

9TH INTERNATIONAL STUDENT CONFERENCE ON LOCAL SAFETY AND SECURITY



University of Maribor

Faculty of
Criminal Justice and Security



Erasmus+



Slovenian Research and Innovation Agency

Peer violence in schools and prevention in India: from Juvenile Justice Care and Protection Act perspective

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Objective

To understand patterns of peer violence in schools in India

To analyse impact of Juvenile Justice (Care and Protection) Act in addressing the issue of peer violence in Schools in India

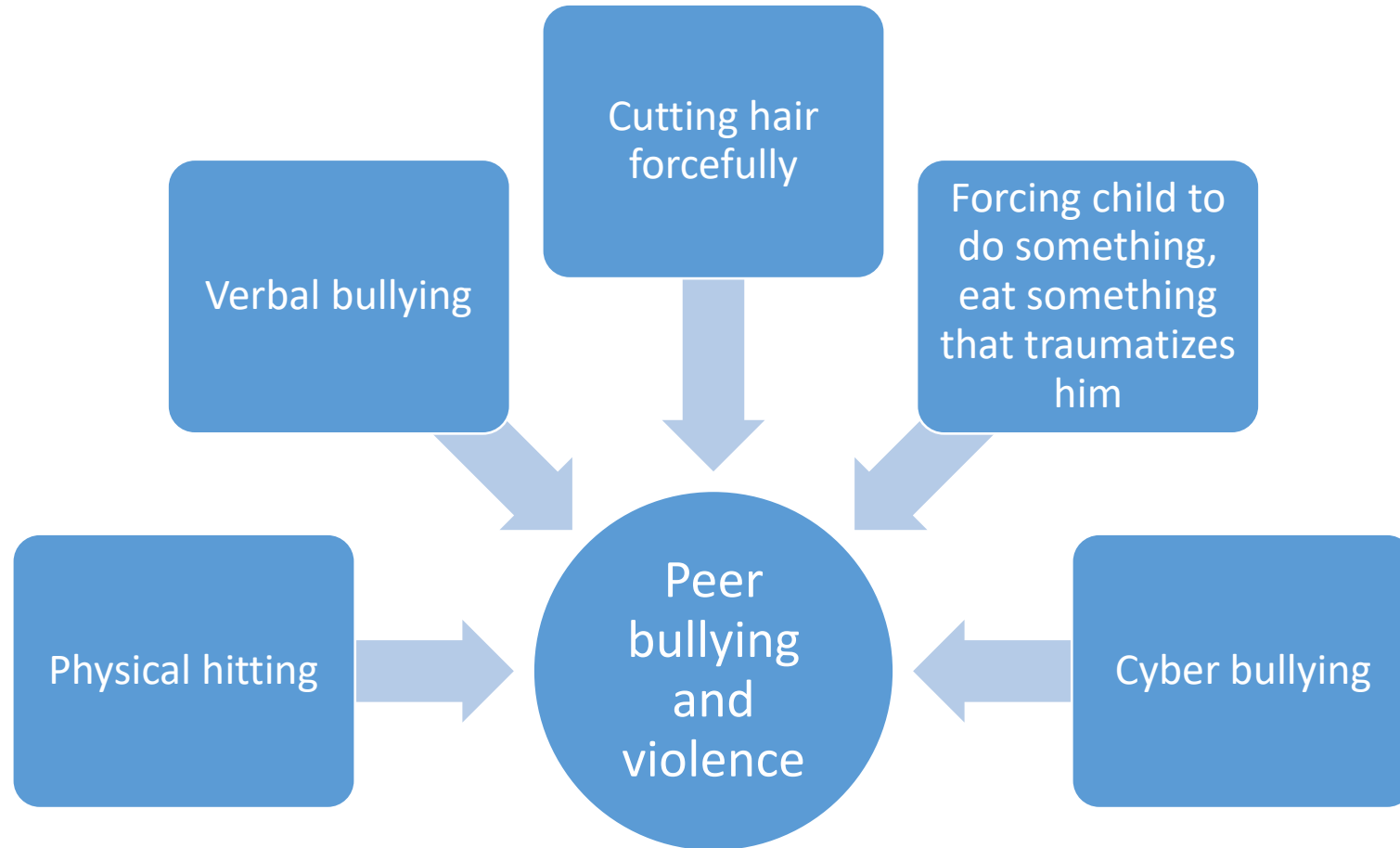
Methodology

- Researcher has used doctrinal research methodology to analyse laws.
- Literature review has been done to
 - understand history of peer violence in educational institutions in India
 - Analyze patterns of peer violence in educational institutions in India
- Researcher has relied only on secondary resources.

History of peer violence in educational institutions in India

- Bullying and peer violence in educational institutions (gurukuls) had existed since ancient times in India
- Stories from Mahabharata show peer bullying and violence between Pandavas and Kauravas children
- Peer jealousy, dominating the weak who may not be able to stand up for self defense, social oppression are some of the reasons for peer violence among children.

Patterns of peer violence



Social structure that may have encouraged such behavior

Family norms

No parental control over child's behavior

Reluctance to report violence to police

Barrier to access justice by socio-economically oppressed class

Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 and its impact on peer violence in schools

- ✓ Acknowledgement of children in need of care and protection
- ✓ Acknowledgement of bail as protective shield for children in conflict with law in violent behavior.
- ✓ Shifting the burden to parents and schools for serious harm on the victim children.
- ✓ Acknowledgement of appointment child psychologists for mapping mental health of children.

How Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 has helped address peer violence and bullying in schools in India

Classification of offences as per gravity

Heinous offences (S.2(33), offences with punishment for 7 years and more

Serious offences (S.2(54) offences with punishment for more three years but less than 7 years

Petty offences (S.2(45) : offences with punishment for maximum 3 years

Bail as a rule

- Monitoring of child's physical and mental health by proper stakeholders.
- Creating childfriendly atmosphere for holistic development of children in children's observation Home in case bail is denied for the gravity of the offence.
- Making parents, school and other authorized caregivers responsible for holistic development of the child

Presumption of determination of age of juvenile and handling of children in conflict with law and in need of care and protection in peer violence cases

- S.94 of the Juvenile Justice Care and Protection Act mandates that presumption of age shall be made for lower minimum age for criminal responsibility .
- Child in conflict with law must be given proper legal-health care.
- Efforts must be made to not transfer the child as a punishment.
- Child victims of peer violence shall be given additional care and protection.
- Victim blaming and shaming is considered as offensive behavior under JJ Act.

Conclusion and suggestion

- Peer violence and school bullying need to be addressed through wider awareness campaigns in rural, semi rural and urban India.
- District Legal Services Authority and district education authorities must jointly collaborate to execute the aims of the Juvenile Justice Care and Protection Act and the Constitution of India for empowering children and ensuring equity and access to justice.

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Thankyou !

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