

# Subjective Part

Q2. What is Juvenile Delinquency?  
Discuss the causes of Juvenile Delinquency in Pakistan.

## I. Introduction:

Juvenile Delinquency is a process in which a child commits crime who has not attained the age of 18. Delinquency is a <sup>taken from</sup> Latin word "Delinque" which means negligence.

### Two Dimension

Act which is conducted by Juvenile is morally wrong

A act that violates law

These two are the dimensions that shows the act conducted by juvenile.



## 2. Definition of Juvenile Delinquency.

According to Larry Seigel:

"It is an act which is taken by a child who has not attained the age of 18."

### (i) Behavioral Definition:

It is an act which does not violate law, but it is morally wrong which is considered by society.

For Example: Elopement, lethargy and ill-mannerism.

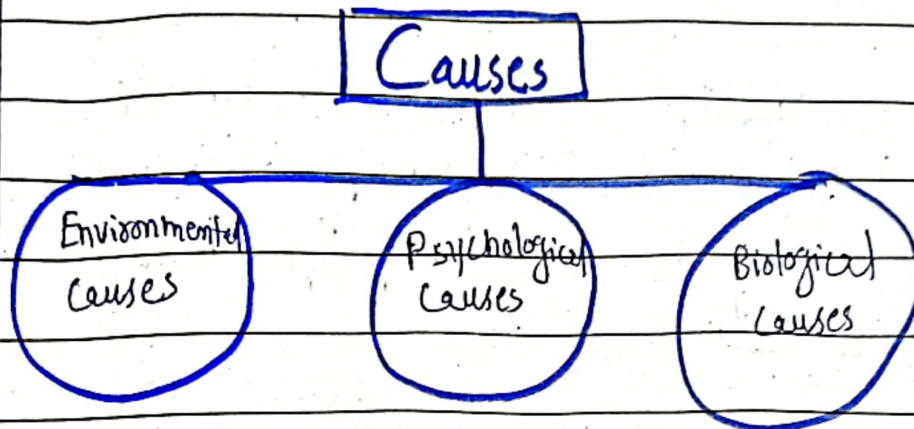
### (iii) Legal Definition:

An act which is conducted against the law. Juvenile breaks the rule of law and disturbs the harmony of society.

For example: Theft, murder, and Rape.

### 3. Causes of Juvenile Delinquency in Pakistan.

There are various causes of juvenile delinquency in Pakistan.



#### (i) Environmental Causes:

There are various environmental causes that are affecting a juvenile to commit a crime, especially in Pakistan.

##### • Lack of education:

It is one of the important issues in Pakistan because children are often kept away from education. According to



UN Report "2.5m students are out of school". Due to lack of education, they commit crimes.

### • Fostering Poverty:

There is

abject poverty in Pakistan which forces juvenile to opt a wrong way in order to fulfill their desires.

### • Family Problems:

Family issues

are core reason for child to act which is morally and legally wrong. According to Seigel, due to lack of bonding in family, children often opt wrong way.

### • Community Pressure

Community

also plays an important role because they force a kid to realize his failure. As a result, he commits crime to escape from

societal pressure.

## (ii) Psychological Cause:

There are several psychological causes which force a juvenile to go for crime.

### • Concept of superego: An analysis by Sigmund Freud.

There are various children who become the victim of superego or superego. In this, juvenile takes it serious and thoroughly. This factor is also prevalent in Pakistan because the concept of superego is found in many juvenile that force them to commit crime.

### • Behavioral Theory:

Many juvenile in Pakistan often learn from their ambience which is morally and legally wrong. Due to their surrounding,

they commit crime in Pakistan.

### • Cognitive Theory:

Many children start considering themselves as divergent and resilience. As a result, they indulge in the practice of crime. It is often seen in Pakistani juveniles.

### (iii) Biological Causes

Several crimes and acts conducted by juvenile due to biological factors.

### • Shelton's Model:

Shelton is a scientist who represents a model which consists three bodies i.e fat, average, and thin. He depicted that juvenile commits crime due to their body structure. In Pakistan, it is often observed.

## • Genetical Problem

These are various problems in Pakistan which are related to genetics, such as inherently qualities of parents. This force a kid to do the wrong. For example, xxy, xyy.

## • Hormone levels

Many juveniles are committing crimes in Pakistan due to hormone levels. They are not given reverence and respect which force them to commit crimes.

## • Malnutrition issue:

Many Pakistani juveniles are facing nutrition issues due to lack of food and poverty, thus force them to opt wrong dissection in order to fulfil their stomach.

#### 4. Juvenile Statics :

Year	Juvenile	Convicted	Total
2016	1047	128	1175
2017	1085	113	1198
2018	1081	118	1199
2019	1209	115	1324

Source: Human Rights of Children.

#### 5. Conclusion :

Juvenile Delinquency is an act that is committed by juvenile who has not attained the age of 18. It can be morally and legally wrong in the nature of a crime. There are various cause of juvenile delinquency, especially in Pakistan, such as environmental, psychological and biological causes.

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Q4. In the presence of the Criminal Justice system, why was the Juvenile Justice system introduced? Also, elaborate on the role of the Police in the Juvenile Justice system of Pakistan?

### 1. Introduction:

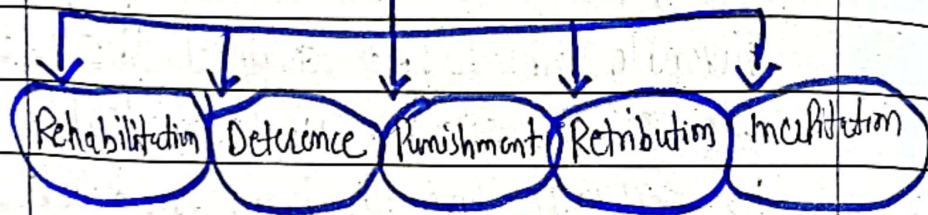
Juvenile Justice System is a process in which institutions, rules, and courts are constituted for Juvenile who has not attained the age of 18. This system was created to separate juvenile from an adult criminal. In ancient times, juvenile was given the same punishment as adult. Thus, Juvenile Justice System was introduced. Additionally, the role of Police is lucid in Police ordinance 2002 which depicts the role of Police in the juvenile justice system of Pakistan.

## 2. Cursory look on Criminal Justice System.

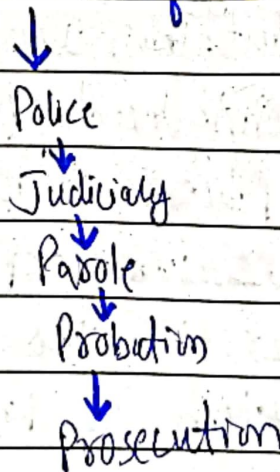
Criminal Justice

System encompasses institutions, rules, and courts in order to prevent crime.

### Functions



### Components of CJS



### 3. In the Presence of the Criminal Justice system, why the Juvenile Justice system was introduced:

Although there was a criminal justice system, juveniles were treated same as other ordinary criminals which forces to create another system which is based on juvenile justice system only.

Following are the points which highlights the need of why the juvenile justice system was introduced:

- In ancient times, children were treated same as adult criminals.

- If a child is committing any crime, it will lead to death penalty.

- Massachusetts colony passed a bill in 1646 which explains

"If any child commits a crime, these parents will be responsible for it and their parents will be put into death penalty."

- Hardships of juveniles were

high because they were compared as adult criminals.

- In 19th C, people started realizing due to socio-economic changes.

- 1899, the US passed a bill that mentioned the separation of juvenile justice system from criminal justice system.

Following are the developments due to a bill passed by the US:

(i) Separation of Joint family from Joint to Nucleated:

The development emphasized the separation of nucleated family from joint family because children cannot get desired love in joint family. Thus, they commit crime. Therefore, it is necessary to separate the family so that ~~the~~ child can get proper love.

and affection from his parents.

According to Seigel:

"Children should be given love and affection. Thus, it is necessary that they live separately from joint family. And parents should not force their children to marry according to their choice."

(ii) Laws for Juvenile:

If there is a child who belongs from poor family, he will be put in the wealthier family where he can learn skills and art until the age of 18. In this, state can play positive role to ensure the safety of a child.

(iii) State as a Parent:

State should serve as a parent for those who are disable, fragile, and suffering from any disease.

#### (iv) Child saving Movement:

After the revolution, there was a child saving movement which focused on the separation of juvenile justice system from criminal and ensured the rights of a juvenile.

#### 4. Role of a Police in the Juvenile Justice system of Pakistan (JJS)

Juvenile justice system of Pakistan is one of the important factors which is protected by police. Police plays an important role in ensuring JJS of Pakistan because it is considered as first step of defense. Thus, it helps juvenile to protect their identity, ban of handcuffs and to inform their parents if any juvenile commits crime.

### (i) Identify the Juvenile:

According to Juvenile Justice system of Police act 2018, section 8, it depicts that police should identify the juvenile if he is under age or not on the basis of his other documents.

### (ii) Ban on chains to juvenile

It is clearly indicated in the Police order that there should be no chains to juvenile if he is committing crime because chains cannot affect his cognitive approach.

### (iii) Inform the Parents of Juvenile

Police can inform the parents of juvenile if he or she is committing crime. Because, it will be helpful for juvenile if his parents are aware of it and can arrange primitive measures.

(iv) Proceeding of courts should not revealed:

It is one of the important factors that police should not reveal the proceeding of courts because it might affect the mentality of a juvenile.

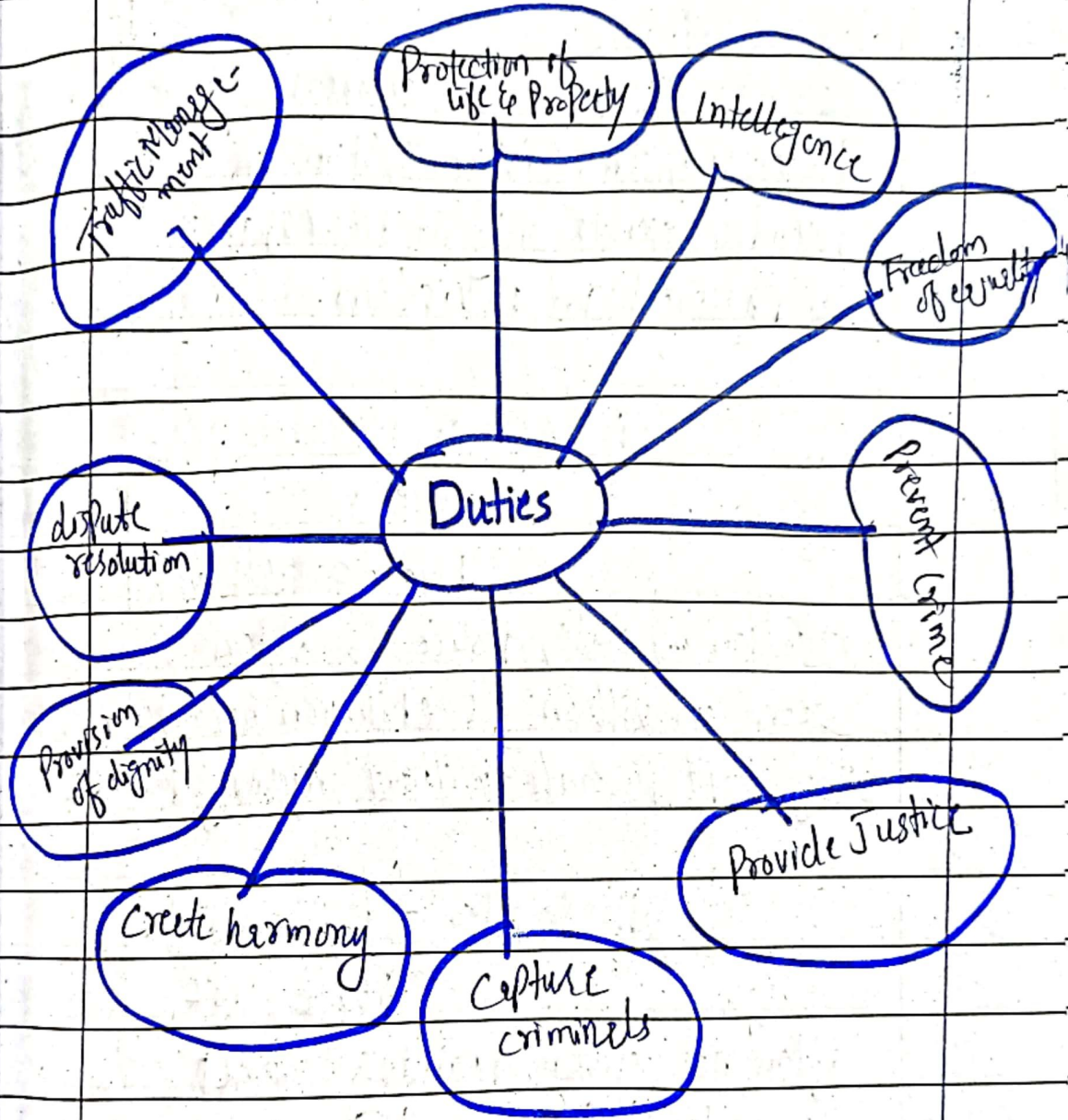
(v) Keeping juvenile under home observation:

Police should keep a juvenile under home observation rather than jails.

By doing this, juvenile can attain his sense by realizing his guilt.



## 5. Duties of Police Act 4 of Police Order 2002



Aforementioned are duties which are mentioned in Police Order 2002, Act 4.

Police in

## 6. Current Status of Juvenile Justice system of Pakistan

In current scenario, the justice system of juvenile exists only in books, not in practical in Pakistan.

### (i) Lack of attention by state:

Due to lack of attention by state, Police is often seen as villain for children because they kept juvenile without informing parents.

### (ii) Inadequate training:

Police are often not given training about juvenile justice system. As a result, Police are not aware of proper rights of juvenile.

### (iii) Juvenile keeps in Jail:

Juveniles are put under the jails even it is restricted by law.

### (iv) No Ban on chains:

Juveniles are kept in chains if they are committing crime.

### (v) Proceedings of courts are revealed:

It is clearly word in law that proceeding of courts should not reveal, but, in Pakistan, proceedings of courts are revealed.

## 7. Conclusion:

Although there a criminal justice system, juvenile justice system was introduced to treat juvenile separately from adult criminals. Because, in past,

juveniles were treated as same as adult. Therefore, Juvenile justice system was introduced. Additionally, the role of police in the juvenile justice system is very important because it gives rights and protection of juvenile.

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