Q) Write a comprehensive note on the Juvenile Justice System of Pakistan. Suggest measures for improvement of JJS of Pak?

A. Introduction

Juvenile Justice System (JJS) is a part of any justice system of the world that concerns itself with the procedures, and laws, to deal with the juvenile delinquency. Pakistan Criminal Procedure Code (CrPc) clearly distinguish between juveniles and criminals. There are many problems with JJS such as, inability of the police to verify the age of culprit, lack of juvenile courts where separate trials can be held, no medical check up for the juveniles & Probation officers cannot be relied upon as they are not trained well to deal with juveniles, and lastly reformation of juvenile is the least priority. The coming paragraphs will highlight problems mentioned above, and there remedial measures, so that JJS can work independently.

B. Juveniles Under Pakistan Criminal Procedure Code

The Criminal procedure code has clearly defined the age limit of the juveniles under following sections.

Section 82:

Nothing is an offence done by a child under the age of seven.

Section 83: Nothing is an offence done by a child between age of seven and tweleve years. 'Who has not attained the maturity to judge the repercussions of their actions'

Mostly, children under eighteen years of age are deemed as minors, in international practice.

C. Problems With Juvenile Justice System of Pakistan

i. Police Doesnot Verify the Age

The foremost problem in the JJS is the role of police. When police nabs a criminal it doesnot verify the age of the criminal medically *incorrect* and only rely upon the identity card or verbal statement of the offender. Thus, many a times juvenile cases are under reported. According to news published in Dawn

" Punjab has the highest number of under reported cases related with minors."

Which means most of these minors were tried under CrPc.

ii. No Medical Checkup for Juveniles

Another reason of failing JJS in Pakistan is that, state doesnot provide medical checkup for juveniles,

and in order to get free they blackmail the authority by harming themselves and blaming the authorities. Although it seem as true as an oasis in the desert, but many pschologists have argued that fight or fly instinct in human can make them do wonders. Thus, no medical checkup inhibits the authorities to keep the medical files.

iii. Lack of Juvenile Courts

This problem forces the authorities to conduct joint trials in the ordinary courts. There remains a great chance that juvenile can be intimidated or coerced to give certain statement by their partners in crime. This can lead to freedom of the adults, while the minor will be free with a minimum penalty.

iv. Untrained Probation Officers

Most of the probation officers in Pakistan's justice system are untrained, especially in the cases where they have to deal with the juveniles. Untrained Probation Officers are unable to draw a profile on juveniles social, economic and pschological background. These informations are very important for the judge to give their verdict.

V. Lack of lock-up facilities for Juveniles

Due to lack of funds the authorities are unable to create separate lock-up facilities for the children. This increases the chance of the juveniles to become hardened criminals in near future. According to Edwin H. Sutherlands differential Association Theory, that argues frequency, intensity of people with criminal patterns can increase criminal tendencies among such people.

VI. Reformation is not the Priority

In Pakistan's JJS reformation of juvenile is not the utmost priority, as most of the juveniles relapse to the work they were doing before visiting the facility. Lack of focus on education in the corrective facilities inhibits the juveniles to become a part of the society by contributing towards it.

D. Remedial Measures for Improvement of Juvenile Justice System.

I. A Separate and New Standard Operating Procedure

Police must develope a new standard operating procedure (SOP) while filing of first Information Report (FIR). After nabing the culprit, Police should should take them to the nearest hospital

to verify their age medically, before proceeding towards filing of FIR. ~~It will put an end to all the cases~~ Thus, no more juvenile cases will go unreported, and will be tried under JJS.

ii. **Medical Check-up at Expense of the State.**
State should allocate funds for medical check-up of the juveniles, and keeping an up to date medical history of the juveniles.

iii. **Allocation of funds for Juvenile Courts**
State should allocate funds for juvenile courts so that authorities are not forced to hold joint trials.

iv. **Training Institutes For Probation Officers**
Training institutes should train the probation officers to deal and understand the juvenile, how to win their trust and how to become friends with them. Only through such training probation officers will be able to draw the profile of juveniles for the judge.

v. **Separate Custody Rooms for Juveniles**
Although government has lack of funds, and they cannot built new separate custody rooms for juveniles but

they do exist
check your facts

they can declare a certain room in the building or a police station as a custody room for juveniles so that they can be separated from other hardened criminals.

VI. Inculcating Education with Help of NGOS

JJS of Pakistan Should focus on reformation of the juveniles, so that they donot relapse towards the world of crime. The authorities should ask NGOS suchas red cross, Pakistan Lions, student unions to ensure that people or their member should volunteer to teach them skills suchas, carpenting, woodcraft, woolen craft, and other courses, so that they can become a part of the society.

E. Critical Analysis

Pakistan JJS has been plagued with number of issues such as, lack of SOP at the part of police to deal with juvenile cases, untrained probation officers are unable to draw a profile on juveniles to help them court. Moreover, lack of juvenile courts and separate custodies causes forces the authorities to hold joint trials that poses a danger for the juveniles. However, JJS of Pakistan

can be improved by creating a new SOP for Police to deal with the juvinile or the courts, and by providing training to the Probation officers. It would take time to see the results of these measures, but it will change the direction of current JJS by 180 degrees.

F. Conclusion

In a nutshell, Pakistan's JJS is plagued with different problems but it can rise like a phoneix from its ashes by following the remedial measures as suggested.