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Date 19.08.2024

Criminology (2017)

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

Introduction:

The juvenile justice system in Pakistan is designed to handle cases involving individuals under the age of 18 who are accused of committing criminal offenses. The system is based on the principles of rehabilitation, protection of minors and ensuring their best interests. However, despite the existence of a legal framework, the juvenile justice system in Pakistan faces several challenges that undermine its effectiveness.

II. Legal Framework of Juvenile Justice System in Pakistan:

The legal foundation of the juvenile justice system in Pakistan is primarily governed by the Juvenile Justice System Act (JJSA) of 2018, which replaced the earlier Juvenile Justice System Ordinance (JJSO) of 2000.

The JJSA 2018 aims to provide a comprehensive legal mechanism for the protection, treatment and rehabilitation of juveniles involved in criminal activities. It introduces key provisions such as the establishment of juvenile courts, the appointment of probation officers and the prohibition of the death penalty for juveniles.

"There are approximately 1500 to 2000 juveniles detailed across Pakistan prisons. However, due to inadequate facilities, many of these juveniles are held in adult prisons, which is direct violation of the JJSA 2018."

III. Key Features of Juvenile Justice System:

1. Juvenile Courts:

Special courts are established under the JJSA 2018 to ensure that juvenile cases are handled separately from adult cases. These courts are meant to provide a child-friendly environment and focus on rehabilitation rather than punishment.

2. Probation Officers:

The Act mandates the appointment of probation and to assist the courts in making informed decisions regarding the juveniles rehabilitation.

"A probation officer is not just a custodian of the law, but a custodian of hope."

3. Prohibition of Death Penalty:

The JJSA 2018 explicitly prohibits the death of penalty for individuals who were minors at the time of the commission of the offenses.

4. Detention Facilities:

The law provides for the establishment of separate detention facilities for juveniles, where they are separated / supposed to receive education, vocational training and psychological counseling.

"Detention should be a place of reform, not a warehouse for the lost"

John Grisham

Lack of Awareness

Inadequate Infrastructure

Socio-Economic Factors

Challenges Faced by Juvenile Justice System

Poor Implementation

Arbitrary Age Determination

i- Lack of Awareness :

There is a general lack of awareness among law enforcement agencies, judiciary and even the public about the provision of the JJSA 2018. This leads to juveniles being treated in the same manner as adult offenders.

ii. Inadequate Infrastructure :

The lack of sufficient juvenile courts, probation officers and rehabilitation centers results in delays and inadequate handling of juvenile cases.

iii- Arbitrary Age Determination:

The determination of a juvenile's age often becomes contentious, leading to juvenile being tried as adults. The lack of proper birth records and forensic age assessment tools exacerbates this issue.

iv. Poor Implementation:

The laws on proper paper are not always implemented effectively. There is often a gap between the legal provisions and their practical application, resulting in the mistreatment of juveniles in the justice system.

v. Socio Economic Factors:

Juvenile offenders in Pakistan often come from impoverished backgrounds which exacerbates their vulnerability. The lack of social support systems and the stigma associated with criminal behavior further alienate these children from society.

IV. Measures for Improvement of Juvenile Justice System in Pakistan:

1. Enhanced Awareness Programs:

Conducting awareness campaigns and training programs for law enforcement agencies, judiciary and the general public about the JJSA 2018 and the rights of juveniles is crucial. This would ensure that juveniles are treated according to the law and receive the protection they are entitled for. Awareness is the first step towards meaningful change.

2. Strengthening Infrastructure:

The government should invest in establishing more juvenile courts, rehabilitation centers, and separate detention facilities for juveniles. This would help in the proper segregation and handling of juvenile cases.

"Infrastructure is the backbone of a nation's progress."
(John F. Kennedy)

3. Accurate Age Assessment:

To implementing reliable age determination methods, such as forensic age assessment can prevent the misidentification of juveniles as adults. This would ensure that juveniles are tried under the appropriate/appropriate legal framework.

4. Capacity Building of Probation Officers:

Enhancing the capacity and number of probation officers is essential. Adequate training and resource should be provided to probation officers to effectively monitor and rehabilitate juvenile offenders.

"True rehabilitation starts where the community comes together"
(Byron Stevenson)

5. Monitoring and Evaluation:

To establishing a robust monitoring and evaluation mechanism to oversee the implementation of juvenile justice law is necessary. Regular assessment and audits can help to identify gaps and recommend corrective actions.

"UNICEF emphasizes the importance of monitoring and evaluation to ensure that juvenile justice systems adhere to the principles of the Convention on the Rights of the Child (CRC)."

6. Collaboration with NGOs:

Partnering with non-governmental organizations (NGOs) that specialize in child rights and juvenile justice can provide additional support and resources for the rehabilitation of juvenile offenders.

7. Judicial Reforms:

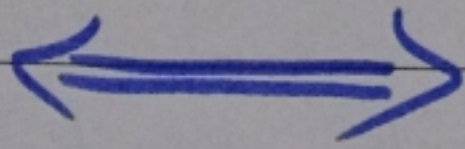
Introducing judicial reforms that prioritize the speedy disposal of juvenile cases can reduce the prolonged detention of juveniles and ensure timely justice.

"The true measure of a nation's greatness is reflected in how it treats its most vulnerable members"
(Mahatma Gandhi)

Conclusion:

The juvenile justice system in Pakistan, while grounded in a strong legal framework, requires significant improvements in its implementation and infrastructure to truly serve the best interests of juveniles. By addressing the existing challenges and implementing the suggested measures, Pakistan can create a more effective and humane system that not only protects the rights of juveniles but also aids in their rehabilitation and reintegration into society.

answer is fine but the add a theoretical dimension too at least 1 para in intro rest is satisfactory
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THE END