

Write a Comprehensive note
on Juvenile Justice System of
Pakistan. Suggest measures
for the improvement of
Juvenile Justice System of
Pakistan.

Qns: Introduction

Around the globe, justice systems for juveniles are being drafted to protect the fragility of underage criminal offenders because there is no law exist for "minor offenders" under criminal law itself.

The long and tedious process of police custody, abusive trials and death sentences for juvenile offenders are some of the core issues facing the juvenile justice system. Pakistan has addressed these issues in their revised juvenile criminal justice system promulgated in 2018 in comparison to the laws prior to the juvenile justice system ACT (JSA), and to some international justice systems.

Juvenile Justice System of Pakistan

• Salient features of the law

→ Free legal assistance for children
Every juvenile or a child who is victim of an offence shall have legal assistance at the expense of a state.

→ Establishment of juvenile courts

with the commencement of act, (Juvenile act), § High Court directed to establish or designate one or more juvenile courts within a period of **3 months**. only deputy session judge, add session judge or magistrate can be appointed as a juvenile judge.

• Juvenile judges

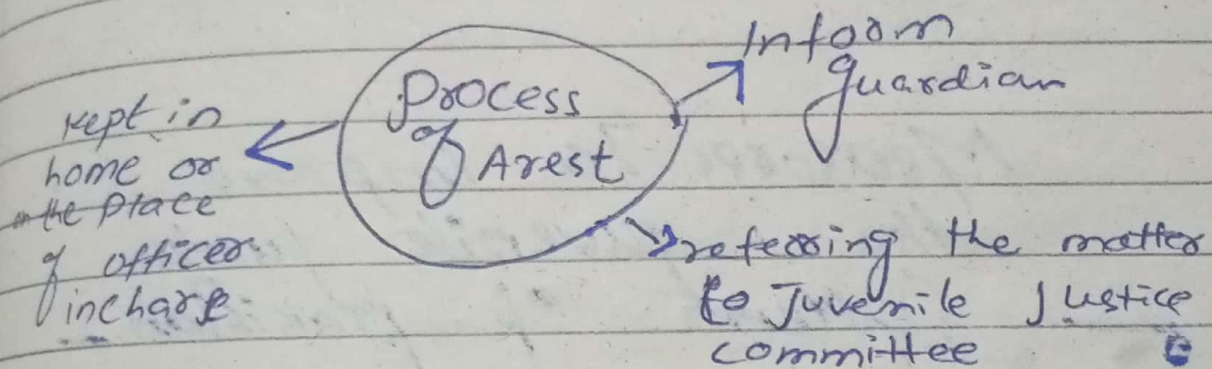
Session judge

additional session judge

Magistrate

Process of Arrest

→ In Pakistan's juvenile system, the arrested juvenile shall be kept in home and the officer-in-charge of the police station



→ Release on bail according to the type of fact of crime
 A juvenile accused of **HEINOUS OFFENCE** (age of 16 years) who is arrested, he may release on bail by juvenile courts

Juvenile		
Offences	Age	imprisonment
→ Heinous	16	more than 7 years
→ Major	'	upto 7 years
→ Minor	'	up to 3 years

(According to JJSA)

→ Disposal of juvenile case through diversion

The juvenile justice committee shall dispose the case through diversion with the consent of the person against whom offence committed.

Measures To Improve the juvenile justice system of Pakistan -

• Establishment of Separate juvenile courts

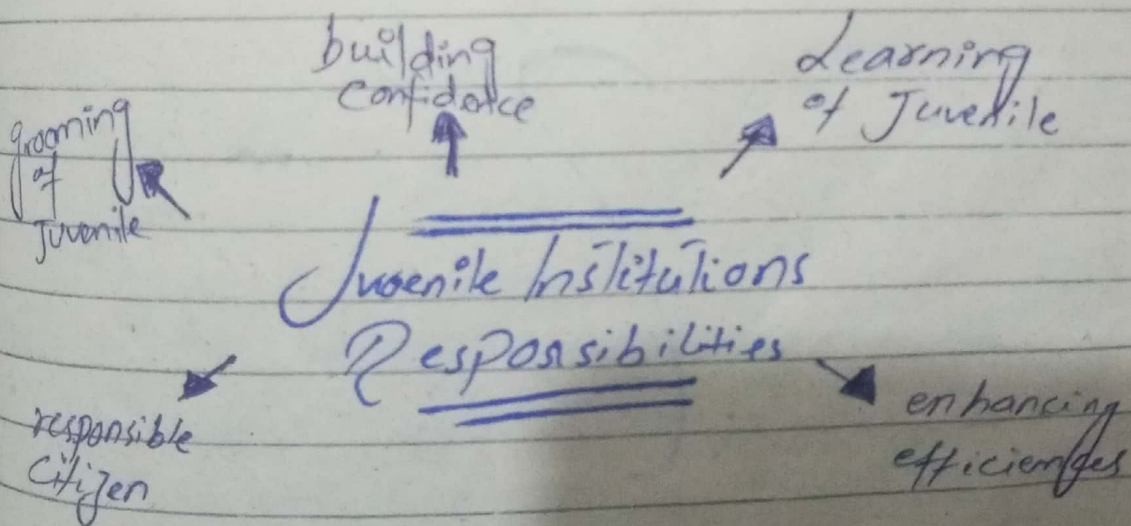
Separate juvenile courts should be designated for the trial of children in conflict with the law. This may lower the workload of existing courts. As there are lack of juvenile courts for the purpose of separate hearing in the country.

• Custodial sentences of children should be minimised

After taking a juvenile in a custody, trial must be done within the given time limit that is six month in accordance with the JJS 2018.

• Establishment of Juvenile Institutions

In Order to "Reintegrate a Juvenile in a Society", the Juvenile institutions must be established. These institutions are responsible for their learning, grooming, enhancing efficiencies, building confidence responsible citizens etc.



Currently, there are only two separate Juvenile jail-Cam-boastal institutions in the country, one at Bahawalpur (Punjab) and other at Landhi (Sindh).

● Enforcement of Punjab Youthful Offenders Ordinance 1983 - A legal reform.

The government must

examine the possibility of

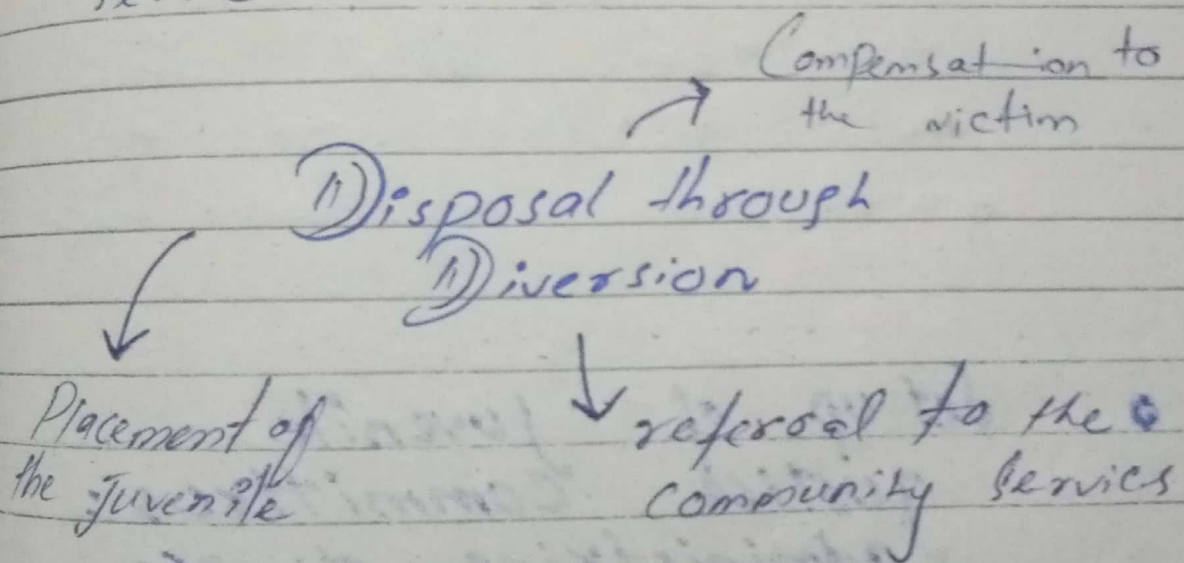
gradually enforcing the Punjab Youthful Offenders Ordinance 1983.

This law being the latest in the field is fairly up to-date, as it incorporates

the latest principles and concepts from modern jurisprudence.

• Disposal of juvenile cases by Diversion

The disposition measures are aimed for the rehabilitation of the juvenile in the society. This action may include compensation to the victim, placement of the juvenile under guidance or supervision of the family, probation officers and referral to community services.



• Administrative Oversight
Under the court provision in dealing with the bail issue, the court must also examine other alternative measures such as supervision by probation.

offices, guidance of parents
guardian, etc.

● Provision of funds by the government for juvenile rehabilitation systems

Government must release
funds for the enactment
of juvenile law in a
true spirit. For that
matters, the juvenile justice
committees must oversee
the allocation of these
funds in a proper manner.

● Set up of juvenile justice committees: administering diversion

These committees must be
set up that play a
strategic role in administering
"Diversion". That would be
an alternative intervention
in order to redirect juvenile
delinquents away from

Confinement in Prison while still holding them accountable for their actions

Justice Committees

Judicial
Magistrate

An advocate
of the SC

District
Prosecutor

Probation
Officers

It is Section 9(4) of the JJSA

act, authorizes the Justice Committees to dispose cases with consent of the person against whom the offence was committed.

Conclusion

Juvenile Justice System Act 2018 is in harmony with the UN convention on the rights of the child and both the Mandela and Tipping rules. It is an important legislation which centres around 'best interest of the child' and introduces, for the first time in Pakistan. Although, it's not implementing in its true spirit, and these

is need to sort out
the problems related to
the juvenile justice
system of Pakistan.