

Q) Write a Comprehensive Note on Juvenile Justice System of Pakistan. Suggest measures for improvement of J.J.S?

A. Foreword

Juvenile Justice System (J.J.S) is not a new concept, it has its root in British laws for poor children in early sixteen century. Moreover nuclear family system supported the idea, and movement of rights for children in ninteen century gave a legal framework. Under this framework first Juvenile court (J.C) was formed in Cook county. Pakistan first started legal proceedings on Juvenile Justice System Ordinance (JJSO) 2000, which is replaced by J.J.S act 2018. Although codes are placed but system is unable to produce results.

B. Juvenile Justice System of Pakistan

Juvenile Justice System was promulgated in Pakistan under JJSO 2000, which was replaced by J.J.S act 2018. Following are procedures of J.J.S

Juvenile Justice System Ordinance 2000

Juvenile Justice System Act, 2018

Role of Judiciary

- a. Separate Courts
- b. Juvenile Justice Committee
- c. Punishing Under JJS

Role of Police

- a. Determination of age
- b. Not to handcuff a Juvenile
- c. Separate Detention

Role of Probation officer

- a. Welfare and Counselling of Juvenile
- b. Coordinating with Guardian
- c. Helping in Courts Proceedings.

1. Role of Judiciary Under JJS act-2018

a. Separate Courts

A judge must ensure that courts proceedings must held in a separate court room, not with hardened criminals

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b. Juvenile Justice Committee - Diversion

A Juvenile justice committee should divert cases on reference of juvenile courts. The J.J.C. will comprise of Class 3 magistrate, lawyers, attorney at state and probation officer.

c. Punishment Under JJSA Act 2015

A judge must ensure that corporal punishments such as life imprisonment, and death penalty, and hard laboring should not be awarded to the juvenile.

2. Role of Police Under JJSA act 2015

a. Determination of Age - Section 6

Police at time of apprehending the a juvenile should determine its age through school certificate, or any other official document. In case of failure, police should determine the age of a juvenile through medical examination.

b. Juvenile should Not be Handcuffed
Police should ensure that a juvenile below the age of sixteen years should not be handcuffed. Police can only handcuff a juvenile above the age sixteen years if it fears that a juvenile can run from the police.

c. Separate Detention

Police should keep a juvenile in a separate detention room, or in an observation house. Police cannot place a juvenile in a prison.

3. Role of a Probation Officer Under JJS Act 2018

a. Welfare and Counselling

A Probation officer should do all the work for the welfare and counselling of the juvenile by becoming a friend with him.

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b. Coordination With Guardian

A probation officer will coordinate with guardian to draw a character of the juvenile. Moreover, probation officer will help guardians to ensure that a juvenile should not relapse.

c. To provide Assistance in Courts Proceeding

A probation officer shall provide assistance in proceedings by providing background checks and drawing a character sketch of a juvenile.

C. Problems in Juvenile Justice System of Pakistan

i. Lack of Juvenile Courts

Pakistan lacks juvenile courts. Only one court was established under JJOS act 2018. Thus, children faces trial with other hardened criminals.

2. No Juvenile Justice Committee

Practically no juvenile justice committee exists to provide a diversion mechanism.

3. Police Doesnot follow SOPs

Junior Police officer at times do not comply with Standard Operating Procedures when dealing with criminals

iv. Untrained Probation Officers

Probation officers are untrained. Thus, they lack skills to draw character and run back ground check, that hinders in courts proceedings

v. Inability to keep Juvenile off the lime light

The identity of a juvenile at many time is revealed due to ^{the} careless attitude of the authorities.

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D. Remedial Measures For Juvenile Justice System

1. Juvenile Courts in Provinces

The Government should ensure that juvenile courts are established at least in all provinces. The step will ensure separate trials for the juveniles.

2. Juvenile Justice Committee At District and Sessions Court Level

Juvenile justice committee should be formed at district and sessions court level to ensure that diversion mechanism works efficiently. This will lay off the burdens on the juvenile courts.

~~3. Senior Officials must Comply~~

3. Senior Officer Should Ensure Compliance to SOPs

Senior Police Officers such as subdistrict Police Officers, and Superintendent of Police must ensure that junior officers

comply with all the SOPs in place.

4. Training Institutes for Probation Officers

Training should be inculcated in the probation officers in training institutes. These institutes will provide knowledge on psychology of childrens in particular.

This will enable Probation Officers to do their work efficiently.

5. Identity of a Juvenile to be kept as a secret

It is the duty of entire Juvenile Justice System to ensure that identity of a juvenile is not revealed. So, that a juvenile can become a part of a society later on.

E- Con Final word

All the codes are codified in the JJS act 2018, however, the authorities lacks in implementation. Thus, all the stakeholder must comply with their roles in order to make JJS in Pakistan efficient.