number of these juveniles also under the serious offence category accentuating numbers. This may be why Table 10.3 of the NCRB data reflects juveniles being charged under the Child Marriage Act and Essential Commodities Act because legally children cannot be charged under the same.

The yardstick used to analyse adult and juvenile data by the NCRB is the same. This may not be fair given the

differential process, perspective and ideology that exist between the two systems. A quick glance through the tables across chapters would make this point clear. The analysis that follows as a result of the same depicts an unfair picture of the system and is discussed below.

In the juvenile justice system, it is not sufficient to state the kind of crime committed by and the age of the juvenile. It is equally important to understand the role of the juvenile in the crime. Has the juvenile committed the offence alone or in a group with adults or in a group with juveniles? It is important to analyse how many juveniles have been charged under Section 34 IPC.<sup>5</sup> This number in all probability would narrate a different statistical story. The NCRB data does not look into this aspect in its analysis in Chapter 10.

The further implications of lack of analysis of Section 34 IPC is shown in Table 10.2<sup>6</sup> and Table 10.3<sup>7</sup> reflecting the numbers of children charged with offences like criminal breach of trust (Sections 406–409 IPC); counterfeiting (Sections 231–254, 489, A-489D IPC); dowry deaths (Section 304B IPC), cruelty by husband or his relatives (Section 498A IPC); Arms Act, Gambling Act, the Foreigners Act; Prohibition Act, Immoral Traffic (Prevention) Act, Indian Passport Act, Essential Commodities Act, Prohibition of Child Marriage Act, Forest Act, Importation of Girls from Foreign Country (Section 366B IPC), Protection of Civil Rights Act; total for scs, for sts, Immoral Traffic (Prevention) Act, Commission of Sati (Prevention) Act, and the Essential Commodities Act.

Ideally juveniles cannot be charged under the Commission of Sati (Prevention) Act, the Essential Commodities Act or the Child Marriage Act. If a juvenile has been charged with the same, it would mean that the child was framed or was an accomplice with an adult. As a result of the principal offence rule, the gravest offence is highlighted even though the juvenile may not have a role in the same.

Perhaps readers may debate the capacity of juveniles to commit offences under the acts mentioned in Tables 10.2 and 10.3. I would like to discuss the age groups of children being charged with

such offences depicted in Table 10.8<sup>8</sup> and then let readers make an informed decision about whether these children are juveniles or victims of social circumstances. Some of these are:

- (1) Two boys between the ages of seven and 12 years charged with the Forest Act.
- (2) 50 boys between the ages of seven and 12 years charged with rape.
- (3) Four girls between the ages of 12 and 16 years charged with abetment to rape.
- (4) One boy between the age of seven and 12 years charged with dacoity.
- (5) One girl between the age of seven and 12 years, two boys and one girl between the ages of 13 and 15 years and five boys between the ages of 16 and 17 years charged under the Prohibition of Child Marriage Act.

(c) The NCRB has two subheads under Rape, that is, “custodial rape” and “other rape.” This criterion is used to depict adult rape. Custodial rape is not considered applicable within the juvenile setting as it is about rape in police custody and it is presumed that only girls can be raped since children are never apprehended in the night, especially girls. No numbers are ever depicted under this head in the NCRB reports of more than five years. Given the reality that children “in love” are also charged with rape, ideally the subheads under rape in a juvenile justice system should make a distinction between “violent rape” and “in relationship sex.”

Three articles in the *Hindu* newspaper on “The Many Shades of Rape Cases in Delhi,”<sup>9</sup> “Young Love Often Reported as Rape in Our ‘Cruel Society’”<sup>10</sup> and “Rape Cases: Scripted FIRs Fail Court Test”<sup>11</sup> have tried to raise this issue by studying the online judgments passed in Delhi on rape. The methodology of this study has been published in the newspaper to substantiate the authenticity of the study.<sup>12</sup>

Unfortunately, since there are no academic studies done, one has to rely on these findings, the experiences of people working in the field<sup>13</sup> and newspaper reports.<sup>14</sup> Studies in India with respect to JCL are very limited given the confidentiality issue.

Table 10.13 “Disposal of Juveniles Apprehended (Under IPC and SLL Crimes) and sent to courts during 2013” provides

the numbers on various types of final orders passed by the JJb. Two concerns are raised in this table.

(a) The title of this table does not bear the appropriate terminology. The words “disposal” and “courts” are colloquial. The appropriate legal terminology is “final order” and “JJb” or simply the “Board.” Statisticians should be precise about terminology and the headings given to tables as they could completely change the context in which they are read.

(b) I wrote to the only two special homes for boys in Maharashtra to cross-check the number of juveniles who were sent to these special homes in 2013. As per the response received there were 21 and nine juveniles who were sent to these institutions which total 30 boys. If one had to add the number of girls sent to the only special home for girls in Maharashtra and to the Borstal School in Nashik, it would still not amount to 100 juveniles.

Besides, in the study done by TISS it was found that the copies of final orders passed by the JJb were never given to the concerned police stations. Even the JJBs did not maintain a record or analyse the kind of final orders passed on a monthly or yearly basis given their lack of manpower. Hence, the TISS researchers had to physically study each file and make a note of the final orders passed in each case. This situation has not changed at least with respect to Maharashtra as the author continues to work very closely with the system in this state.

In this context, the NCRB data has quoted 2,224 as being reportedly sent to the special homes in Maharashtra in 2013. Given that the police does not have this data, how did they provide such information to the NCRB? This raises serious concerns about the authenticity of figures given in Table 10.13. It also gives rise to questions about the validity and authenticity of numbers of the other tables as well.

Similar to the point made above, the authenticity of data with respect to Table 10.14 titled “Classification of Juveniles Apprehended (Under IPC and SL) By Attributes During 2013 (State and UT-Wise)” is being questioned. The term “Attributes” in this table means the

socio-economic profile of the juveniles apprehended. During the process of data collection by TISS it was found that the police did not maintain this kind of record. The researchers found it difficult to find this information even in the case files of the children.

In this context, when the NCRB data has been able to give the social profile of the children they have also managed to provide the same for all the juveniles apprehended in 2013 which does not appear convincing to activists working in the field. Table 10.14 claims to provide numbers of “Recidivism” among JCL-new cases and JCL-old cases. It is not clear how these figures depict recidivism and the methodology used to calculate recidivism. Recidivism refers to a person’s relapse into criminal behaviour, often after the person has received sanctions or undergone intervention for a previous crime. Recidivism is measured by criminal acts that result in rearrest or reconviction.

Finally the author holds serious reservations about the manner in which the data with respect to the JCL in Chapter 10 has been summarised in the *Compendium*. The reservations are as given below.

(a) The 14 tables mentioned in *Statistics* are consolidated into eight points. The general expectation from a snapshot is the summary of each table. There is no justification or reasons about why a few tables have found no mention in the snapshot section. It gives the impression of bias operating in the reporting process.

(b) The snapshot reads “the number of Juveniles in conflict with law under both IPC and SL has increased by 13.6% and 2.5% respectively during the year 2013 over 2012.” This statement is extremely misleading and gives an impression of rise in crime rate. Technically this statement should read “the number of juveniles alleged as ‘conflict with law’ under both IPC and SL has increased by 13.6% and 2.5%, respectively, during the year 2013 over 2012” as this is the FIR data.

(c) The rule of thumb is to stick to using either numbers or percentages across all points. The impression that one got while reading the snapshots of juveniles in conflict with law was that of

percentages used, when the numbers did not sound powerful and captured the attention of readers, while numbers were used when there was volume to it and the percentage did not sound attractive.

For example, the snapshot reads “The highest number of juveniles were apprehended for thefts (7,969) followed by hurt (6,043) and burglaries (3,784). These heads taken together accounted for 40.9% of total juveniles apprehended under IPC crimes.” In this case, numbers were quoted.

The snapshot further reads “The highest increase in the incidents of crimes committed by juveniles was reported under assault on woman to outrage her modesty (132.3%) followed by insult to the modesty of women (70.5%) and rape (60.3%).” In this case, the percentage has been quoted and numbers not mentioned which reflect a bias in operation.

Ethically this may not be a sound practice and is further elaborated in the table below.

### Misleading Interpretation

A snapshot of Table 10.3 is given below to demonstrate how the use of “mere” percentage without the understanding of numbers can be misleading.

**Table: Snapshot of Table 10.3 of Crime in India Statistics 2013**

Crime Head	Quinquennial Average (QA) (2008–12)	2013	Percentage Change In 2013
Assault on women with intent to outrage her modesty (Sec 354 IPC)	553	1,424	132.3
Insult to the modesty of women (Sec 509 IPC)	162	312	70.5
Rape (Sec 376 IPC)	951	1,884	60.3
The Foreigners Act	25	62	148.0
Indian Passport Act	8	17	112.5

On an average, 553 juveniles were “alleged” with “Assault on Women with Intent to Outrage Her Modesty (Section 354 IPC).” In 2013, 1,424 juveniles were charged by the police with the same offence. The increase in number is to the tune of 871 cases across 12 months and all states and union territories. An increase of 871 cases may not sound sensational enough for a news headline. However, translating this into percentage would mean “132%” and can capture attention.

Similarly, if the government decides to look into the “refugee” issue, they may end up saying “148 percent increase in juveniles entering Indian soil” when actually the numbers across the whole year and all states and union territories would be a mere 62 and where many of them may be victims of circumstances.

## Conclusions

An individual or agency needs to be aware of the limitations of official crime data while projecting them within reports or news stories. Improving technology to obtain reliable data is one aspect; however, engaging social scientists, criminologists and subject experts to interpret field data is equally important. The difference between mathematics and applied statistics should be recognised.

While crime statistics influence public policy, societal and political priorities should not determine what data are collected. Basic ethics should be followed in the legal and social context. The use of wrong terminology, misleading titles of tables, use of same parameters for depicting adult and juvenile crimes, unauthentic data, selective highlights using percentage and numbers as per convenience have all widened

the scope for misinterpretation of data. The NCRB needs to seriously consider reviewing the format and methodology used to depict data in Chapter 10 of its *Crime in India—Statistics*.

## NOTES

- 1 Resource Cell for Juvenile Justice is a Field Action Project of the Centre for Criminology and Justice, School of Social Work, Tata Institute of Social Sciences, Mumbai. This project works towards the rehabilitation of juveniles in conflict with law from a legal and social angle from 2008. The project is located in various districts of Maharashtra.
- 2 Table 10.8: Juveniles Apprehended (under IPC and SLL) Crimes by Age Groups and Sex during 2013.
- 3 [http://www.unicef.org/montenegro/Prava\\_Djece\\_ENG.pdf](http://www.unicef.org/montenegro/Prava_Djece_ENG.pdf)
- 4 Centre for Criminology and Justice (School of Social Work), Tata Institute of Social Sciences conducted a study on “*The Status of the Justice Delivery System for Juveniles in Conflict with Law in Maharashtra and Delhi* with due permissions from the Mumbai and Delhi High Court. This study was the first of its kind to be done officially and threw light on the working of the systems and stake holders associated with this system. The recommendations of the Maharashtra study were taken up seriously by the HC and many changes were introduced in the system based on the same. These studies have yet not been published.
- 5 Section 34 IPC: Acts done by several persons in furtherance of common intention—when a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.
- 6 Table 10.2: Juvenile in Conflict with Law (IPC) Under Different Crime Heads and Various

Percentage Changes in 2013 over 2003, QA and 2012.

- 7 Table 10.3: Juveniles in Conflict with Law (SLL) Under Different Crime Heads and Percentage Variation in 2013 over 2012.
- 8 Table 10.8: Juveniles Apprehended (under IPC and SLL) Crimes by Age Groups and Sex during 2013.
- 9 <http://www.thehindu.com/data/the-many-shades-of-rape-cases-in-delhi/article6261042.ece>
- 10 <http://www.thehindu.com/news/national/stories-behind-sexual-assault-rulings-shine-light-on-reality-of-rape/article6265285.ece>
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- 13 <http://timesofindia.indiatimes.com/city/delhi/Menaka-Gandhis-statement-Experts-activists-advise-caution/articleshow/38401917.cms>
- 14 Misunderstanding rape, condemning juveniles, [www.thehindu.com/todays-paper/tp-opinion/misunderstanding-rape-condemning-juveniles/article6310215.ece](http://www.thehindu.com/todays-paper/tp-opinion/misunderstanding-rape-condemning-juveniles/article6310215.ece)

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