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Question :-

Write a Comprehensive note on the Juvenile justice system of Pakistan.
Suggest measures for the improvement of juvenile justice system of Pakistan

Introduction:-

The Juvenile Justice System in Pakistan plays a crucial role in ensuring the welfare, protection and rehabilitation of young individuals who find themselves involve in criminal activity. The system aims to strike a balance between accountability for the actions committed by juvenile and the recognition of their unique vulnerabilities and potential for rehabilitations. Over the years, Pakistan's juvenile justice system has undergone significant changes reflecting the evolving understanding of child rights. Additionally, juvenile justice Act 2018 replaced by the Juvenile Justice System.

Ordinance 2000

Juvenile Justice System Act 2018 :-

1) Background :-

On May 18 2018, the President of Pakistan approved the Juvenile Justice System Act 2018, which passed by Parliament earlier this year. JJSA 2018 overcomes the shortcomings which were present in Juvenile Justice System Ordinance 2000 and provides a much better system for criminal justice and social reintegration for juvenile offenders.

2) JJS Act Classifies into three different Categories :-

i) Minor :-

Minor, which means an offence for which maximum punishment under the Pakistan Penal Code 1860 is imprisonment for up to three years with or without fine. Juvenile is entitled to bail in minor offences with or without surety bonds by

Juvenile court.

ii)

Major:-

Major, which means an offence for which punishment under the Pakistan Penal Code, 1860 is imprisonment of more than three years and up to seven years with or without fine. Bail shall also be granted in major offences with or without surety bonds by juvenile court

iii)

Heinous :-

Heinous means an offence which is serious, brutal, or shocking to public morality and which is punishable under the Pakistan Penal Code 1860 with death or imprisonment for life or imprisonment for more than seven years with or without fine.

Major Provisions of Juvenile Justice System Act 2018 :-

1) Juvenile offenders defined as one who is below the age of 18:-

The law

defines a juvenile offender as a child who has not attained the age. Under section 8 of the juvenile Justice System Act 2018, the age will be determined through birth certificate, education certificate or any other official do

2) Establishment of Exclusive Juvenile Court :-

Under section 4 of the juvenile Justice System Act 2018, the juvenile offenders will be tried by separate courts called juvenile

3) Process of Arrestation of Juvenile offenders :-

Upon arresting a juvenile, the officer-in-charge of the police station must promptly inform the juvenile's guardian and relevant probation officer. Juveniles cannot be arrested under preventive detention law

4) Investigation in juvenile cases by senior police officers :-

A juvenile shall be interrogated by a police officer not below the rank of Sub Inspector under inspection of Superintendent Police and assisted by a probation

officer or social welfare officer.

5) Disposal of Cases through Diversion

The Juvenile Justice Committee shall dispose of a case, with consent of the persons against whom the offence was committed, by resorting to different modes of diversion.

6) Establishment of Juvenile Justice Committee :-

The government in consultation with the concerned Session Judge is required to establish a Juvenile Justice Committee for each sessions division within three months of the commencement of the Act. This committee should consist of four members: a serving Judicial Magistrate, district public prosecutor, a member of the local Bar with at least seven year standing, and a serving probation officer or social welfare officer.

7) Procedure of Juvenile Court

The Juvenile Court should follow the procedures provided in the Code except as specified in this Act. Only authorized personnel such as Juvenile Court Staff, police officers

guardians and others directed by the court should be present at any sitting of the Juvenile Court. The court may direct anyone to withdraw or dispense with the trial of the case in the absence of the juvenile. If a juvenile is found to be suffering from serious physical or mental illness, the court should send them to a hospital or medical institution for treatment at the expense of state.

8) Disclosure of Identity of the Juvenile :-

Anyone who publishes the name or any information that could identify a juvenile can be punished with up to three years in prison and a fine.

9) Role of Probation officer in the Juvenile Procedure:-

A probation officer will conduct a thorough assessment of the juvenile including their background, admission of guilt, and potential for rehabilitation or probation. This assessment will be used by the Juvenile Court to make information decisions about the juvenile's case.

10) Release of a Juvenile on Bail

Juveniles are generally entitled to bail unless there is a serious concern about their safety or potential involvement with criminals. However, for serious offenses, older juveniles may be detained if there is evidence suggesting their involvement.

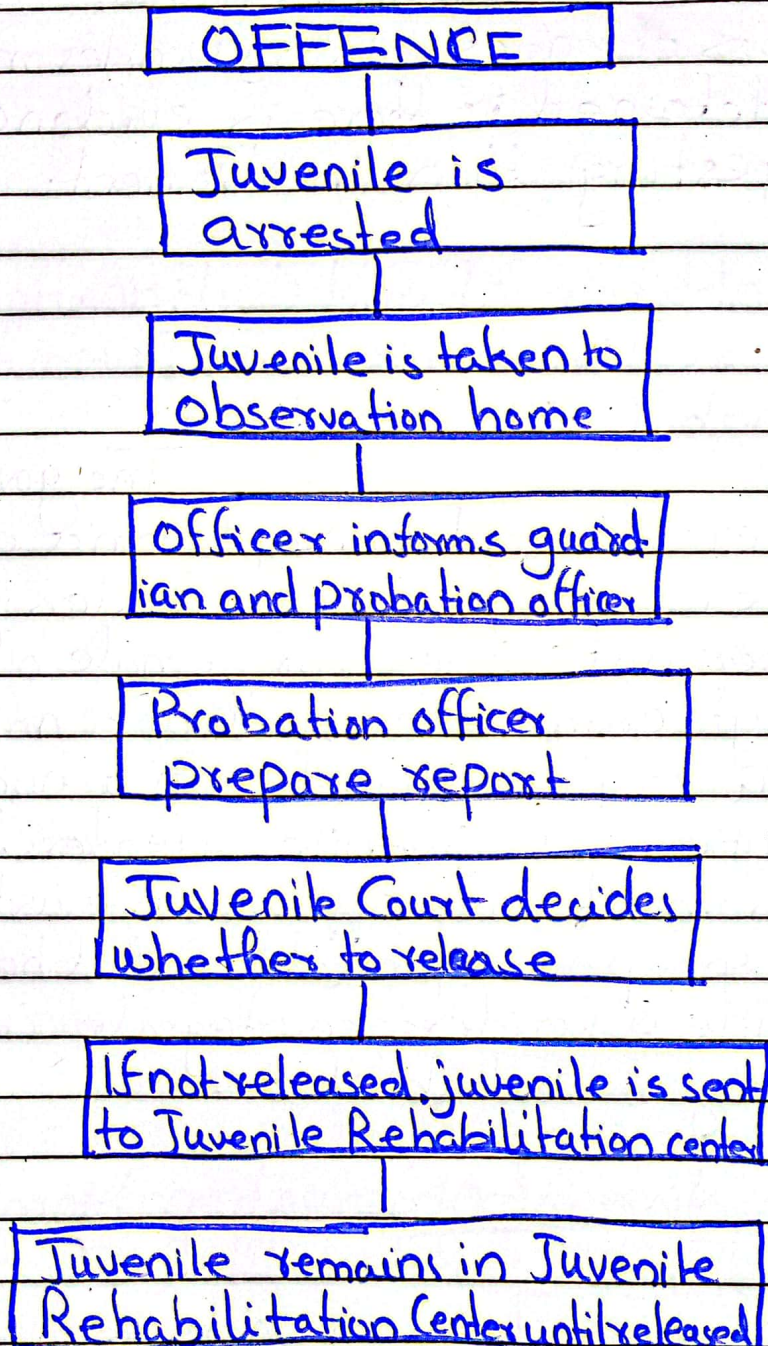
11) Establishment and Certification of Observation Homes and Juvenile Rehabilitation Centres:-

The government can create and manage homes and centers for juvenile offenders including separate ones for female offenders. The government can allow a non-profit organization to run a home or center for juvenile offenders. The government can approve an existing local group or organization that helps juvenile offenders reintegrate into society or rehabilitate.

12) Inspection of Observation Homes and Juvenile Rehabilitation Centers

A designated person from the juvenile Justice Committee can inspect a juvenile-related facility with prior approval. This law's rules supersede any conflicting regulation from other laws.

Juvenile Criminal Justice System:-



Recommendations

1) Lack of clarity on the age limit for bail eligibility :-

There is a contradiction between two sections of the Juvenile Justice System Act 2018 regarding the bailing of juvenile offender. Section 6(A) forbids bail for juveniles over 16 years of age arrested for serious crime, while section 15 does not address this matter. The government should clarify this matter.

2) Reform the Juvenile Justice Committee :-

The government and judiciary should be ~~chartered~~ to avoid revise the juvenile Justice System Act 2018 by increasing the number of members of the Juvenile Justice Committee to enhance its effectiveness and monitoring capabilities.

3) Increase access to diversion and Rehabilitation program :-

Diversion and rehabilitation programs are essential for reducing recidivism among juveniles. However, access to these programs is limited in Pakistan.

4) Establish a juvenile justice monitoring system:-

A juvenile justice monitoring system can help to track the progress of juvenile justice reform and identify areas where further improvements are needed.

5) Protect the rights of juvenile offenders

Juvenile offenders have the right to be treated with dignity and respect. The government should ensure that the rights of juvenile offenders are protected throughout the juvenile justice process.

Conclusion :-

The juvenile system in Pakistan governed by Juvenile Justice Ordinance Act 2018 is designed to cater to the unique needs of young offenders. Improving the juvenile justice system in Pakistan requires a multi-faceted approach addressing legal, social and economic aspects to create a more effective and child-centered system.